THIS BOOK
MUST NOT BE REMOVED
FROM THE LIBRARY

UNIVERSITY OF LONDON LIBRARY

REFERENCE ONLY

ers .

PARL. PAPERS
FOR REFERENCE ONLY.

Presented by
the Worshipful Company
of Goldsmiths,
1903.

619992

HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

16° & 17° VICTORIÆ, 1853.

VOL. CXXIX.

COMPRISING THE PERIOD FROM

THE ELEVENTH DAY OF JULY,

TO

THE TWENTIETH DAY OF AUGUST, 1853.

Seventh and last Volume of the Session.

LONDON:
PUBLISHED BY CORNELIUS BUCK,
AT THE OFFICE FOR HANSARD'S PARLIAMENTARY DEBATES,
32, PATERNOSTER ROW;
AND BY
LONGMAN AND CO.; C. DOLMAN; J. RODWELL; J. BOOTH; HATCHARD AND SON;
J. RIDGWAY; J. BIGG AND SON; J. BAIN; ALLEN AND CO.; J. M. RICHARDSON;
P. RICHARDSON; R. BALDWIN; AND J. DALTON.

1853.

BIBL.
LONDIN.
UNIV.

LONDON:
WOODFALL AND KINDER, PRINTERS,
ANGEL COURT, SKINNER STREET.

BIBL. LONDIN. UNIV.

TABLE OF CONTENTS

TO

VOLUME CXXIX.

THIRD SERIES.

I. SUBJECTS OF DEBATE IN THE HOUSE OF LORDS.
II. SUBJECTS OF DEBATE IN THE HOUSE OF COMMONS.
III. PROTEST.
IV. NEW MEMBERS SWORN.

I. SUBJECTS OF DEBATE IN THE HOUSE OF LORDS.

Page

MONDAY, JULY 11.

Naval Promotions and Retirement—Statement of the Earl of Hardwicke ... 1
Transportation Bill—Bill read 2^a 7

TUESDAY, JULY 12.

Russia and the Porte—Question of Lord Lyndhurst 89
Juvenile Mendicancy (No. 2) Bill—House in Committee 92

THURSDAY, JULY 14.

The Criminal Law Digest—Statement of Lord St. Leonards 157
South-Eastern Railway (Canterbury and Whitstable, &c.) Bill—Bill read 3^a ... 159
Juvenile Mendicancy (No. 2) Bill—Report of the Amendments *brought up* by the Earl of Shaftesbury 164
Manning the Navy—Question of Lord Colchester 165

FRIDAY, JULY 15.

Evidence Amendment Bill—Question of Lord Brougham 244
Lands Improvement Company (No. 2) Bill—Bill read 3^a 249
The Indian Army—Motion of the Earl of Ellenborough, for Papers, &c.—Motion *agreed to* 250
Polling at Elections Amendment Bill—Order for Second Reading *discharged* ... 261
Petty Sessions (Ireland) Bill—Summary Jurisdiction (Ireland) Bill—Bill read 2^a 268

MONDAY, JULY 18.

Russia and the Porte—Question of the Earl of Malmesbury 343
Transportation Bill—House in Committee 348
India Petition—*Presentation* of Petitions by the Earl of Albemarle ... 353

JULY 18—*continued.* Page

Irish National System of Education—Motion of the Earl of Donoughmore, for a Copy of the Resolution adopted by the Board of National Education in Ireland —Motion *agreed to* 357
Public Houses (Scotland) Bill—House in Committee 373
Copyholds Bill—House in Committee 375

TUESDAY, JULY 19.

Bankruptcy (Scotland) Bill—House in Committee—Bill *reported* ... 433
The Irish Land Question—Landlord and Tenant (Ireland Bill)—Bill *presented* by the Marquess of Clanricarde—Bill read 1^{a} 435

THURSDAY, JULY 21.

Colonial Church Regulation Bill—House in Committee 512

FRIDAY, JULY 22.

Sheriff Courts (Scotland) Bill—*Presentation* of Petition by Lord Brougham ... 586
Succession Duty Bill—Bill read 2^{a} 586

MONDAY, JULY 25.

Succession Duty Bill—House in Committee—List of the Content and Not Content on Clause 2—Bill *reported* 697
Missionary Bishops Bill—Bill read ^{a} 743

TUESDAY, JULY 26.

Courts of Common Law (Ireland) Bill—Bill read 2^{a} 795

THURSDAY, JULY 28.

County Courts Further Extension Bill—Order of the Day for the Second Reading *discharged*—Arbitration Law Amendment Bill *presented* by Lord Brougham—Bill read 1^{a} 833
Succession Duty Bill—Bill read 3^{a} 851
National Education (Ireland)—Statement of the Earl of Clancarty ... 866
Revenue of the Diocese of Salisbury—Motion of the Bishop of Salisbury for Returns—Motion *agreed to* 873
Private Business—Statement of Lord Beaumont 879
The African Squadron—Question of the Earl of Waldegrave 883

FRIDAY, JULY 29.

National Education—Question of Lord Brougham 972
Schoolmasters in Scotland—Question of the Duke of Buccleuch ... 973
Elections Bill—Bill read 2^{a} 975
Sheriff Courts (Scotland) Bill—Bill read 2^{a} 977

MONDAY, AUGUST 1.

South Sea Annuities—Suitors in Chancery—Returns moved for by Lord St. Leonards, *ordered* 1045
Case of the Baron de Bode—Motion of Lord Lyndhurst, "That the Case be taken into Consideration by the Government"—Motion *negatived* ... 1050

TUESDAY, AUGUST 2.

Russia and the Porte—Question of the Marquess of Clanricarde ... 1137
Entry of Seamen Bill—Bill read 2^{a} 1139
Chicory—*Presentation* of Petition, and Statement of Viscount Torrington ... 1141

THURSDAY, AUGUST 4.

Government of India—*Presentation* of Petition by Lord Wynford ... 1243
Summary Jurisdiction (Ireland) Bill—Bill read 3^{a} 1245
Entry of Seamen Bill—House in Committee 1246
National Education (Ireland)—Question 1247

Friday, August 5. *Page*

Combination of Workmen Bill—Bill *withdrawn* 1322
Government of India Bill—Bill read 2^{a} 1326

Monday, August 8.

Law of Landlord and Tenant (Ireland)—The Consolidation Bills—Question of the Marquess of Clanricarde 1416
Russia and the Porte—Question of the Marquess of Clanricarde ... 1418
Government of India Bill—House in Committee 1426

Tuesday, August 9.

Eastern Union Railway Bill—Motion of the Earl of Donoughmore for the Second Reading of the Bill—Amendment of Lord Beaumont, "That the Bill be read a Second Time this day Three Months"—Amendment *negatived*—Bill read 2^{a} 1497
Law of Landlord and Tenant (Ireland)—The Consolidation Bills—Bills read 2^{a}.. 1500

Friday, August 12

Russia and the Porte—Motion for Papers, &c., and Statement and Question of the Earl of Malmesbury 1605
Case of Viccajee Merjee and Pestonjee Merjee—*Presentation* of Petition by the Lord Monteagle 1652
Pilotage Bill read 2^{a} 1665
Merchant Shipping Bill—House in Committee 1668
Government of India Bill—Bill read 3^{a}—Further Amendments made—Bill *passed* 1673
Protest of Lord Monteagle against the Third Reading of the Government of India Bill 1675

Monday, August 15.

Government of India Bill—Explanation of Earl Granville 1709
Charitable Trusts Bill—Commons Amendments *considered* 1709
Pilotage Bill—House in Committee 1710
Universities (Scotland) Bill—House in Committee 1712

Tuesday, August 16.

Case of Viccajee Merjee and Pestonjee Merjee — Explanation ... 1750
Smoke Nuisance Abatement (Metropolis) Bill—House in Committee ... 1750

Thursday, August 18.

Revision of the Statute Law—Statement of the Lord Chancellor ... 1811

Friday, August 19.

The Slave Trade—Cuba—Question of Lord Brougham 1817

Saturday, August 20.

Prorogation of the Parliament—Speech of the Lords Commissioners ... 1824

II. Subjects of Debate in the House of Commons.

Monday, July 11.

Landlord and Tenant (Ireland) Bill—House in Committee 29
Russia and the Porte—Question of Mr. Disraeli 33
Government of India Bill—House in Committee 34
Copies of Specification Repeal Bill—House in Committee 85
General Board of Health (No. 3) Bill—House in Committee 86
Betting Houses—Motion of the Attorney General for Leave to bring in a Bill—Motion *agreed to* 87

TUESDAY, JULY 12.

Page

Merchant Shipping Bill—House in Committee 101

Malt Duties—Motion of Mr. E. Ball, "That the House will resolve itself into a Committee to Consider the Duties on Malt"—Motion *negatived* ... 126

Poor Law (Medical Relief—Motion of Mr. Miles, "To Consider the State of the Law as affecting the Medical Relief of the Poor, with a view to its Revision"—Motion *withdrawn* 134

WEDNESDAY, JULY 13.

Improvement of Navigation—Question of Sir Robert H. Inglis 145

County Rates and Expenditure Bill—Order for going into Committee *discharged* 146

Seamen's Saving Banks Bill—Motion of Mr. Cowper, "That the House go into Committee on that day Three Months"—Motion *agreed to* 149

Probates of Wills and Grants of Administration Bill on the Motion for resuming the adjourned Debate [July 6] on going into Committee on this Bill—Order for going into Committee *discharged* 149

Simony Law Amendment Bill—Order read for resuming adjourned Debate on Question [6th July], "That the Bill be now read a Second Time"—Debate *resumed*—Motion *negatived*—Second Reading *put off* for Three Months ... 150

Juvenile Offenders—Motion of Mr. Adderley, for Leave to bring in a Bill—Motion *agreed to*—Bill read 1° 156

THURSDAY, JULY 14.

Universities (Scotland) Bill)—Motion of Lord Elcho, for the Second Reading—Amendment of Sir R. H. Inglis, "That the Bill be read a Second Time this day Three Months"—Amendment *negatived*—Bill read 2° 166

Public Business—Question of Mr. W. Williams 201

Russia and the Porte—Question of Mr. Disraeli 203

Succession Duty Bill—Report of Amendments *brought up*—Amendments *considered*—Report, as amended, *agreed to* 205

Government of India Bill—House in Committee 229

Assistant Judge (Middlesex Sessions) Bill—Order for Committee read—Amendment of Sir John Shelley, "That the House resolve into a Committee this day Three Months"—Amendment *withdrawn*—House in Committee ... 234

Encumbered Estates (Ireland) Act Continuance Bill—Bill read 2° ... 236

Court of Common Law (Ireland) Bill—Bill read 3° 238

Thames Embankment Bill—Order for Committee read—Amendment of Mr. Locke, "That the House will resolve itself into a Committee this day Three Months"—Amendment *withdrawn*—Committee *deferred* till *Monday, July* 18 238

General Board of Health (No. 3) Bill—Bill, as amended, *considered* ... 239

Newspaper Stamp Duties Bill—Bill read 2° 240

FRIDAY, JULY 15.

Eastern Union Railway Bill—Order for Third Reading read—Amendment of Sir George Pechell, "That the Bill be read a Third Time this day Three Months"—Amendment *negatived*—Original Question *withdrawn*—Order for Third Reading *discharged* 270

Merchant Shipping Bill—House in Committee 275

Parliamentary Oaths—Question of Sir George Grey 291

The Six-Mile Bridge Affray—Question of Mr. Miles 292

Government of India Bill—House in Committee 306

Expenses of Elections Bill—Amendments *considered* 341

MONDAY, JULY 18.

Dockyard Appointments at Chatham—Question of Sir Henry Davie ... 376

Savings Banks Investments—Question of Sir Henry Willoughby ... 379

Austria and the Porte—Question of Sir Joshua Walmsley 380

July 18—*continued.* Page

The Peterborough Election—Motion of Mr. Bright, for a Select Committee to inquire into certain Allegations contained in the Petitions of certain Electors of the City of Peterborough—Motion *agreed to* 381
Succession Duty Bill—Bill read 3°—Amendments made—Bill *passed* ... 394
Government of India Bill—House in Committee 418
Thames Embankment Bill—Bill *considered* in Committee 428
Assistant Judge (Middlesex Sessions) Bill—Order for Third Reading read—Amendment of Mr. Alcock, "That the Bill be read a Third Time this day Three Months"—Amendment *agreed to*—Third Reading *put off* for Three Months 430

Tuesday, July 19.

Edinburgh and Canongate Annuity Tax Abolition Bill—Motion of the Lord Advocate for the Second Reading—Amendment of Mr. J. B. Smith, "That the Bill be read a Second Time this day Three Months"—[Mr. Speaker left the Chair at 4 o'clock] 440

Wednesday, July 20.

Vacination Extension Bill read 2° 470
Attorneys and Solicitors' Certificate Duty (No. 2) Bill—Order for Second Reading read—Amendment of the Chancellor of the Exchequer, "That the Bill be read a Second Time this day Three Months"—Amendment *agreed to*—Second Reading *put off* for Three Months 475
Recovery of Personal Liberty Bill—Adjourned Debate (Third Night)—Order read for resuming Debate on Question [22nd June]—Debate *resumed*—Debate *further adjourned* till August 10 484

Thursday, July 21.

Savings Banks Bill—Statement and Motion of the Chancellor of the Exchequer, "That the House resolve itself into a Committee on this day Three Months"—Motion *agreed to*—Committee *put off* for Three Months ... 534
Russia and the Porte—Obstruction of the Danube—Question of Lord D.Stuart 543
Peterborough Election—*Presentation* of Petition, and Motion of Mr Bright, for a Select Committee—Motion *agreed to* 544
Government of India Bill—House in Committee 556
Customs, &c. Acts—Post-Horse Duties—Hackney Carriages—House in Committee 584

Friday, July 22.

Tenants' Compensation (Ireland) Bill—House in Committee 635
Pilotage Bill—House in Committee 640
Dismissal of Indian Sudder Judges—Question of Mr. Otway 643
The Sittings in Parliament—Statement of Mr. Drummond 644
Russia and the Porte—Question of Mr. Layard 647
Australian Direct Steam Navigation Company—Question of Lord Hotham ... 652
National Education (Ireland)—Question of Lord Stanley 653
The Peterborough Election—Statement of Mr. Bright 656
Government of India Bill—House in Committee 657
Incumbered Estates (Ireland) Act Continuance Bill—Order for Committee read—Amendment of Mr. Whiteside, "That the House resolve itself into a Committee on Tuesday July 26"—Amendment *withdrawn*—Bill *considered* in Committee 685

Monday, July 25.

Entry of Seamen Bill—House in Committee 744
The Peterborough Election—Motion of Mr. Bright, "That in the Matter of the Peterborough Election Petitions Committee, the Parties have leave to appear by themselves, their Counsel or Agents"—Motion *agreed to* ... 759

July 25—*continued.* Page

Government of India Bill—House in Committee 761
Crime and Outrage (Ireland) Bill—Order for Second Reading read—Amendment of Mr. Bowyer, "That the Bill be read a Second Time this day Three Months"—Amendment *negatived*—Bill read 2° 792

Tuesday, July 26.

Government of India Bill—House in Committee 808
Poor Removal—Motion of Mr. A. Pellatt, for Leave to bring in a Bill—House counted out 834

Wednesday, July 27.

Lunatic Asylums Bill—House in Committee 831

Thursday, July 28.

Eastern Union Railway Bill—Order for Third Reading read—Amendment of Sir G. Pechell, "That the Bill be read a Third Time this day Three Months"—Amendment *negatived*—Bill read 3° 885
South Sea Annuities Dissentients—House in Committee 890
Government of India Bill—Bill *considered* in Committee—Division List on Sir John Pakington's Clause to repeal the Duty on Salt 913
Hackney Carriage Duties Bill—Bill *considered* in Committee 967

Friday, July 29.

South Sea Dissentients—House in Committee 979
Government of India Bill—Bill read 3°—Clauses *offered*—Bill *passed* ... 1009

Monday, August 1.

Clitheroe Election—Report of Committee *brought up* by Mr. G. A. Hamilton 1098
Juvenile Offenders Bill—Bill read 2ª 1099
Naval Coast Volunteers Bill—House in Committee 1109
Divisions of the House—Statement of Mr. Speaker 1112
Landlord and Tenant (Ireland) Bill—Bill read 3° 1113
Merchant Shipping Bill—Bill read 3°—Amendments made—Bill *passed* ... 1115
Hackney Carriaiage Duties Bill—Bill *considered* 1135

Tuesday, August 2.

Charitable Trusts Bill—House in Committee 1153
Sir James Brooke—Question of Mr. Drummond 1160
Russia and the Porte—Question of Lord D. Stuart 1161
Metropolitan Police—Statement of Lord Dudley Stuart 1164
Case of Viccajee Merjee and Pestonjee Merjee—Motion of Mr. J. G. Phillimore, "That the Case of the Parsee Merchants be refered to the Privy Council"—Motion *negatived* 1166
Colonial Church Regulation Bill—Motion of Lord John Russell, "That the Bill be read a Second Time on Monday next"—Amendment of Mr. Kinnaird, "That the Bill be read a Second Time this day Three Months"—Amendment *agreed to*—Bill *put off* for Three Months 1207

Wednesday, August 3.

Episcopal and Capitular Estates Bill—Order for Second Reading read—Amendment of Mr. Wigram, "That the Bill be read a Second Time this day Three Months"—Amendment and Motion *withdrawn*—Bill *withdrawn* ... 1214
Expenses of Elections Bill—House in Committee 1236

Thursday, August 4.

Bedford Charity Estate Bill—Order for Second Reading read—Amendment of Sir Joshua Walmsley, "That the Bill be read a Second Time this day Three Months"—Amendment *negatived*—Bill read 2° 1252
Charitable Trusts Bill—Bill *considered* 1255

AUGUST 4—*continued.*

Page
The Office of Speaker—Motion of Sir Robert H. Inglis, for the Appointment of a Deputy, who shall at any Time be placed in the Chair, in the unavoidable Absence of Mr. Speaker—Motion *agreed to* 1268
Government of Jamaica—Statement of Lord John Russell 1274
Ocean Penny Postage—Statement of Mr. Milner Gibson 1294
Supply—Miscellaneous Estimates—House in Committee 1297
Public Works Acts Amendment (Ireland) Bill—Bill *considered* in Committee ... 1318

FRIDAY, AUGUST 5.

South Sea Company's Arrangement and Trusts Bill—Order for Third Reading read—Amendment of Mr. Spooner, "That the Bill be read a Third Time this day Three Months"—Amendment *negatived*—Bill read 3° ... 1395
South Sea and other Annuities (Provision for Payment, etc.) Bill—House in Committee 1398
Supply—Miscellaneous Estimates—House in Committee 1407
Canterbury Writ—Order read for resuming adjourned Debate on Amendment to Question [29th July]—Debate *resumed*—*Ordered*—That no New Writ be issued during the present Session of Parliament 1414

MONDAY, AUGUST 8.

Supply—Miscellaneous Estimates—House in Committee 1451
Russia and the Porte—Question of Sir Joshua Walmsley 1462
Business of the House—Recovery of Personal Liberty Bill—Motion of Lord John Russell, "That on Wednesday next the Government Orders of the Day should have Precedence until Three o'Clock"—Amendment of Mr. Bouverie, to omit the Words "until Three o'Clock"—Amendment *agreed to*—Government Orders of the Day to have Precedence on *Wednesday* next 1463
Russia and the Porte—Question of Mr. Disraeli 1469
Supply—Miscellaneous Estimates—House in Committee 1470
The Malt Duties—Motion of Mr. E. Ball, for a Reduction of the Malt Duties—Motion *negatived* 1478
Ways and Means considered in Committee 1482
Customs Bill—House in Committee 1482
Charitable Trusts Bill—Bill read 3° 1485
Smoke Nuisance Abatement (Metropolis) Bill)—Bill *considered* in Committee ... 1495

TUESDAY, AUGUST 9.

Transportation Bill—House in Committee 1535
Supply—Miscellaneous Estimates—Report of the Committee *brought up* ... 1560
Metropolitan Sewers Acts Continuance Bill—House in Committee ... 1571
Hackney Carriage Duties Bill—Bill read 3° 1591

WEDNESDAY, AUGUST 10.

Law of Partnership—Question of Mr. Warner 1598
Customs Bill—Bill read 3° 1599
Transportation Bill—Report of the Bill *brought up* 1600

THURSDAY, AUGUST 11.

Lunatics Care and Treatment—Bill read 3° 1602

FRIDAY, AUGUST 12.

The Danish Succession—Question of Mr. Blackett 1679
Evidence Amendment Bill—Bill read 3° 1681
The Transportation Bill—Bill read 3°—Bill *passed* 1682
Corrupt Practices at Elections Bill—Bill read 2° 1699

SATURDAY, AUGUST 13.

Passengers' Act Amendment Bill—House in Committee 1705
Land Tax Redemption Act Amendment Bill—Bill read 1°, 2°, and 3°—Bill *passed* 1707

MONDAY, AUGUST 15. Page

Meterological Observations at Sea—Question of Mr. G. A. Hamilton ... 1720
Roman Catholic Religion in India—Question of Mr. Lucas 1722
Government of India Bill—Lords Amendments *agreed to* 1723
Peterborough Election—Report of the Committee *brought up* by Mr. Milnes Gaskell 1726
Canterbury Election—Motion of Mr. Craufurd for Papers, &c. ... 1726
Criminal Code—Malta—Motion of Mr. Kinnaird, for an Address to Her Majesty, to withhold Her Sanction to the Amended Code, until the Subject shall have received the mature Consideration of Parliament—Motion *withdrawn* ... 1730

TUESDAY, AUGUST 16.

The Salt Tax—India—Question of Sir John Pakington 1753
The Colony of Victoria—Question of Sir John Pakington 1755
The Coinage—Question of Mr. Thornely 1756
Russia and the Porte—Statement of Lord John Russell 1758

FRIDAY, AUGUST 19.

Sligo Election—*Presentation* of Petition by Mr. I. Butt, against the Return of Mr. Sadleir 1818
Education—Question of Mr. A. Pellatt 1870
Criminal Code of Portugal—Question of Mr. Kinnaird 1821
Case of Mr. Edward Murray—Question of Lord D. Stuart 1822
Turnpike Acts Continuance Bill—Lords Amendments *agreed to* ... 1822

III. PROTEST.

FRIDAY, AUGUST 12.

PROTEST of Lord Monteagle against the Third Reading of the Government of India Bill 1675

IV. NEW MEMBERS SWORN.

MONDAY, JULY 11.

Liverpool—Hon. Henry Thomas Liddell, *v.* Charles Turner, Esq., void Election ; Thomas Berry Horsfall, Esq. *v.* William Forbes Mackenzie, Esq., void Election.

THURSDAY, JULY 14.

Sligo—John Sadleir, Esq. *v.* Charles Towneley, Esq., void Election.

MONDAY, JULY 18.

Clare County—Cornelius O'Brien, Esq., Re-Elected.
" Sir John Forster Fitzgerald, Re-Elected.

TUESDAY, JULY 19.

Tralee—Daniel O'Connell, Esq. *v.* Maurice O'Connell, Esq., deceased.

MONDAY, JULY 25.

Cornwall (*Western Division*)—Michael Williams, Esq., *v.* Edward William Wynne Pendarves, Esq., deceased.

WEDNESDAY, JULY 27.

Derby, County (*Northern Division*)—William Pole Thornhill, Esq.

MONDAY, AUGUST 15.

Peterborough—Thomson Hankey, jun. Esq., *v.* George Hammond Whalley, Esq., void Election.

FRIDAY, AUGUST 19.

Stafford, County (*Southern Division*)—Hon. Edward Richard Littleton, *v.* Major-Gen. Hon. George Anson, Chiltern Hundreds.

HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

First Session OF THE *Sixteenth Parliament* OF
THE UNITED KINGDOM OF *Great Britain* AND *Ireland*,
APPOINTED TO MEET 20 AUGUST, 1852, AND FROM THENCE
CONTINUED TILL 4 NOVEMBER, 1852, IN THE SIXTEENTH YEAR
OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

SEVENTH AND LAST VOLUME OF THE SESSION.

HOUSE OF LORDS,

Monday, July 11, 1853.

MINUTES.] *Took the Oaths.*—The Lord Stuart de Decies.
PUBLIC BILLS.—2ª Transportation.
Reported.—Savings Banks Annuities.

NAVAL PROMOTIONS AND RETIREMENT.

THE EARL of HARDWICKE rose, according to notice, to draw their Lordships' attention to the Order in Council of the 25th of June, 1851, bearing on the promotion and retirement of Officers of the Navy. The noble Earl said his Motion had no reference to the present Government, who had nothing to do with the Order in Council in question. Their Lordships would remember that at the time when the order in question was brought under the notice of the public, he had taken great objection to it in this House; and his present purpose was to try and induce Her Majesty's present Government to look again generally into the order, either for the purpose of rescinding it, or amending it in such a way as that justice might be done to the officers in Her Majesty's service. In order, however, to obviate the objection that nothing had been done to revise the order when he himself was a Member of Her Majesty's late Government, he would at once say that his noble Friend had laid it down as a rule that matters requiring the most urgent attention should be first attended to; and until the decision of the country had been received, and it was ascertained clearly that Lord Derby would or would not continue to hold the reins, no details on Government would be interfered with. But if the late Government had continued in office he should have done in the Cabinet what he now proposed to do in their Lordships' House, namely, to call attention to what he considered the importance of that order, and also to its inefficacy for its proposed object. The order had reference, in the first place, to the instruction of midshipmen; secondly, to lieutenants and commanders; and, thirdly, as to post captains. Now, there could be no doubt that, in the early stages of the service, it was right that officers should receive such instruction as should enable them hereafter usefully to serve their country, and he, therefore, had no intention to direct any attention to the first branches of the order. But to what he wished particularly to point was the order regulating the service of post captains to enable them to receive the rank of admirals upon the active list. The result of the order was this, that they must serve six years in time of peace, four years in time of war, and five years in the time of war and peace combined, in command of a rated ship. That was the sole and entire test of the ability of an officer, and, therefore, they had simply to serve that period of time to enable them to become active admirals. Now, there could be no doubt that the intention of the order was perfectly just, as well as its object perfectly clear, and that was to endeavour to place upon the list of admirals for active service young, active, and intelligent men, who were practised in their profession; and if that effect had been completely produced, he (the Earl of Hardwicke) could have no objection to its continuance; but he had always felt that it would be both productive of injustice, and inefficacious for its end. The injustice of it lay in this—that while it was desired that an officer should serve in a rated ship, no rated ship was provided for him. An officer having entered the service, might expend the best part of his life in it; he might serve the best apprenticeship possible—he might distinguish himself in the profession by his zeal and activity—he might see service, and might rise rapidly; but having attained a certain rank, he might not succeed in getting a rated ship for six years, so that when at the top of the list, the door was shut in his face, and he was in fact dismissed from active service. On the other hand, although another party might not have very much distinguished himself, as in all professions there were were men of various abilities, if he happened to be possessed of powerful interest, from the simple fact of having commanded a rated ship for the requisite number of years, he would receive the appointment of admiral on the active list—and perhaps it was well for him to explain to their Lordships that the term rated ship implied all vessels from the smallest frigate up to the highest class line-of-battle ships. Well, since that was the case, he was prepared to maintain that the Order in Council had failed to carry out its own object, for it permitted a captain who had never commanded a line-of-battle ship, and who consequently could never have fitted himself for those duties of the profession which the order contemplated, to obtain the rank of admiral on the active list—namely, that of sailing in the line of battle, and being practised in the manœuvres of a fleet. Thus, for instance, if, many years ago, an officer had commanded a frigate for some five or six years in time of peace, he was to this fact indebted for his promotion to the rank of an active admiral; while, on the other hand, one who had served for two years in a line-of-battle ship, and two or three in frigates, and who had been constantly practised in all naval evolutions, was removed to the reserved list. Now, he contended that alone was sufficient evidence of the failure of the Order in Council. But he wished to call their Lordships' attention to another point, which bore upon the civil portion of the service. By one of these Orders in Council any officer having been at the head of a dockyard, a hospital, or any civil establishment of the Crown relating to the Navy, was thereby entitled to take his place upon the active list, and was competent to receive the command of a fleet. The order directed that the time passed in that service might be reckoned as so much sea-time passed afloat. That rule was, he believed, intended to apply immediately to the dockyards and victualling yards, and not to hospitals; and yet he knew of three distinguished officers who had served their time as superintendents of hospitals, who had been placed on the active list, which appeared to him to be a flagrant injustice. He wished, then, to know what had been the result of the order of 1851, and what had been the practice following on it? Whether had that practice produced on the list a body of young and active officers, who might be supposed from their youth to be more energetic and more able to command fleets; and whether the result of it had been to place upon the retired list the names of the old officers whose years justified and rendered necessary their retirement? He himself was able to testify, however, the effect of the order on the last sixteen admirals on the active list, and to compare them with the last sixteen on the reserved list. He found that the sum of ages reached 1,027 years on the retired list; and sixteen upon the active list, whose united ages were not less than 1,038 years, so that there was a small balance against the activity of the active list, and there had been placed upon the active list a larger number of aged officers than on the retired list. And looking over the promotions of the last two years, he found on one side of the retired list that an officer of 60 years of age was placed against one of 68 on the active list. Again, one of 63 against one of 67, one of 59 against 60, and one of 59 against 70. It was quite plain, therefore, that the Order in Council could not be tested by the superior ability or activity of the class of officers whom it had promoted. The service of six years in a rated ship could not be any sufficient test of the ability of an officer, because officers might have served within a week or month of that time; while, on the other hand, you might have an officer pushed on in the service by interest, who might have served the required period afloat, and still might not be so efficient a man as the other, who had not served quite so long a period. If their Lordships took into consideration the mode in which the Navy was governed, it was the very last profession in this country which ought to be regulated by Orders in Council of this description. The theory, indeed, was, that the administration of the promotions and appointments was ordered by a Board of Admiralty, who had sworn to execute the office of Lord High Admiral; the practice, however, was totally different; or, at all events, so far as the promotion of officers was concerned, it was not directed by a Board, for it was wholly in the hands of one individual exercising the office of the First Lord of the Admiralty. Now, under the Order in Council of 1851 it must follow that the First Lord was very frequently placed in a very painful position; as his conduct would often be open to most unjust imputation, let him do whatever he might, and be as just as he could. And to take an instance that was very likely to occur: suppose the First Lord was to take the list of post-captains in his hand, and that he found some relative of his placed eighth or tenth on it, of course it was open to him, if he were so disposed, in case any of those preceding that name on the list had not served the requisite number of years under the order of 1851, to take care that they were not permitted to serve, that his relative might be an admiral as soon as possible. Such a state of things placed the profession in a very anomalous position—a position to which no other profession had to submit, for everywhere else men could rise to the top of the tree by the exercise of talent and ability. And he would remind their Lordships that the recent Order in Council was only a repetition of an Order issued in 1827, but which was repealed on account of its being considered unjust to the service, and there was substituted for it that order which was repealed by the order now under consideration. What he would ask the Government to do was, to examine the bearings of that Order in Council, and to restore to the service the arrangements then effected, instead of those existing at present, which produced no financial advantage to the nation. The order substituted for that of 1827 would effectually meet the case which he had described, and would prevent any governing power being placed under circumstances of great difficulty, and from having its motives represented in a spirit totally foreign to its feelings and intentions.

The EARL of ABERDEEN said, the noble Earl had rightly stated that Her Majesty's present Government had not originated the Order in Council to which he had alluded, and had also given a reason for not bringing the subject under the attention of the Government of which he himself was a Member. He thought he recollected that at the time this Order in Council was issued, the noble Earl, with some of his friends, had made some observations on the subject. He believed the matter had been considered by the Government at the time, and had also been fully considered by Parliament. Now, he (the Earl of Aberdeen) knew the subject was one upon which much difference of opinion prevailed in the naval profession, and he confessed that he himself was not very competent to offer an opinion upon any practical view which the noble Earl had taken upon the working of the Order in Council. As, therefore, the noble Earl had done nothing more than call the attention of Her Majesty's Government to the subject, he would, without offering any opinion, or coming to any conclusion himself, simply engage that his right hon. Friend at the head of the Admiralty should give the subject his full consideration, and he had no doubt that ultimately a decision would be arrived at which would give some satisfaction to the noble Earl.

The EARL of HADDINGTON had long been of opinion that the matter was one which needed consideration; but it was a subject of very considerable difficulty indeed, and it was more easy to point out defects in the existing system, than to devise a remedy for those defects. He doubted whether under any general orders or regulations whatever, cases of hardship might not occur. He knew an instance in which an officer who had served five years and a certain number of months in a rated ship, was then put upon the retired list. He had previously, at the desire of the Government of the day, continued for a considerable time to serve in a sloop, and, if he had been allowed to count that service in the sloop, he would not have been put upon the retired list. That, he thought, was a case of great hardship.

LORD COLCHESTER hoped the whole subject would receive the careful consideration of the right hon. Baronet at the head of the Admiralty.

EARL TALBOT was very glad the subject was about to receive the attention of the Government. It was a very important question, deeply affecting the efficiency of the Navy, and he believed the Order in Council alluded to had given rise to great dissatisfaction in the service generally.

TRANSPORTATION BILL.

Order of the Day for the Second Reading read.

The LORD CHANCELLOR: My Lords, I can state with very great sincerity that it is a matter of deep regret on my part that it should be necessary at the present day to introduce a Bill of this description. I am not one of those who are inclined to think lightly of the advantages of transportation as a secondary punishment for crime of a serious kind; on the contrary, the experience I have obtained while presiding in criminal courts has impressed most strongly on my mind the conviction that transportation answers more effectively the ends of secondary punishment than any other that can be devised. It appeared to me to possess all the main ingredients of what was desirable in punishment; it created the *maximum* of apprehension, and the *minimum* of endurance; it excited great terror, without, perhaps, eventually inflicting great pain; and I do not know how we can expect to obtain so desirable a secondary punishment. If this country, therefore—meaning by this country the United Kingdom—were alone concerned, I would deprecate any project that was to remove transportation, in any material degree, from the Statute-book as a punishment for crime. Those who were likely to commit crime, and were liable to temptations, were terrified, so far as considerations connected with punishment can operate in the way of terror, by the idea of transportation, and were, to some extent, deterred by it from the commission of crime; and to those who had actually committed crimes, and were subject to punishment, it afforded at the same time the best chances of reformation and amendment. Having thus stated the case against myself, in proposing to your Lordships a material alteration in the law, I must be permitted to observe that the views I have hitherto put forward are those in which the interests only of the United Kingdom are considered; but it must not be forgotten that the Crown is at the head, not only of Great Britain and Ireland, but also of numerous colonies dispersed over the globe, realising the observation much more truly than in the case to which it was first applied, that our Sovereign is at the head of an empire on which the sun never sets; and the question is, whether in order to facilitate our own social happiness—whether for our own social advantage—we shall persevere in a system of getting rid of the criminal population of the United Kingdom at the expense of those colonies to which we have hitherto been in the habit of sending them. On this question considerable discussion took place in your Lordships' House a few weeks since. I do not wish to revive that discussion; it seemed to me to be established to the satisfaction, if not of all, of the great majority of your Lordships, that sooner or later—there might have been some difference as to time—the opinion of the important colonies to which we have been in the habit of sending our convicts having been in an unmistakable manner manifested to us, that they would not, so far as their voice could be heard, consent to receive them—it appeared to be the opinion of all sides of the House that the punishment of transportation must be abolished—at least to the extent that we should not send any convicts to colonies unwilling to receive them. It is perfectly well known at the present moment that the population of that colony which has hitherto been the great depôt for convicts, Van Diemen's Land, have signified most decidedly their extreme reluctance to receive any more; and it was stated on the part of the Government, during the last debate, why it was we acceded to the representations coming from that colony. That being so, all that remains is to consider what quantity of convicts we can send to those colonies—or I shall limit it to the singular number, and say, to that colony—that is not reluctant to receive them; for we have come to the conclusion that we must abstain from sending convicts to become part of any colony that, on moral or social grounds, is unwilling to receive them:—the only remaining question is, how we are to continue to send convicts to that part of our dominions that have not the same reluctance to receive convicts as a part of their population. At the present moment there is no colony but Western Australia willing to receive convicts; and the question is, what is the quantity of convicts which that colony can receive? That point being once established, the course we have to take is to ascertain what is the number of convicts we can send to that colony, and which of the classes of convicts that we have been hitherto in the habit of sending to all the colonies, we shall now continue to send to that colony. On that subject it must be assumed that if we are to have transportation as a secondary punishment, and the next in point of severity to capital punishment, all we can do is to take from the bottom of the list of those that you were in the habit of transporting such a number as will leave no more than the colony is able to receive. With a view to ascertain that, the first point to be made is, what is the number of convicts that can, without inconvenience, be sent to Western Australia. It is impossible to ascertain that with absolute accuracy; but from the best information it may be assumed that from 800 to 1,000 is the largest number that colony will be able to receive annually. We must next, therefore, remove from the list of those sentenced to transportation so many as will remove from that punishment all but 800 or 1,000; and, that being so, the next question is, what class of convicts shall be transported thither, and what is to be done with the remainder, who must be, in the eye of the law, the least culpable? For the purpose of ascertaining how we shall deal with them, I beg to call your Lordships' attention to a return of the number of persons who were sentenced to transportation in England and Wales in the year 1851. In the year 1851 there were sentenced to transportation in England and Wales 2,892, including 56 persons who were capitally convicted, but whose punishment was commuted to transportation. Out of that number 1,562 persons were sentenced to seven years' transportation only, and who therefore might be taken as the lowest class of criminals sentenced to this punishment; and, deducting those 1,562 persons from 2,892, there remain 1,330 persons who were sentenced to transportation for terms exceeding seven years, that is to say, who were sentenced to transportation for ten years and upwards; for though, according to law, there are some cases in which a person might be sentenced to transportation for eight or nine years, that practice is never adopted, and it may be assumed that the sentences that were for more than seven years were sentences for ten years and upwards. But Scotland and Ireland produced nearly the same quantity of criminals sentenced to transportation as England and Wales, but not quite so many. If they produced as many as England and Wales, the entire amount of persons sentenced to ten years and upwards would be 2,660, from which, if the same deduction were made as before, there would remain 2,400 or 2,500 to dispose of. Now, how are we to deal with them? Assuming that they can only receive in Western Australia 800 or 900, if we continue the punishment of transportation in those cases only where the sentence is transportation for ten years and upwards, the colony of Western Australia will only receive about one-third of the persons who are sentenced to that extent of punishment. And here, I beg leave to say, that it would, in my opinion, be a most unwholesome state of the criminal law that there should be a large number of persons sentenced in a court of justice to a punishment which every person knows, in two cases out of three, would not be carried into execution. In case, therefore, you can transport only 800 or 900 persons annually, it is obvious you must go one step further, and remove the punishment of transportation from such a number as will bring the number sentenced to transportation within the number that can be received in the colony. The question is, how that object is to be effected. You may take it that there are scarcely any sentences of transportation between ten and fourteen years. I remember that I myself, for some reasons which I cannot now recollect, once sentenced a man to be transported for twelve years; but I believe there are not half a dozen of such sentences in the course of a year, and therefore it may be taken that, practically, they do not exist. By a modern

Act, the punishment for a particular offence is fixed at fifteen years; but by the old Acts, for some of the more serious offences, such as that of receiving stolen goods, the offender is liable to fourteen years' transportation:—so that you may take the next class as being convicts sentenced to fourteen years and upwards. Looking to the table, and deducting from those sentenced in England and Wales to ten years and upwards, those sentenced to be transported for more than ten, and not less than fourteen years—namely, 895—there were left for England and Wales 426 persons sentenced to be transported for more than fourteen years: and on making the same calculation with respect to Scotland and Ireland, and adding the product to 435, it will appear that the entire number amounts to between 800 and 900 persons. This leaves a little margin when compared with the number which Western Australia can receive; but I do not think that we could extend the number that are to be sent out to the colony below those cases where the term of transportation to which the convict is sentenced is fourteen years and upwards, because the practice generally is to go in a jump from ten to fourteen years. Moreover, this must not be lost sight of, that a great number of the persons who are sentenced to ten years' transportation are liable to be transported for fourteen years, or perhaps for life; but it being discretionary with the Judges whether they should transport them for ten or fifteen years, there often occurred cases in which though the Judge thought the criminal should be transported, he should be transported for the shortest period of time the law would allow. I cannot but look forward to the extreme probability that the Judges will no longer allow themselves this discretion in passing sentence, and that some persons who are now transported for ten years will, in the altered state of the law, be transported for fourteen years. I think it necessary, therefore, to have a considerable margin, and that being so, that we should not leave subject to transportation any person who is not now liable to transportation for fourteen years and upwards. That will include the more grievous offences, such as cases of receiving stolen goods, violent outrages, assaults causing grievous bodily harm, housebreaking, burglary, and will also include an offence that I was inclined to exclude—namely, cattle stealing; but inasmuch as this measure must, to a certain extent, be experimental, I think it better simply to draw the line at the point at which the number enables us to deal with the cases included in it; and that which I propose will certainly include all the more grievous crimes. The usage has been that a great portion of the persons sentenced to transportation have not been, in fact, transported. The circumstances of age, health, and a variety of other matters, render it expedient that the Crown should occasionally interpose its prerogative in commuting sentences, and that has been done under circumstances which it has been said were not originally founded in right; but subsequently by an Act of the Legislature it was provided that persons sentenced to transportation might, instead of being transported, be imprisoned for a certain time, and be subject to a variety of regulations that still remain in force; they may be made to work on the public works, and then after a certain period they may be transported. A person who is now sentenced to transportation for fifteen years, may be kept on the public works for the fifteen years if the Executive think fit, though in practice that has never been done. Carrying out this practice, and sanctioning by legislative enactment what has been practically done, I have thought, in conjunction with my Colleagues, that a reasonable course would be to impose on persons who might now be transported, a sentence as nearly as possible conformable to what would have been done by the Secretary of State in cases where the sentence of transportation has been pronounced, but has not been carried into effect. The ordinary course has been this—that where a party has been sentenced to transportation for seven years, he has been ordered to be imprisoned for two years, being kept during a part of the time in separate confinement according to certain reformatory principles; then he has been sent for a year, a year and a half, or two years, to public works, at the hulks, or to Dartmoor, Portland, Pembroke, or other places; and then he has been transported for three or four years with a ticket of leave. This last part of the sentence we cannot unfortunately execute any longer; but what we may endeavour to do is, to adopt as nearly as possible what has actually been done in the case of those prisoners who though sentenced to transportation were not transported. We propose that in those cases where a convict is now sentenced to be transported for seven years, he shall be kept in "penal servitude" for a term of four years. Of course the Crown will be able to remit a portion of the time on account of good behaviour or other circumstances. We propose that in those cases where a party is now sentenced to transportation for ten years, he shall be kept in penal servitude for six years; that where the sentence would be fifteen years' transportation, the period of penal servitude shall be eight years; and that where the sentence of transportation would be above fifteen years, the period of penal servitude shall be ten years. In proposing to effect this great change, it may seem that the statement I make is very short, but the truth is that the question lies in a very narrow compass. I have received communications urging me to do nothing, and suggesting that there are still statutes enabling the Crown to do all that I propose to do—that these statutes enable the Crown not to transport persons liable to transportation, but to deal with them as I now propose to do by this statute. I have considered that, and admit that there is a good deal in it, because it would enable the Crown to make a selection of those convicts who are to be sent to the colonies, which would be a considerable advantage; but weighing the advantages and disadvantages together, the course which we propose to adopt appears to me by far the best. It is very inexpedient that, at the assizes throughout the United Kingdom, sentences should be passed whereby 5,000 persons might be ordered for transportation, while it was well known that not 1,000 of them could ever really be transported. That would be a great inconvenience, and outweigh any advantage which we could derive from the adoption of the suggestion to which I have referred. I think it infinitely more becoming that in such a vital matter as the penal enactments of the country, nothing like mystery shall prevail — that the general normal state of those who are sentenced to transportation shall be that they will be transported—and that those who are not to be transported shall exactly know the nature of their punishment. The noble and learned Lord concluded by moving the Second Reading of the Bill.

Earl GREY concurred with his noble and learned Friend in thinking that transportation was one of the most effectual secondary punishments, whether for the prevention of crime, or for the punishment of crime. Still, as the measures already adopted by the Government, and practically approved by Parliament, had rendered it necessary that the use of that punishment should to a great extent be discontinued, as he did not wish to renew the discussion on the course which had been pursued, he would not oppose the second reading of the Bill. He concurred with his noble and learned Friend in thinking that a great scandal was inflicted on the administration of justice by allowing the sentence of transportation to be pronounced upon a large proportion of criminals, regarding whom that sentence was never intended to be carried into effect. The punishment actually inflicted on criminals should be as nearly as possible in conformity with the sentence passed. But while, for this reason, he concurred in the second reading of the Bill, he could not help expressing his disappointment at not having heard from his noble and learned Friend a statement of the manner in which the Government proposed to deal with this most difficult subject. He certainly had anticipated that his noble and learned Friend would give some explanation of the mode by which it was intended to carry into effect their plan of secondary punishment, in lieu of that of transportation. He should like to have known to what extent the prisons at Portland and at Dartmoor were to be affected, and whether the Government had satisfied themselves as to the practicability of the change, and had provided the necessary measures for such change, so that no danger should intervene between the operation of one system and the other. He had hoped to hear what measures were actually in progress in order to provide for those convicts who were now at Portland and Dartmoor. Above all, he did anticipate that his noble and learned Friend would have satisfied their Lordships on one point, concerning which considerable anxiety was expressed when this subject was last under discussion—he meant as to what was to be done with those convicts who, under the existing state of the law and the practice which till lately had been followed, had been led to expect that if they behaved well they would be relieved from the severe discipline of the establishments at Portland, Dartmoor, and Bermuda, by obtaining tickets of leave in the penal colonies after completing a comparatively short portion of their original sentences. In the course of a conversation on that subject in the early part of the present Session, he (Earl Grey) asked what was to be done with those prisoners, and he at the same time stated that there would not be less than 3,000 or 4,000 to be disposed of in the course of the current year. The noble Duke at the head of the Colonial Department contradicted that statement, and said that he (Earl Grey) was entirely in error, and that the number of prisoners would not be much more than half he (Earl Grey) had stated. He at that time bowed to the noble Duke's superior information. But he afterwards moved for a return showing the number of convicts in the different prisons of this country entitled to enjoy the regulations which were in force when they were sent to those prisons, and showing also the number that had been removed in each of the last five or six years to the Australian colonies under the former system. The return showed that he (Earl Grey) had not been far wrong in his calculations; indeed he found from that return that his calculation that 3,000 or 4,000 convicts would have to be disposed of in the present year, was rather below than above the truth. It appeared that the total number removed to the Australian colonies in the last year was 3,735, the number removed the year before being 3,182. He was not aware of anything likely to occur to reduce the number of persons of this description in the forthcoming year; on the contrary, from the time at which the system now superseded was introduced, he should infer that the number had not yet reached its *maximum*. If there was that large number to be disposed of, he was anxious to know what was to be done with them. He was particularly anxious on this point, because he found from that return that at the present moment there were considerably above 1,234 convicts at Portland, Dartmoor, Bermuda, Gibraltar, and Malta, who were entitled, under the regulations which were in force when they were sent to those establishments, to expect to be relieved before this time from the extreme severity of the punishment to which they were there subjected. Those who knew what that severity of punishment was—the continuance of labour, the strict discipline, the monotonous life—and recollected that it was the hope of being relieved from it which had in past years been the stimulus to good conduct on the part of the convicts, would agree with him that it was extremely proper that their Lordships should know what was to be done with those persons. He was the more anxious to know this, because when he called for the return, he at the same time asked for the number of convicts who were removable, but who, it was natural to suppose, would not be sent abroad as heretofore; and he also asked what were the regulations which would be made with respect to them. The system of transportation was practically discontinued in the month of January last; therefore three months had elapsed at the time his Motion was made, and when he expressed his anxiety to know how these convicts were to be dealt with. [The noble Earl here referred to the return made to his Motion for the papers, which stated that Colonel Jebb having written on the 10th February to the Home Secretary to be informed whether the printed notices hung up in the prisons, holding out expectations of being relieved from the prison discipline, at the expiration of certain periods, should be withdrawn on the 29th of April, Lord Palmerston, in a communication, stated that many important considerations were involved in this question; and as Government had not then had an opportunity of deciding whether or not they would submit a Bill to Parliament for altering the present law of transportation, his Lordship could not at present come to any conclusion on the subject.] Now, as Lord Palmerston could not then come to any conclusion on the subject, he (Earl Grey) could not help thinking that it was quite natural to ask, when such a Bill as this was introduced, what was to be done with these convicts? He hoped some explanation would be given upon this point before the debate closed. Those were the main points on which he thought further explanation might have been expected from his noble and learned Friend on moving the second reading of this Bill. He would now proceed to make a few remarks upon some of the clauses of the Bill. He had already stated his general concurrence in substituting penal servitude instead of transportation; but he would point out what he thought a great defect in the system proposed by the Bill. Under the law as it now stood, a convict sentenced to transportation might be, at the pleasure of the Crown, kept under penal servitude during the whole time of his sentence. Practically, however, that was a system that was never acted upon. It had always been the practice that the convict should be released, either in this country or in the colony, at a period considerably earlier than the term of the sentence. The usual practice was, that if a convict were sentenced for seven years, and he behaved well, he would be discharged at the end of four years, the Crown, however, having the power to detain him till the end of the seven years. It was necessary that the Crown should possess that power, because he believed that the whole improvement which had taken place of late years in the system of punishment was founded upon that right of the Crown. The principle adopted by the noble Earl opposite (the Earl of Derby) in 1842, and the principle adopted by the Government of which he had himself (Earl Grey) been a Member in 1847 and 1848, was, to make the release of convicts from the more severe part of their sentence depend upon their good conduct and industry. Upon a daily record of the conduct of the convict, depended his final release. It was to the stimulus thus applied, and to a knowledge on the part of the convict that he was earning his freedom by his good conduct, that their Lordships were mainly indebted to the striking and happy contrast between the conduct that prevailed in our modern prisons, and that which formerly existed in the hulks. But, by shortening the period during which the convicts were to be at the disposal of the Crown, they would greatly diminish the efficiency of the power of the existing system. By the Bill of his noble and learned Friend, it was proposed that the convicts, instead of being sentenced to transportation, should be sentenced for a considerably shorter period to penal servitude; that a man who, under the present law, would be sentenced to seven years' transportation, should be hereafter sentenced to four years' penal servitude. That man, let him behave as ill as he pleased, at the end of the four years was to be discharged. The motive to good conduct was thus materially diminished. What was the present practice? The man, practically, was enlarged at the end of four years; but it was known from the moment he was sentenced that he might be kept for the full period—namely, seven years; and he might be either confined or banished, and his only hope of abridging that period was in his behaving well. It appeared to him (Earl Grey) that when the Legislature took away the punishment of transportation, it ought, in order to make up for that remission, rather to increase than diminish the period of penal servitude—at all events with respect to convicts sentenced for short terms; for with respect to convicts sentenced to transportation for life, he thought it was different. But the Bill was framed upon the very opposite principle, for while it still further abridged the term of punishment for minor offences, it provided that instead of convicts being transported for life, they might be sentenced to penal servitude for life. With respect to this provision he entertained great doubts. He did not think they could keep a man in penal servitude for life. He could understand a man being transported for life, but he did not believe, practically, that the country would endure seeing a man sentenced to penal servitude for life without any hope of mitigation. This appeared to be a deficiency in the Bill. There was also another defect. Under the present system of transportation it had been found of the greatest advantage that convicts should not be discharged at once from a state of punishment to a state of unrestricted liberty. The system, therefore, was to place them under a modified state of freedom by means of what were called "tickets of leave." For bad conduct those tickets of leave could be at once withdrawn. That system had been found to work well, and to have a very beneficial effect. Men with sudden and unrestricted freedom were much more likely to relapse into crime than men who enjoyed a restricted degree of freedom by means of tickets of leave. He thought, then, that when we were doing away with the system of transportation, it might not have been impossible to establish something of the same kind in this country. He was quite aware that in a country so thickly inhabited as England was, it would be utterly impossible to enforce precisely the same regulations which were now adopted in the colonies as regarded tickets of leave; but he did not think it at all impossible to devise means by which persons might be discharged from prison under conditions which would enable the Crown to remand them into custody if those conditions were broken. They might be required to live in some extreme part of the country, and to give an account to the police of the means by which they got their livelihood. An arrangement of that kind would be the means of holding such persons to good bail, and during the present great demand for labour in the country he did not think it would be impracticable to obviate some of the difficulties connected with the change from a system of transportation to one of imprisonment. He would the more earnestly press this upon the Government, because, if he had not been misinformed, something of this kind, which he (Earl Grey) himself had suggested, had been done in some of our colonies. When he held the office of Secretary of State for the Colonial Department, difficulties arose as to the punishment of offenders in various colonies, owing to its having been found necessary to prohibit the practice which formerly prevailed of sending convicts sentenced to transportation from the other colonies to the penal ones. Among the measures which he recommended to meet this difficulty, one was that laws should be passed authorising the discharge of convicts with tickets of leave in the colonies where they had committed offences. He understood that in Barbadoes this suggestion had been acted upon, and that under a law passed by the Legislature of that island convicts were now discharged there with tickets of leave. The system, he was told, had answered extremely well. He saw no reason why such a system should not be tried in this country also; and though he knew the difficulties to be encountered would be greater, he did not think it impossible that it might answer. As it was possible that it would not be in his power to be present when their Lordships went into Committee, there was one point more to which he would call their Lordships' attention, and that was the 12th clause of the Bill. He could not find any noble Lord who understood that clause. That clause enacted that "transportation should include banishment beyond the seas." He did not see how it could admit of doubt that transportation must usually include banishment beyond the seas; but it seemed to him it might be dangerous to enact this in the manner proposed, since the words might possibly be construed as depriving the Crown of the power it had hitherto exercised of detaining persons sentenced to transportation in the hulks or convict prisons at home, in cases when, owing to the health of the individuals or from other reasons, their actual removal from the country was considered to be inexpedient.

The LORD CHANCELLOR was understood to say that the words "banished beyond the seas" were used to adapt the Act to the law of Scotland, where those words were well understood.

LORD BROUGHAM entirely agreed with both his noble Friends who had last addressed the House, and with his noble and learned Friend on the woolsack, in thinking that, from circumstances over which we had no control, it was now impossible to carry out transportation as a punishment to any great degree. With all the objections to which that punishment was liable, he thought it could not be denied that it had some advantages which were possessed by no other secondary punishment. In the first place, it was easily apportioned as a secondary punishment; in the second place, it had a decidedly reformatory effect; in the third place, it had terrors which he feared any other secondary punishment would fail to inspire; and, lastly, it had the effect of taking away from the community those offenders whose being turned loose amongst us after undergoing a sentence of imprisonment, he (Lord Brougham) regarded with considerable alarm. However, though fully alive to its value, he confessed he saw the impossibility of continuing the system of transportation which had hitherto been resorted to. There was a calculation made in a very useful and valuable work lately published by his noble Friend (Earl Grey), entitled the *History of the Colonial Policy of Lord John Russell's Administration;* that calculation he had repeatedly consulted, in reading the work, and it had led him with greater regret than ever to the conclusion that it was quite impossible longer to have recourse, to any extent, to the system of transportation. It appeared from that calculation, the materials from which his noble Friend (Earl Grey) had drawn from his own extended information on colonial matters, and from documents in the possession of Parliament and of the country, that no less a number than 48,000 persons were now in existence in the different penal colonies who had originally been sent out under sentences of transportation. That was a startling statement, and certainly fully established the necessity of putting a stop to the present system of transportation. The question then arose as to what should be substituted for it. He owned that it was a difficult question; but there was an old saying applicable here—it was, "When you cannot have what you would, you ought to endeavour to like what you have." That ought to lead us to cherish, with the view to improve, the system of secondary punishment which we still had. On this point he would say he thought there was much good sense in the statement of the noble Earl (Earl Grey) as to how much might be done for improving the system of secondary punishments by penal servitude in this country, coupled with something like the ticket-of-leave system. Without some modification of this kind, he feared that many very serious, if not fatal objections, would be taken to the present measure. There existed, at this moment, in the administration of criminal justice, a great and scandalous anomaly, which it was absolutely necessary to put an end to. He alluded to the general practice which prevailed of sentencing an offender to a description or an amount of punishment which it was known at the time would not be inflicted. The practice prevailed to such an extent that the chances were as ten to one in favour of the punishment inflicted being different from that pronounced in the sentence. When persons were sentenced to transportation for seven years, it was well known that it meant imprisonment for that period, and that if the prisoner behaved well he would be allowed to escape a year or two of the punishment. Nothing could be more anomalous or more calculated to bring the criminal jurisprudence of the country into contempt. It ought at once to be abandoned, and in every case the punishment made to correspond exactly with the sentence pronounced by the Judge. But what was to be done by the present Bill? Why, in the case he had mentioned, namely, that of seven years' transportation, the punishment was to be reduced to four years' penal servitude. In his opinion it would be much better to continue the period of seven years, and call it seven years' penal servitude, it being distinctly understood at the same time that the duration of that penal servitude was to depend on the behaviour of the convict undergoing the sentence. He could see no difficulty whatever in giving to the Crown the power of remitting one, two, or even three years of the period, according to the behaviour of the convict. The secondary system had of late years received very considerable improvements, and there was every reason to believe that those improvements would be very much extended—so much so, indeed, as to lessen, if not entirely to remove, the regrets of all reasonable men in the abolition of the punishment of transportation. From all the observations he had been able to make during the course of his legal experience as to the effect of our penal enactments—from all the information he had been able to obtain from the Judges and from the Executive Administration—he was compelled to draw the melancholy conclusion that the effect of punishment in deterring by example from the commission of crime, was far less important, far less effective, than was generally hoped and believed. In his opinion, prevention was that to which wise lawgivers ought mainly to direct their attention; and if he stated that the first preventive of crime was education—moral and religious instruction—imparted to the people, he felt he was only giving utterance to what now-a-days must be regarded as an unfruitful truism. But he would go a step further, and would assert that there was one species of education which went more directly than all the rest to produce the best preventive to crime. He alluded to infant education—infant training. It was an acknowledged fact, patent to all whose duty or inclination brought them into contact with the lower classes of the people, that there was one peculiar section among them from which the greater proportion of the criminals brought to justice were supplied. A better, more complete, and more radical preventive of crime could not be imagined than the institution of infant schools for that portion of the community. Indeed, if that were done, they would have accomplished all that was in the power of human agency to lessen the supply of criminals. But there was another means of prevention to which it was necessary that attention should be directed; he meant the police system. He could not conceive that any pains of a wise and good Government could be better bestowed, or that any sums of money could be grudged, even by an economical Government, for improving and greatly extending our police establishments. He would not say that the object of the police was to detect for the purpose of inflicting punishment, but it was the existence of a good and efficient police which really and effectually deterred persons from the commission of offences. An efficient police sowed distrust and fear among the criminal classes of the community. A secret police, consisting of intelligent, active men, so dressed as not to put intending criminals on their guard, having the whole body of offenders continually under their eyes, and well acquainted with all their persons and habits, would always prove the best possible preventive. Such a force would completely destroy all confidence and trust among criminals, and prevent the adoption and execution of any criminal plan calling for the exertions of more than one person. It might be said that there would be two objections to the establishment of a perfect secret criminal police such as he meant. The first would, no doubt, be the point of expense. In his opinion that would be cheerfully borne by the community. The other objection he supposed would be, that it would sow distrust among members of the community. His answer to that was, that it would only create distrust among the wicked towards their own accomplices, or even distrust which wicked men would feel of themselves in the perpetration of crime. He had deemed it his duty on this occasion, as on all others, to address a few remarks to their Lordships on a question which all would consider of the very greatest importance. He would venture to remind their Lordships that in France the system of taking and reforming juvenile criminals before they had become hardened in crime, had been in efficient operation; and that in this country—in Warwickshire—a similar institution existed, in which juvenile delinquents were subjected to a system of penal labour, advantageous and productive to the establishment, and beneficial to themselves. He would urge upon the Government the necessity of extending their proposed alterations in criminal punishments in this direction, and of aiding as much as possible the establishment and continuance of such institutions.

The DUKE of NEWCASTLE apprehended that the measure would better be discussed in detail when the House went into Committee, and he would not therefore detain their Lordships long on that occasion. This might be the last occasion they would have of singing the *requiem* of transportation in in its present form and to its present extent, and he begged therefore to express his concurrence in the regrets expressed by the noble and learned Lord, and by the noble Earl (Earl Grey), at the absolute necessity of reducing that punishment to the *minimum* quantity. He quite agreed with them as to the advantages that system of punishment hadc onferred on the country, by the removal of persons who had committed crimes to distant lands. It was unnecessary to pursue that question further, inasmuch as there appeared to be a thoroughly unanimous opinion that the time had come when it was necessary from imperial considerations to reduce that punishment to the small amount to which his noble and learned Friend on the woolsack had referred. He would not weary their Lordships by discussing the question of reforms in criminal jurisprudence; he would but express the hope that out of evil good might yet come—that from the importance of the subject, and the necessity of dealing with it, the attention, not merely of Government and of the Legislature, but of the whole of the inhabitants of the empire would be turned more than at any former period, not only to the improvement of the penal system, but also to the still more important subject of an improved education for the younger portion of the community. He certainly did not underrate the importance or the value of the steps taken in the last few years both by the Administration of which the noble Earl (Earl Grey) was a Member, and by Colonel Jebb and others acting under the direction of successive Governments, with the view of improving our penal system; but he was, at the same time, fully convinced that much more would have been done, that still greater attention would have been paid to the subject, had the public mind been more generally convinced that we could not for ever pursue the system of transportation, and continue to transfer to other countries the crime engendered in this. He did not anticipate that the present Bill would be the last effort which would be made in this direction. The attention of the Legislature and of the Government must henceforth be sedulously directed to the subject; the progress of legislation would be watched. The effect of the Bill, then, before them would be closely scrutinised after it had passed into a law; and experience would teach them what would be the best further remedies to be applied. He might remind their Lordships that only a few evenings ago his noble Friend, Lord Shaftesbury, to whom the country had been indebted for so many valuable acts of legislation, introduced a measure which he believed he was not too sanguine in anticipating would materially reduce the nurseries of crime in great towns. When they found legislation of this kind in progress, he thought it might be fully anticipated that, though the cessation of transportation at the present moment might be looked upon as an evil so far as this country was concerned, that evil would to a great extent, and very speedily, be obviated by these remedial measures. He felt that no apology was due by his noble Friend who first spoke in this debate (Earl Grey) for introducing observations which he himself admitted might be more properly made when the House were in Committee on the Bill; and he said this not only because the noble Earl would be unable to attend on that occasion, but because he felt that on a measure such as this, on which no party feeling could possibly arise, it was of the highest advantage that suggestions should be made which might lead to improvements being introduced by the Government, but which possibly might not be so maturely considered if left at a later stage of the measure. He thought the suggestions made both by the noble Earl and the noble and learned Lord related to two points. They had remarked that they saw no reason why the period of transportation to which criminals had been sentenced, should be reduced to the period of penal servitude which would be established by this Bill. He admitted that this was a matter for grave consideration, and with regard to which some Amendment might possibly be made in Committee. He (the Duke of Newcastle) apprehended, however, that the reasons for the alteration proposed by the Bill were twofold. In the first place, persons who had watched punishments of the nature of the penal servitude proposed by this measure, were of opinion that penal servitude for so long a period as that for which sentence of transportation had been passed, would be too onerous and severe for the endurance of criminals; because such servitude would, in fact, be a much heavier punishment than that for which it was substituted. As their Lordships were aware, sentence of seven years' transportation had not hitherto been carried into effect. Upon inquiry being made as to the periods of imprisonment which had been substituted, at the discretion of the Home Secretary for a long time past, for sentences of seven years' transportation, it was found that, practically, such imprisonments had not been so great as those intended to be imposed by the present Bill. Under this measure four years' penal servitude would be substituted for seven years' transportation; but the average period of imprisonment to which criminals sentenced to seven years' transportation had been subjected, was found not to have exceeded three years, while the *minimum* had been two years. This Bill would, therefore, establish a heavier punishment than that which had hitherto been practically inflicted. He admitted, however, that it was a matter well worthy of consideration, whether they should not impose a longer period of penal servitude, giving a recognised discretion to the Executive Government with regard to the duration of the punishment; for he readily agreed with his noble Friends that one of the greatest incentives to good conduct on the part of criminals, and one of the best means of carrying out the present system with advantage, was to hold out to criminals the hope that the period of their punishment might, within certain limits, be made to depend on their own behaviour. Another suggestion which had been made by the noble Earl, and in which the noble and learned Lord appeared cordially to concur, was, whether the system of tickets of leave, which had worked so well in the colonies, might not, in a modified form, be adopted in this country. The attention of Her Majesty's Government had already been turned to this point, and his noble and learned Friend on the woolsack would be prepared, before the Bill went into Committee, to submit a proposal to the House on this subject. The difficulty which had been felt was, whether, if a ticket of leave was given to a criminal in this country, he should be allowed—of course, under surveillance—to live in any part of the country he might himself select, or whether his location should be fixed in some particular county or district. That question was now under the consideration of his noble and learned Friend (the Lord Chancellor), and, as he had said, before the Bill went into Committee some proposal would be submitted to the House. He (the Duke of Newcastle) readily admitted that there were peculiar facilities for introducing such a system at the present moment, when extensive works were in progress of a defensive character, for establishing harbours of refuge, and for other important public purposes, which would enable them with great advantage to introduce the punishment provided by this Bill, and also the system of tickets of leave. He need not enter more fully into that subject on the present occasion; but two questions had been asked by the noble Earl (Earl Grey) which he was anxious to answer. The noble Earl asked what was proposed to be done with criminals who had already been sentenced to transportation, but to whom a promise had been held out that after a specified period of imprisonment they would be sent out of the country? He thought his noble Friend at the head of the Government had given a full explanation upon this subject on a previous occasion. It was true that there were in the prisons of this country a certain number of criminals who, if it had not been necessary to discontinue transportation to Van Diemen's Land, would before now have been on the high seas on their voyage to that colony; and it was intended that, if the Bill should pass in the form in which it now was, those persons should only undergo such further imprisonment as would complete the period intended by this Bill to be imposed upon future criminals of the same class. This provision would only apply to culprits to whom those promises had been made; as, of course, such promises and engagements had been discontinued so soon as it was ascertained that the punishment of transportation would cease, so that they would only have to deal in this manner with criminals who were in prison at the moment when the cessation of transportation was decided upon. The noble Earl had expressed regret that the noble and learned Lord on the woolsack had not, in his opening statement, explained the provisions and arrangements contemplated by the Government with the view of providing for the infliction of the new punishment now proposed to be introduced. He understood the noble Earl to refer particularly to the amount of prison accommodation existing in the country at the present moment—for, of course, under this measure the number of criminals retained in the country would be very materially increased. He (the Duke of Newcastle) had stated on a former occasion the exact number of cells which were vacant in the various prisons, and the arrangements that had been made for the accommodation of prisoners, which would be amply sufficient, at any rate, up to the close of the present year. He believed he might assure the House that there was at the present time ample accommodation in the prisons for any number of prisoners at all likely to accumulate before the period when, in the ordinary course, it would be necessary to submit estimates to the House of Commons for any additional works that might be required. He had not concealed the fact that, with respect both to the amount and character of prison accommodation, a considerable expenditure would be requisite; but he believed he might assure the House, on the part of the Government, that it would not be necessary to incur any expenditure for this purpose until Parliament should meet in the next Session. But though it would be necessary to apply to Parliament next Session, the Government now made no other appeal than to ask their Lordships to sanction this alteration in the law on the punishment of transportation. It was unnecessary for him to trespass further on their Lordships' time, except to reiterate his confident expectation, and his most earnest hope, that public attention would be turned on the present Government, as well as on all future Governments, as regarded this important question; and that if they slackened in their attention to the amendment of their criminal code, and of their penal system, the public would keep on them and on their successors a jealous watch, and take care that these important matters be more duly and more satisfactorily attended to than they heretofore had been.

Lord CAMPBELL cordially supported the second reading of the Bill, the principle of which, in his view, was to make law and practice correspond. There had been, for years past, a great discrepancy between them, which had rendered the administration of justice in many cases a most painful duty. He had himself felt, when he had pronounced sentence of transportation, that it was a mere mockery, because he well knew that the sentence he pronounced and tried to make terrible could not to be carried out. He was glad that he would only for a short time longer—though he might have to do so on his next circuit — be under the necessity of pronouncing fictitious sentences, and that in the spring of 1854, when sentence of penal servitude was passed, the punishment would be inflicted. When he said that he approved of this Bill, it must, however, be under the well-understood protest that it was not to be the *requiem* of transportation. [The Duke of Newcastle: On its present scale.] Well, perhaps under the present circumstances of the world, transportation on its present scale could not be continued; but he concurred with his noble and learned Friend on the woolsack in regarding transportation as the best secondary punishment that was ever adopted; and when he assented to this Bill, it must be understood that it was without prejudice to Government using their utmost efforts still to continue that punishment. At the present moment the only colony to which we could send convicts was Western Australia; but he did not despair of the establishment of new penal settlements which might lead to most beneficial results. He had been informed by persons well acquainted with the subject that there were other parts of the great continent of Australia where penal colonies might be beneficially founded, and he did not yet despair of this being done in the Falkland Islands. He considered that the

Bill was susceptible of considerable amendments in Committee; but after those amendments had been made, he believed that it would effect a very material improvement in the penal law of this country.

The MARQUESS of CLANRICARDE hoped that some further explanation would be given— though it might be done on the next stage of the Bill—with regard to the treatment of those convicts to whom promises were stated to have been held out. If he understood correctly what had fallen from the noble Duke, in the course of the present year from 800 to 1,200 convicts would be let loose in this country, who, if the old system of transportation had continued, were intended to be sent beyond seas. Now, he thought this was a matter for very grave and serious consideration. Such a proceeding would be one of an entirely novel description, and with regard to which full information ought to be given to Parliament. He must say that he viewed with alarm the proposal to abandon, or so materially to diminish, the punishment of transportation; but he would not oppose the Bill in its present stage.

On Question, *agreed to;* Bill read 2ª accordingly, and *Committed* to a Committee of the whole House on *Monday* next.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 11, 1853.

MINUTES.] NEW MEMBERS SWORN.—For Liverpool, Hon. Henry Thomas Liddell, and Thomas Berry Horsfall, Esq.

PUBLIC BILLS.—3° Stamp Duties (No. 1); Land Revenues.

LANDLORD AND TENANT (IRELAND) BILL.

Order for Committee read; House in Committee.

Clause 70 (What may be taken as a Distress).

Amendment again proposed, in page 23, line 39, to leave out the words "growing corn, hops and roots, fruits, and other produce."

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 62; Noes 54: Majority 8.

Question proposed, "That the Clause stand part of the Bill."

MR. KENNEDY said, he should move the expunging of the clause, on the ground that it was fatal to the rights of tenants, which as much deserved to be respected as the rights of proprietors.

MR. NAPIER said, the clause had been fully discussed on Friday last, and, now that a fair division had been taken upon the question, he trusted that no further opposition would be offered to the passing of the Bill through Committee, which he was most anxious to effect that day.

MR. LUCAS said, he had understood that the words on which they had just divided were not to be pressed; and upon that understanding many hon. Members had absented themselves from the House that morning. For himself he could not admit that there was any necessity for the Bill passing through Committee that day; and if such enactments as those contained in the clause under consideration were to be persisted in, he should not care if the Bill never passed at all. He should vote for expunging the clause.

MR. WHITESIDE said, he must deny that there had been any arrangement or understanding on Friday last that the words in question were not to be pressed.

MR. DUNLOP said, he could see no difference between growing crops and crops after they had been severed from the land. No such distinction was recognised in Scotland or England; and what objection could there be to assimilating the law of the three countries in this respect? With every feeling on behalf of the tenant, he should vote for the clause.

MR. V. SCULLY said, he looked upon the Bill from beginning to end as one of pains and penalties against the tenantry of Ireland. He admitted that it was difficult to distinguish in principle between growing and cut crops. He had come to the conclusion, on the whole, that the right of distress should not exist at all unless there was reason to suppose that fraud was contemplated by the tenant—in fact, that the distress should operate simply in the way of a *ne exeat regno*, or an injunction. If the clause were agreed to, he should certainly take the sense of the House on the third reading.

SIR JAMES GRAHAM said, he must regret that he was not in his place before the last division was taken, to make the few observations which he would now take the liberty of addressing to the Committee on the subject of this clause. If he was not mistaken, they were now discussing the question of whether the right ought to be conferred upon the landlord of distraining upon the growing crops of his tenant: that was substantially the question they were discussing. It was right, however, that he should state that in 1846 he introduced an Act of Parliament altering the law in that respect. He took that course in conformity with what appeared to him to be a wise recommendation in the Report of the Devon Commission, as well as in conformity with the wishes and opinions of the Lord Lieutenant of the time, and under the advice of the present Master of the Rolls. That change in the law he had no reason to regret, for although during the fatal period of the famine in Ireland there did occur an occasional instance of the surreptitious removal of growing crops, yet he was now happy to say that he was not aware of any recent instances of that nature which could justify their reverting to the old system. Whatever might be the right of the landlord in England respecting growing crops, it certainly had seldom or never been enforced in giving the power of distraint. For himself, he must say, after pretty long experience as a landlord, that he had never exercised the power of distress upon a tenant of his own; and, if it were now proposed practically to extend to Ireland a right of distress upon growing crops, which did not exist in England, he should certainly take the opportunity of voting against such a proposition.

Mr. NAPIER said, he must support the clause as it stood; he could mention several cases where crops in Ireland had been cut down and carried off on a Sunday. Such proceedings invariably led to scenes of confusion and demoralisation, and he therefore hoped the Committee would not hesitate to change a law which served to encourage such a bad state of things. He hoped they might be able to abolish the right of distress altogether; but he thought that, taken in connexion with the other parts of the Bill, the clause was necessary. The Bill was improved in one respect, upon which he regretted that the right hon. Baronet was not present to hear the discussion on Friday. It was, that whereas the landlord had the power of distress for the recovery of six years' arrears, this Bill reduced it to one year, while great improvements were introduced in the mode of proceeding. He therefore trusted the Committee would allow the clause to stand part of the Bill.

Sir JAMES GRAHAM said, that he thought he had reason to believe that his right hon. and learned Friend himself had no very strong opinion on this subject.

His right hon. and learned Friend said he hoped to see the right of distress abolished altogether, and yet he retained that right in its most obnoxious form in the present clause. With regard to the removing of the crops on the Sunday, that was provided for in the Bill, because it was made a misdemeanour, and that was certainly a stronger law than any that existed in England.

Mr. CONOLLY said, he should support the clause. He had known numerous cases in which bands of infuriated men had assembled on the Sunday, and carried off the whole of the crops from the ground.

Mr. G. A. HAMILTON would suggest that the discussion should be taken upon the third reading, because there were other matters contained in the clause besides that under review, and matters which it would certainly be desirable not to negative.

Mr. GEACH said, he was opposed to the clause. The question seemed to be treated as if the tenant had no other creditor but his landlord. It was the oppressive power already possessed by landlords over tenants which frequently prevented independent persons coming to their rescue, and assisting them with their capital, as was frequently done in the case of trade.

Question put.

The Committee *divided:*—Ayes 103; Noes 74: Majority 29.

Clause *agreed to;* as were also Clauses 71 to 72.

Clause 73 (Distress not to be made on Sunday or at night).

Mr. LUCAS moved to omit the words "unless the same shall become necessary by reason of any fraudulent removal of the goods and chattels liable to such distress."

Amendment proposed, in p. 24, l. 21, to leave out from the word "sunrise" to the end of the Clause."

Mr. Serjeant SHEE said, he objected to the clause, and must express his surprise that the Bill should in any case permit distresses to be made on Sundays. They were now endeavouring to close the Crystal Palace on Sundays, and he was shocked that such a power as this should be taken, under such circumstances, in favour of the landlords of Ireland.

Mr. WHITESIDE said, the views of the hon. and learned Serjeant were exceedingly strange. The clause decided that distresses should not be levied on Sundays, Good Fridays, or Christmas Day; and the words objected to merely provided that the distress should be made on those days, in the case of a fraudulent removal. Nothing could be more reasonable than such a provision.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 106; Noes 60: Majority 46.

Clause *agreed to.*

Clause 74 (Removal of property after sunset to evade a distress a misdemeanour).

MR. LUCAS said, he should move its omission on the ground of its excessive hardship. If a tenant merely dug up potatoes upon a Sunday night, he would be liable to be punished as for a misdemeanour.

MR. WHITESIDE said, it was not necessary to constitute a misdemeanour that crops should be removed; they must be removed fraudulently with the object of evading the payment of rent.

MR. M'CANN opposed the clause; but before the hon. Member had concluded his objections, four o'clock arrived, when the Chairman left the Chair.

The House resumed.

Committee report progress.

RUSSIA AND THE PORTE.

MR. DISRAELI: I rise, Sir, to put two questions to the noble Lord the Member for the City of London with respect to the present state of affairs in the East. The first refers to a document which has reached this metropolis to-day, and which bears the title of a "circular despatch," addressed to the diplomatic agents of the Court of St. Petersburgh, and purports to be signed by Count Nesselrode. This document states that the occupation of the Danubian principalities by the Russians has been occasioned as much by the naval occupation of the Turkish ports by the combined fleets of England and France, as by the refusal of the Sultan to give that satisfaction to the Emperor of Russia which he demands; and it further states, that the Emperor will not retire from the principalities until complete satisfaction has been accorded to him by the Sultan, and until the combined fleets of England and France have left those ports in the Sultan's dominions which they at present occupy. I wish to know whether a copy of this circular despatch has been presented to Her Majesty's Government; and if it has not been presented, I wish to know whether, in the opinion of Her Majesty's Government, it is an authentic document?

LORD JOHN RUSSELL said: In the last despatch received, Sir George Hamilton Seymour stated that he had not seen the circular despatch said to be signed by Count Nesselrode. I have no doubt, however, that, substantially, the despatch to which the right hon. Gentleman has alluded, and which has been published in the public journals, is authentic. I will not enter into the particulars to which the right hon. Gentleman has referred; but I do not think, in the first place, that Her Majesty's Government can in any manner substantiate the fact that the entry of the Russian troops into the principalities was caused by the sailing of the English and French fleets into the waters of Turkey; and, in the second place, I do not know, from my reading of the document, that there was any declaration in it to the effect that matters would not be arranged between Russia and Turkey unless the English and French fleets first left the Turkish waters.

MR. DISRAELI: The next question I have to ask Sir, is, whether Her Majesty's Government have received any information of the occupation of the Bosnian provinces by the Austrian army?

LORD JOHN RUSSELL: We have not received any information of that nature. Indeed, the Austrian Minister has communicated to the Earl of Clarendon his total disbelief of any such occurrence. He says that he believes the report has been owing to the occupation of Peterwariden, a town within the Austrian territory, and he supposes that that step has given rise to the report.

GOVERNMENT OF INDIA BILL.

Order for Committee read; House in Committee.

Clause 3 (Empowering Her Majesty to appoint three of the first Directors for two, four, and six years).

MR. VERNON SMITH said, he did not at all agree with the complaints which had been urged against the Government, relative to the position in which that House had been placed with regard to the India Bills—such complaints as that the measure had not been introduced earlier in the Session; while, if any were made at all, it ought to fall upon the Ministry of 1850 rather than upon the present Government, for not having appointed a

Committee of Inquiry similar to that appointed in 1830; and he hoped hon. Gentlemen opposite would excuse his saying that some degree of blame attached to the Opposition. The noble Lord the Member for King's Lynn (Lord Stanley), on the second reading of the Bill, introduced the question of the expediency of delay in legislation—a question which, in his opinion, ought to have been, if raised at all, raised on the first reading; and the result was, that, although there had been a long discussion as to the necessity of delay, in strict truth, there had been none whatever upon the second reading of the Bill. There were principles involved in the details of the clause under consideration which made him feel desirous of provoking a discussion upon them, and for that reason he had risen to address the Committee. There were two questions decided by the vote of the other night: the first was, that there should be no delay in legislation, and the second was that the double government should be continued. He had not entered into the discussion, but recorded his vote without any consideration of the period of the Session, or the time of the introduction of the measure. As regarded the double government, he quite agreed with the noble Lord the Member for King's Lynn, that, as far as the term was concerned, it was impossible to imagine a more unsatisfactory one. The very name implied in itself evils and confusion. The truth really was, that it was a system of mixed government. It was most important that, if a check were exercised upon the power of the Crown, it should be one of a perfectly independent nature, and he hoped that his Amendment would go towards accomplishing that object. He did not wish, like some hon. Gentlemen, to contract the principles of the Bill by his Amendment, but rather to carry them more fully into effect. He would, in proceeding to notice the principles of the clause, protest against the supposition that he was bringing forward anything adverse to the Government measure; he was, he believed, making a proposal which would give force to the measure, and he hoped that his right hon. Friend the President of the Board of Control would support it. What was the proposal of the Government with regard to the constitution of the Court of Directors? They proposed appointing a number of nominees on the Direction; the mere word itself, which described them, was associated with feelings of odium—

Lord JOHN RUSSELL: Why do you use it then?

Mr. VERNON SMITH: He could not help it, because it had come to be appropriated to persons appointed by the Crown; it was a word well known in our Colonial Government, and the noble Lord knew it well himself; or he might appeal to the hon. Member for Kidderminster (Mr. Lowe), whose experience in the Australian Colonies must have led him to take the same views as himself on the subject of the odium in which nominees of the Crown were held. He did not mean to say that nomination in a representative assembly in the Colonies was quite the same as nomination in the present instance would be to the Court of Directors. But who were those who would be appointed, if the Bill in its present shape were carried? The persons whom the Government had to put into the Court were those who had returned from service in India, and had procured seats in Parliament. The first object of those persons, after procuring a seat in that House, would be to go to the Treasury, and to ask the Secretary to the Treasury, or the noble Lord, to put them on the list of Directors for India. The claim of a seat in Parliament would be felt to be quite strong enough. A great cause of the inefficiency of the present system had been the difficulty of placing able men in the Court of Directors, well acquainted with Indian affairs; but he did not think that the present measure would obviate that difficulty. In the course of the inquiry, names of persons of high eminence had been brought forward, who had refused to enter the Board of Directors, on account of the system of canvassing. Now, he would not enter upon the question of canvassing, but would simply ask was it very likely that the men who had been deterred by that system from taking a seat at the Board of Directors, would consent to sit there as Government nominees? It was not to be expected that such men as Sir Charles Metcalfe, Lord Elphinstone, or Sir Henry Pottinger, would consent to be placed in the Court of Directors with a small salary, in order merely to become the instrument of Ministers, for the purpose of attending the House of Commons, to make a House and keep a House, which were the duties which Mr. Canning assigned to similar offices. He believed that the present proposal of the Government to add six nominees to six old Indian servants elected by the Court of

Directors, in addition to six more elected by them, for what qualifications was yet unknown, if carried into effect, could not by possibility be brought to work harmoniously, for each section would be resolved to have their own way, as thinking it of necessity the only course which was correct. Again, what would be the position of the Crown nominees in the Court? If the nominees were men of activity and of great ability, they would say—"The House of Commons and the Government have selected us, and we will override the other Directors elected by the Court of Directors and the Court of Proprietors;" and if they were not active and able men, the other Directors would say—"We are the real representatives, you are but the nominees, and the power must belong to us." What now were they to do with the Secret Committee, which was composed of old Indian servants, and the effect of which was to reduce gentlemen to the mere duty of registering in the books of the Company the opinions which were approved of by others. If the nominees of the Crown would embarrass the Court of Directors, how much more would the President of the Board of Control be stultified by his own nominees if he purposed to continue the P.C. correspondence. The right hon. Gentleman had a veto vested in him; he might think that a particular despatch was objectionable; a meeting with the Court of Directors was the consequence; but when he should object to it, he would find himself answered by the Court asking how he could object to it, since it was chiefly supported by his own nominees, or how he could wish to undo his own arrangements, which had placed these six gentlemen in the Court? He should be glad to see the President of the Board of Control under the same roof as the Court of Directors; and it might still be desirable even now to introduce a clause into the Bill which would have the effect of bringing that about; for no man who had ever trod the floor of an office could doubt for one moment that much time might be saved, and a vast amount of business got through, if both the parties concerned in it were under the same roof. That, besides, would have the effect of checking the little jealousies which were but too apt to grow up between the two offices, such as, indeed, he had himself witnessed in operation, manifested by the one office picking holes in every thing which was sent up from the other. As to the President himself, he had no wish to diminish his power, and he was only sorry to see the right hon. Gentleman was not taking any means to increase it. The President of the Board of Control did not fill that office in the Cabinet which he ought to do. He did not mean that he ought to be a Secretary of State, because there would be a difficulty about a Secretary of State issuing orders to the Court of Directors, which was a very sufficient reason for not making that change. But he would increase his salary, which had been cut so low in one of those hot fits of economy that the office was now become either a stepping-stone or a refuge. It was very evident that the President did not have that sway which his position entitled him to, and his functions would require. In support of his opinion respecting the Court of Directors, he might refer to the opinion of the right hon. Member for Edinburgh (Mr. Macaulay), and if he were in the House he trusted to have his support. That right hon. Gentleman the Member for Edinburgh said—

> "The plan suggested by Mr. Wynn, is, I think, the very worst I ever heard. He would have Directors nominated every four years by the Crown. Is it not plain that these Directors would always be appointed from among the supporters of the Ministry for the time being?—that their situations would depend upon the permanence of that Ministry?—that, therefore, all their power and patronage would be employed for the purpose of propping that Ministry, and, in case of a change, for the purpose of molesting those who might succeed to power?—that they would be subservient while their friends were in, and factious when their friends were out?"—[3 *Hansard*, xix. 516.]

His Amendment was, to leave out the words, "It shall be lawful that Her Majesty, by Her Sign Manual;" and if he were successful in that, he proposed introducing in their stead the following: "The Court of Directors, with the approbation of Her Majesty, to be signified by Her Royal Sign Manual, countersigned by the President and Commissioners for the Affairs of India." The effect of it would be to make the appointment an appointment by the Court of Directors, limited, if it pleased the House to do so, to three-fourths of the assembly, which was the minimum required by the Act of 1773. He would further limit them by excluding ex-Directors from the list of those who were eligible, so that it might not be said they were choosing one another. He should also say that those who had been absent more than a certain time from India, ought not to be eligible. At the same time that he laid these views before the Committee, he wished not to be supposed as thinking that Her Majesty's Ministers, with the public eyes upon them, were capable of transacting a job in the constitution of that Court which they professed a desire to improve, and not to deteriorate. In the main, he found himself supported in these views by Lord Hardinge, who, when before the Committee, said that, of two members chosen by the Court of Directors, one ought to be taken from among their Indian servants. Mr. Halliday, one of the best of our East India public servants, stated in his evidence before the Committee—

> "I have heard it proposed that they should be nominated by the Crown. I have heard it proposed, also, that they should be partly elected as at present, and partly elected by the body of Directors themselves. I have heard it proposed, also, that they should be elected by the holders of East India stock here and in India. Of those methods of appointment or selection I confess, on the whole, I am inclined to prefer, with great reserve and diffidence as before, the plan of electing them as at present for the most part, and, as vacancies occur, allowing a portion to be nominated—say one-third or one-fourth, as the case may be—by the Directors themselves. It appears to me that you would then, perhaps, have greater security on the whole for the selection of fit persons than you have at present, and you would, at all events, open a door for the election into the Court of those fit persons who are occasionally found in circumstances which deter them, or render it unfit or impossible for them, to incur the expense and delay and trouble of a canvass."

Another eminent authority to whom frequent reference had been made in that House—Mr. Marshman—stated in answer to a question put by the Committee—

> "I have sometimes thought, if you still continue to keep up this system of a double governmont—that is, the Court of Directors and the Board of Control—it would be an advantage if one-fourth, or even one-third, of the Directors were appointed by direct nomination from among those who have had long Indian experience, whether acquired officially or non-officially. With regard to the nomination of those Directors, if it was considered constitutionally improper that they should be appointed by the Crown, they might then be selected by the Court of Directors, and the Minister for India should have a veto upon their nomination."

He did not believe, as had been insinuated, that the President of the Board of Control framed this clause with a view to ultimately getting rid of the Board of Directors altogether. If that had been the right hon. Gentleman's intention, he believed he would have declared it; but others might have that object in view, and be prepared to support the proposed plan as an experiment, which, if successful, might be carried further. At any rate, the Government had not fairly submitted to the House the constitutional question whether it was advisable to increase the influence of the Crown in reference to the nomination of a portion of the Court by the Crown. If such nominees should obtain seats in that House, they would be as likely to be as subservient to the Crown, as any of the officers of the Crown. Their tenure of office would, no doubt, terminate in six years, but that was the average duration of a Ministry. The nominees might, therefore, probably leave office at the expiration of a Ministry, and it would be open to the new Ministry to appoint new Directors, and thus obtain an undue influence in the Court of Directors. The Court of Directors would, in fact, by such a system as that proposed by the President of the Board of Control, be superseded. The plan proposed was an attempt to get in the small end of the wedge; and that was the chief ground on which he (Mr. V. Smith) opposed the plan. He was most decidedly in favour of the system of a mixed government. It was his firm conviction that the present double system of government had contributed most materially to the quiet and happinesss of our Indian empire. If hon. Gentlemen compared the condition of the aboriginals of that empire with those of any of our Colonies, they would find that the condition of the former was infinitely superior to that of the latter. Some hon. Gentlemen might point to the days in which the Great Mogul ruled the destinies of the people of India; but the vision, if any, must be dazzled by false glory, who believed that the natives of India were not now in a much better condition than they were under the reign of the Mogul. In New Zealand, Ceylon, and other Colonies, our Government had been of much more doubtful good. Who could compare an Indian administration with the result of our administration of affairs in the Cape of Good Hope? We had there inflicted the greatest barbarities, and incurred the heaviest expenditure. It might be true that there were some evils connected with the mixed government of India; but he believed that it was a system which had prevented more evils than it had created. It might not have stimulated the growth of cotton as it ought to have been stimulated; it might not have dealt with the salt monopoly as it ought to have been dealt with; but hon. Gentlemen should take into consideration how miserable India would at this time most probably be had there not been a double government. Without that double system, at the bidding of British constituencies, and for the interests of British consumers, the cultivation of cotton in India might have been urged to a greater extent than justice to the natives could bear, and some alteration might have been introduced with respect to the monopoly of salt which might have been detrimental to the revenues of India. He asked hon. Gentlemen, then, to support by their votes that night the system of double government. If they assented to the proposition of the President of the Board of Control, they would in effect destroy the independence of the Court of Directors.

Amendment proposed—

"In page 2, line 33, to leave out at the beginning of the Clause the words 'it shall be lawful for Her Majesty, by Covenant under the Royal Sign Manual,' in order to insert the words 'the Court of Directors of the said Company shall, subject to the approbation of Her Majesty, to be signified in writing by Her Royal Sign Manual, countersigned by the President of the Board of Commissioners for the affairs of India,' instead thereof."

Sir CHARLES WOOD said, that two things seemed now to be agreed upon—first, that the double government should be maintained, and, secondly, that a certain number of persons should be introduced into the Court of Directors as members of that body by some other mode than election by the proprietors of East India stock. The next point to be decided, then, was, by what means should these persons be introduced into the Court of Directors? The Bill proposed that they should be nominated by the Crown: the right hon. Gentleman (Mr. V. Smith) wished them to be elected by the Court of Directors. The proposition brought forward by the right hon. Gentleman had come under the attention of the Government, was duly considered, and rejected. Much, undoubtedly, might be urged in favour of the proposition; but, after mature deliberation, the Government decided in favour of the plan proposed in the Bill, as best calculated to insure the independence and efficiency of the Court of Directors. There had been times—and they might occur again—when party spirit ran high in the Court of Directors. On such an occasion the majority might be induced to elect two partisans, in order to destroy or reduce to insignificance the minority oppesed to them. The exercise of the *veto* of the Crown would be insufficient to guard against that evil. The right hon. Gentleman said that the plan proposed in the Bill would be likely to create dissension between the Court of Directors and the Crown; but really it appeared to be less open to that objection than the scheme suggested by the right hon. Gentleman himself. In the case supposed—that of the majority of the Directors having elected two of their partisans to swamp the minority—if the Crown should withhold its approval from them, there would not afterwards be much cordiality existing between the Court and the Government. As to what the right hon. Gentleman had said about Directors nominated by the Government being expected to come down to make a House and cheer Ministers, it was purely imaginative. A Minister who could select for the office men who would condescend to do such work, would be guilty of a shameful abuse of trust. The Government of the day would have the strongest interest in putting into the Direction the best men they could find. The salaries assigned to the Directors under the Bill were not sufficient to attract persons not in independent circumstances, while to men of independent circumstances the office would be an object of honourable ambition. The plan denounced by the right hon. Member for Edinburgh (Mr. Maccaulay) in 1833, was not similar to that now proposed. If the right hon. Gentleman (Mr. V. Smith) had referred to what then took place, he would have found that the proposal to which the right hon. Member for Edinburgh objected was one which would have given the Crown power to nominate the whole Court of Directors. Little apprehension need be entertained that persons returning ripe with knowledge of Indian affairs, would, on entering the Court of Directors, permit themselves so to be mastered by English party feelings as to take a course which would be detrimental to the interest of India. Regarding this point also, it should be borne in mind that it would always be in the power of successive Governments to neutralise the appointment of partisans by their predecessors. Once appointed, there would be no distinction between the Directors nominated by the Crown and the other Directors. His right hon Friend said the word "nominee" was an odious word, but he could not at all see the matter in that light. All that the Government had in view was, that the body of Directors should be as effective as possible; and he did not think there was the least danger of that body being made dependent on the Crown by the system of nomination which was proposed. He believed that the nomination, which was to be restricted to persons who had served for a particular time in India, was not likely to be conferred on persons who would be dependent on the Crown. He did not see, for example, why so great a name as that of Mountstewart Elphinstone might not have been selected for such a duty, or that there would have been anything degrading or derogatory in his being selected on the ground of his great knowledge of India, and on that ground alone, to be a Member of the Court of Directors, and to give them the benefit of his pre-eminent qualifications. It was so much the interest of the Government to have at the head of the Indian administration, men of the highest intelligence and ability, that they would not fail to appoint those whom they believed to be in the highest degree qualified; and he was satisfied that, on the whole, the mode which they had proposed, was the most efficient that could be adopted. He therefore committed it with confidence to the consideration of the Committee.

Mr. HERRIES said, that the right hon. Gentleman had argued this subject so temperately—he had stated so fairly the different sides of the question, that those who entertained a different opinion, as he (Mr. Herries) did, might perhaps fail in inducing the Committee to come to a different determination. He had intended to move an Amendment, the effect of which was to negative all the clauses relating to the proposed constitution of the Court of Directors, with the view of offering the most strenuous opposition to that system of mixed nomination by the Crown, and election by the proprietors, which he conceived to be so objectionable; but the Amendment moved by the right hon. Gentleman opposite (Mr. V. Smith) met so completely the intention which he (Mr. Herries) had in giving that notice, that he did not feel disposed to submit any Motion on the subject; and he should, therefore, give in his adhesion to the Amendment of the right hon. Gentleman, because he really thought that the whole object which he had in view would be completely answered by the proposition which had now been submitted to the Committee. He should, therefore, confine his observations entirely to the question of mixing nomination by the Crown with election by the proprietary body, and refrain from entering upon those general questions which had been very properly discussed in the second reading of the Bill. He might, however, observe that the House had already determined that legislation should take place now, and in the spirit of the existing Government of India. It was because he thought that the proposal of Her Majesty's Government introduced a new constitution of the Court of Directors, which was not in accordance with the principle of maintaining the existing form of government, that he now opposed the clause. It was the essence of the present constitution of what was called the double government, that the administrative body, acting under the control of the Crown, and advising the Crown, should be a perfectly independent body; and the question was now whether it could be so considered, if a considerable portion of its members were appointed by the Crown. He rejoiced that the opposition to this measure came from the other side of the House, for it removed from hon. Members on that (the Opposition) side of the House even the suspicion that they were influenced by party views. The first difficulty which presented itself was this—the impossibility that a body of men, consisting partly of members who owed their existence to one authority, and partly of members who owed their existence to another authority, could act harmoniously together. He could not understand how it was expected that the nominees of the Crown would consider themselves or be considered by their colleagues, as being on the same footing altogether as the members elected by the proprietors? It seemed so difficult to entertain this belief, that no sooner was the provision known, than one universal feeling of condemnation was expressed. The press, so far as it reflected the feelings of the public, expressed a decided opinion against it. What was the reason? Because common sense and common reason must tell every one that a body so constituted could not act homogeneously. He would not go into details as to the working of the Board of Control in reference to all matters connected with the administration of affairs in India; but, he would ask, was it likely that members of a Court, some dependent upon the appointment of the Crown, and others elected by the proprietors, could consult together on equal terms, and concur in the advice to be given to the Government? If these appointments were worth holding at all, there would just be the nomination of the individuals, and then there would be the influence to be exercised by them; and he said it would only be in accordance with human nature that the persons nominated by the Crown would, in a great measure, conform to the wishes of the President of the Board of Control. Viewing the matter in this aspect, there was a danger of another kind to be apprehended. Moreover, the members nominated by the Crown were to possess the same amount of patronage which was possessed by the elected members. This patronage, he could not help thinking, would be, more or less, at the disposal of the President of the Board of Control. He, therefore, could not help thinking that he would obtain a very considerable share in the distribution of that patronage. The amount of patronage had hitherto been the only obstacle to entrusting to the hands of the Government the administration of Indian affairs—the immense influence, he meant, which that patronage would give to the Crown. He did not impute to the right hon. Gentleman any design in that respect. It had long since been determined that the Crown ought not to possess that patronage; but, according to the system now proposed, the President of the Board of Control would have a considerable share in the distribution of the patronage of India. A change of this kind, and of such great importance, ought not to be effected by a side wind. But the right hon. Gentleman had argued that an influence of another kind would be created. He said that authority and influence would be exercised by different parties in the Court of Directors. He (Mr. Herries) must say that during the time he had the honour of discharging the office of President of the Board of Control, he knew nothing of any parties, nor of any dissensions, in the Court of Directors, nor did he believe that it was the habit of any President of the Board of Control to govern by means of any divisions in that Court. But let them look at the effect which this mixed council of administration would have on the public. He thought that the effect would be considerably to lower the character of the Court of Directors of the Company. He thought that if they introduced this check by means of the appointment of nominees of the Crown, they would taint in some degree and lower the character of the Directors in public estimation. It would, in fact, be saying that the proprietors were not able to select properly-qualified persons. On the other hand, the members introduced by the Crown would be suspected of being under the influence of the authority from which they derived their existence. Both these considerations were worthy of attention; but he must say that to lower the character of the Directors would be an egregious blunder, and would lead to the ultimate absorption of all power by the Crown. This was a step, as had been suggested, towards the government of India of the Crown; but it would be a wrong step if they wished to preserve to the Company while it lasted all the *prestige*, the respect, and the honour which at present belonged to it. Was it likely that a body so constituted would act harmoniously? The nominated members would regard with jealousy the elected members, and the elected members would not unnaturally suspect the nominated members of being under the influence of the President of the Board of Control. He could not imagine how the right hon. Gentleman had failed to see the natural consequences which must follow from this mixed system of nominated and elected members. The proposal made by the right hon. Gentleman opposite (Mr. V. Smith) obviated all these difficulties; for, as the choice would be limited to persons who had served in India, the Directors would be better judges of the services of these persons than any Minister, and no danger would arise from appointments made by the Directors in the first instance. The Board of Control might accept or reject them, but there would still be a homogeneous body deriving its authority from the same source, from election by the proprietors. These were an obvious objections to the plan of the Government. They seemed not to have been sufficiently weighed by the right hon. Gentleman, who, by his answers, had not removed in the slightest degree from his (Mr. Herries's) mind the opinion that great disadvantages would occur from the proposed mode of nominating the Directors. He had confined himself altogether to the question now under discussion, and would avoid detaining the Committee by going into any other part of the subject. He agreed entirely in the view taken of the question by the right hon. Gentleman the Member for Northampton (Mr. V. Smith), and would be heartily glad if the Government would consider his observations in the spirit in which they were offered, which was, he felt assured, not an unfriendly one. For his own part, he had stated his views with the most perfect freedom and candour; he had supported the Government on the second reading of the Bill; and his sole aim was to make the measure as useful and as unobjectionable as possible. This scheme of the Government certainly was not unobjectionable; on the contrary, it had been objected to in almost every influential quarter which had expressed any opinion on the subject. He therefore once more entreated the President of the Board of Control to reconsider that portion of the Bill to which the Amendment referred, for it was of the first importance. He should give the Amendment of the right hon. Member for Northampton his entire sympathy and support.

Mr. LOWE said, he trusted he should be enabled to answer the observations of the right hon. Gentleman who had just sat down, with the same abstinence of party spirit as that professed by the right hon. Gentleman. He could assure the Committee that it was not until after the most anxious consideration that Her Majesty's Government had decided upon taking the course to which the right hon. Gentleman seemed to be so decidedly opposed. There was much in the constitution of the Board of Directors as it now existed, which it had been clearly shown by the evidence which had been adduced before the Committee upstairs, it was extremely desirable to have remedied. Though nobody denied that the Directors were *pares negotiis*, yet instances had occurred, creating no little scandal, of many eminent men, though anxious for the honour of a seat in the Direction, being deterred from seeking it by the dread of the annoyances and humiliations of a canvass. The power of the Court of Directors was of one kind, and that of the Board of Control of another. The power of the Board of Control consisted in acting and deciding; whereas the power of the Court of Directors was that of reasoning and argument. One was more of an intellectual, the other more of a physical power; and the two powers might well work together for the benefit of India. He made these observations because they appeared to answer the objections urged with respect to the independence of the Court of Directors. Independent, in one sense, they could not be, because the law had placed the final decision with reference to their measures in the hands of the President of the Board of Control. In another sense they might, no doubt, be said to be independent, inasmuch as by offering sound advice and advancing strong arguments, they had it always in their power to exercise a most important control over a Minister who was responsible to the country for the line of policy which he might adopt. That latter description of independence it would be the effect of the proposal of the Government to augment rather than to diminish, inasmuch as it would tend to introduce into the Board of Directors men of greater experience, ability, and eminence, than up to the present moment could find admittance into that body. He had not the slightest doubt that the object of the right hon. Gentleman the Member for Northampton (Mr. V. Smith), in proposing the Amendment then under their consideration, was to secure what he supposed to be the best form of government for India; but the right hon. Gentleman did not seem to be taking a course which was likely to effect the precise object which he had in view. There were at present three classes of offices, the appointments to which were in a position exactly similar to that in which the right hon. Gentleman appeared anxious the appointment of one-third of the Board of Directors should be placed. The offices to which he (Mr. Lowe) referred were those of the Governor General of India, that of the fourth Member of the Legislative Council, and of the governors of subordinate presidencies. The appointments in those three instances were supposed to be made by the Court of Directors, subject to the approbation of the Crown. The result had been, that those offices were virtually in the nomination of the Crown; and the practice had been for the Board of Control to suggest the names to the Court of Directors, and the veto, when at all used, was used by the Directors. Thus, the course pointed out by the Act of Parliament was virtually reversed. Now, supposing the present Amendment carried, would not something of the same sort take place; and would the right hon. Gentleman gain anything by merely saying that the persons who would be, after all, nominees of the Crown, should not be elected ostensibly by the Crown, but should appear to be elected by the Directors, subject to the subsequent approbation of the Board of Control? The Amendment would, indeed, have the effect of relieving the President of the Board of Control from all, or nearly all, responsibility, and would thereby remove the best safeguard against that officer using his power in an improper way. But, arguing the question on the right hon. Gentleman's own ground, he contended that the Amendment would be perfectly nugatory. The power of rejecting the persons nominated by the Court of Directors could only be exercised by the President of the Board of Control, in the improbable case of their making grossly improper appointments; but no one acquainted with the Court of Directors would suspect them of doing anything of that sort; and then again, with respect to what was wanted—the admission of persons of great eminence and distinction into the Directorship—how that could be brought about by giving a veto to the Crown he could not see, unless the Crown fixed upon certain persons, and told the Directors at once that those were the persons whose nomination should receive the sanction of the Crown, and the election of all others would be vetoed. In this case the nomination would virtually pass to the Crown, while, if the Crown confined itself to its statutory function, its interference would be absolutely useless. Supposing, then, the Crown confined itself to its statutory function, the nomination would be in the Court of Directors. Now, for many years past, the Directors had had great influence in the elections for their own body; and the changes introduced in the present Bill with respect to canvassing and retrenchment of patronage, would probably throw into the hands of the Directors more influence than they even now possessed over the elections. Would it be wise, then, when things were tending in that direction, still further to increase the power of the Directors in the same line? The effects of self-election were known to everybody. All persons in giving their votes were prone to be influenced by indirect and improper considerations. But in no case did these considerations come so home to a man, and operate so forcibly on his mind, as in the case of self-election. The individual elected was either a partisan gained, or an opponent introduced into the body; and that circumstance afforded the very strongest motive for warping the elector's judgment, and inducing him to take the worse and reject the better candidate, if it should be his interest to adopt such a course. Now, as the object which they all desired to attain in that instance was the selection of the best men, it would be inexcusable on their parts wilfully and knowingly to introduce into the case the considerations which were of all others the most calculated to pervert the judgment and to warp the choice of the electors. It was said that the nominee members would be the mere creatures of the Crown; but he did not think the prize was sufficiently high for such a purpose. The salary was to be small; the Directors were not to be brought into immediate contact with the Crown; and the votes they might give, would, if they pleased, never be known. He believed that the proposal of the right hon. Gentleman would tend to exclude men of the highest character and capacity from the directorship. He could not help thinking that men who had filled important offices with great distinction in India, would shrink from the attempt to canvass even a small body of Directors, and would not expose themselves to the risk of a rejection of their solicitations even on the part of such a body. It appeared to him that one great advantage of the system proposed in the Bill was, that, as under that system there would be a twofold mode of election, an emulation would naturally arise between the Crown and the proprietors as to which of them should elect the men who would do the greatest credit to their choice. The right hon. Gentleman who had last addressed the Committee, had adopted what seemed to him (Mr. Lowe) an inconsistent course of argument. The right hon. Gentleman had said that the only serious objection to placing the Government of India in the hands of the Crown was the difficulty of disposing of the patronage—a difficulty which the right hon. Gentleman had told them had not yet been solved. He appeared to consider that in twenty years the Government of India must fall to the Crown, and that the ultimate absorption of the Company was inevitable. But if that were to be the case—if the Governments of Mr. Pitt, of Lord Liverpool, of Lord Grey, and of Lord Aberdeen had all concurred in diminishing more or less the power of the Court of Directors—if from the nature of the terms of the India debt, it would be the interest of the Government to pay off the proprietors in the year 1874, so that the very basis of the present Court of Directors would be removed—if those were the views of the right hon. Gentleman, how could he consistently object to the introduction of nominees of the Crown into the Court at the present moment? What would become of the Government of India if the event which the right hon. Gentleman seemed to foresee were to take place, and if the proprietors of India stock were no longer to exist? Could the right hon. Gentleman or the Committee suppose that the Ministers of this country would attempt to construct out of new elements a fresh body of Directors and of proprietors? Did the right hon. Gentleman think that after that mighty Company, which had produced so many generals and statesmen of which any empire might well be proud, should have been destroyed, another would be set up to replace it? Such a conclusion would be manifestly preposterous. The right hon. Gentleman had truly said, that when the event which he contemplated should take place, the Company would be absorbed in the Crown; and when it was so absorbed, how was India to be governed? When the veil between the Crown and the people of India should have been removed, what other agency would it be possible for human ingenuity to devise between the Crown and its Indian subjects than that very agency which the right hon. Gentleman at present denounced and repudiated—the agency of those very nominees of the Crown? Something like that machinery was the only agency which could then by any possibility be adopted. Therefore, taking the right hon. Gentleman's own premises, it would be wise to begin betimes, if they were to be driven to that Crown Government of India of which the right hon. Gentleman spoke, and make the experiment on a small scale, dealing with the embryo and the germ, rather than to be afterwards compelled to do the thing all at once, *uno flatu*. Arguing, then, upon the right hon. Gentleman's own premises, he should say, let them not wait for that great catastrophe unprepared, but let them make an experiment now, and if it should be found not to work, there would then be a *locus penitentiæ*, and the matter might be reformed in time. A good deal had been said in disparagement of nominees of the Crown; and he admitted that he had himself never been very friendly to the nominee system in the Colonies. But he believed that they could only be led into error and confusion by comparing India with the Colonies. The two cases were not only dissimilar but were diametrically opposed to each other. The essence of colonial government was representative government resident on the spot; the essence of Indian government was representative or quasi-representative government resident in a remote country. The essence of colonial government was responsibility to persons residing in the Colony; the essence of Indian government, and that which mitigated our despotism there, was responsibility to the people of England. In the Colonies a governor was looked upon as a subject discharging limited duties—as a mere officer or Minister of the Crown; in India the Governor General was put forward as a person who combined in himself the highest powers, and almost all the attributes of sovereignty; and we endeavoured to keep as much as possible in the background that machinery by which his powers were controlled. In the Colonies we looked forward to a brilliant future at no distant period, when nations would arise equal to ourselves in arts, in arms, and in every element of civilisation. In India the most sanguine could not for many centuries hope to see realised any such prospect. But, above all, the nominee system in the Colonies was regarded as the system of irresponsibility and repression; while in India the nominee system was regarded as the symbol of progress—as a means of giving a higher intellectual tone to the government of that country. Moreover, let it be remembered that nominees were introduced into colonial Legislative Councils for the purpose of voting away the money of the people without being their representatives, and that they had entrusted to them the very highest functions of a Government against the will of those whom they governed; while in India those who might be elected by the Company, as well as those who might be elected by the Government, must both be nominees, for neither could derive their power from the will of those whom they governed. There was this further distinction between the two cases, that a nominee in the Colonies was a legislator who had the power of the purse-strings; while it was not the duty of a Director of the East India Compay to act or to decide, so much as to suggest, to advise, to initiate, and to reason. In the case of a Colony there was a great necessity for combined action; in the case of India it was so far from being desirable that the action of the Directors should be combined, that if any strong combination should exist among them it would be the duty of the Government to introduce, if possible, into their body some heterogeneous and independent element which might lead to that conflict of intellect with intellect from which alone truth could be elicited. Under these circumstances, he contended that there was no inconsistency in his advocating the nominee system in India while he was opposed to that system in the Colonies.

MR. ELLIOT said, that, until this debate commenced, there was hardly a person in that House who had not always been accustomed to hear, and who did not fully believe, that the great merit of the Court of Directors was, that it was a thoroughly independent body, and free from all political bias or influence. The hon. Gentleman who had just sat down said he believed the Court would be a more independent body by the introduction of nominee members; but it required even more ingenuity than the hon. Gentleman was possessed of to make that clear. He (Mr. Elliot) did not think that either the President, or the Secretary of the Board of Control had convinced the Committee—certainly they had not convinced him—that an additional degree of independence would be given to the body by making one-third of it Government nominees. There was a peculiarity connected with these nominee Directors which he thought it right to mention. They were not to be appointed permanently, but only for a certain period, and they would sit at the Board with the expectation of being renominated. He was the last man to suppose they would do anything unworthy of themselves; but human nature was human nature, and he could not help thinking they would not occupy seats at the Board in that free and independent capacity in which all members of it ought to be placed. The great private and personal motive of persons desirous to get on the Directory had been the power of providing for a certain number of their own sons, and the sons of their relatives and friends. It was in vain to conceal the fact, that that was the great inducement which operated on the minds of those who returned to this country, like himself, after twenty or twenty-five years' service in India, and became candidates for Directorships. But was it likely that persons who came home, after a long life spent in India, would try to enter the Court of Directors when it was lowered in its character by being deprived of the most valuable portion of its patronage? He must say, that he should not himself consider a seat at the Board a distinction under such circumstances. The persons he had mentioned would consider the appointment derogatory to the position they formerly held in India. He knew several who, since the Bill had been made public, had declared that, however anxious they might have been formerly to become Directors, they were no longer so now. It was futile to allege that the patronage, which unquestionably had formed a leading attraction with the candidates for a Directorship, would still remain to that body, when the only patronage left to it was cadetships, an object comparatively indifferent; to take away the other patronage, and to give, instead, a mere increase of cadetships, was just like saying to a child, "Give me that sixpence, and I'll give you these two large pennies." He thought he was authorised, therefore, in drawing the conclusion, that it was not safe to establish this nominee system. He was very much afraid the Government would not succeed in obtaining the best men from India to accept a seat at the Board. He thought they would be more likely to get persons who would consider 500*l.* a year an object. It was absurd to suppose that men, who had received between 2,000*l.* and 3,000*l.* a year in India, would consider 500*l.* a year sufficient amount of remuneration after the service they had seen. It had always been an acknowledged principle that the Government of India should be kept free and distinct from all political influence; and he confessed he viewed, with some apprehension, the first step which was now proposed to be taken in opposition to that. He believed they would continue to go on in that course until the Government obtained possession of the whole of the Government of India, and the result would be that there would be more frequent discussions upon the affairs of India, and greater interference on the part of that House in regard to them. In his opinion, there could be no greater misfortune to India than the perpetual intermeddling of that House with the internal administration of that country. There were not ten men in the House who knew anything about India. The President of the Board of Control, and other Members of the Government, had endeavoured, in a most praiseworthy manner, to become acquainted with India; he believed they had failed, for he had heard sentiments come from them, which no man who knew anything of the country, would have expressed. It would seldom happen that the President of the Board of Control could have any real knowledge of who were the best, most practical, hardworking, and serviceable men in India, to appoint to the Board of Directors. Then, how was he to find them out? He must go to the Court of Directors, who were the most qualified persons to give him the information. If that were so, why should the power of appointing the nominees not be given to the Directors?

LORD STANLEY said, he thought it was very desirable that they should confine themselves as strictly as possible to the subject which was absolutely before them; and such being his views, he would not, therefore, say one word on the various topics which, while they were not strictly comprised in the Amendment, had been imtroduced into that discussion. The right hon. Gentleman who had moved the Amendment had said something about the amalgamation of the two offices. Now, that was an important point, and one upon which, if it had been brought regularly before them, he should have been most happy to have supported the right hon. Gentleman. But that was not the question which they had then to consider. Another question had been raised as to the position which the President of the Board of Control ought to occupy, and as to the insufficiency of the salary which he at present received. There again he agreed with the right hon. Gentleman; but that was not the subject he had brought before them in that Amendment. The whole question they had then to consider was, as he understood, whether it was desirable or not that a certain number of the Court of Directors should be appointed by the Crown. Upon that point he agreed with the right hon. Gentleman in disapproving in many respects of the proposal of the Government. He thought that the right hon. Gentleman had criticised that proposal with great success; but he also thought that the right hon. Gentleman the President of the Board of Control, when it had come to his turn to reply, had criticised with not less success the Amendment proposed by the right hon. Gentleman. It appeared to him that it was hardly possible to deny that persons appointed by the Crown—that was to say, by the Minister of the day—for a short period, who were to be re-eligible to be appointed, and who were to be allowed to sit in Parliament, would, to a very great extent, be dependent upon the Government of the day. He did not think that would be any the less the case because those persons received a comparatively small salary. He was afraid that the smallness of the salary would only have the effect of rendering the office an object of ambition, not to the persons best qualified to fill it, but to those qualified in an inferior degree. The lower the salary was made, the lower would be the class of those who would offer themselves as candidates for the office; and he did not think it could be argued that the smallness of the salary would contribute to render those who might receive it more independent of the Government to which they might owe their appointments. He feared, therefore, that there was some real danger that they would not get the best class of Indian officials to accept these appointments. But when he came to consider the remedy proposed by the right hon. Gentleman (Mr. V. Smith), he certainly felt considerable objection to that proposal. It was, in the first place, a plan of self-election. Now, he did not believe there was any instance on record, in our present system of administration, of a system of self-election. But his main objection to the plan of the right hon. Gentleman was, that from its very nature its continuance was made dependent on that which he (Lord Stanley) believed most of them desired, and all of them expected, to see abolished in the course of a few years—namely, the continuance of the Court of Directors, and which, indeed, would expire of itself in the year 1874. But whether the Court of Directors expired or not in that year, the whole system on which the Directors were elected must be changed, because the elective body would then no longer exist. He objected to the Amendment of the right hon. Gentleman, because it seemed to him to be calculated to give permanence if not pepetuity to that very part of the present system which it was most desirable that they should do away with. He spoke with great diffidence upon that subject; but admitting fully, as he did, the difficulty of dealing with that question, he still thought there were some matters of detail in which the proposal of the Government might be improved without trenching on the principle on which it had been brought forward. For instance, he entertained a very strong objection to that part of the proposal of the Government which occurred in a subsequent clause, but which naturally fell into the present discussion—he meant that part of the proposal by which Directors nominated by the Crown were permitted to retain seats in Parliament. Of course, it was possible for a man to have a seat in Parliament, and not to be a political partisan. But if there should be such a case, it would be the exception and not the rule. As a general rule, he thought that when Members of that House were nominated by the Government to administer an office, although that office was to be held for a certain fixed period, and not during the pleasure of the Crown, the effect of such nominations would be to induce those Members to consider themselves—he would not say the tools—but necessarily and effectually the allies of the Government which had appointed them. But for that evil, however, there was a very obvious remedy; and that was to nominate those persons for a longer period than that proposed in the Bill—to nominate them for a period of ten or twelve years, or, at all events, for a time considerably beyond the average duration of Governments in this country, and then to refuse to make them re-eligible at the end of that period, and so to take away from them the hope of receiving in the same department of public affairs any future favour from the Government. In conclusion, he had to state that, although he did not approve of the whole of the Government plan, and although he felt it was liable to the objections of detail which he had mentioned, he felt himself unable to support the Amendment.

MR. HUME said, he did not think the Amendment of the right hon. Gentleman (Mr. V. Smith) was very intelligible, and he would have preferred his moving the rejection of the clause altogether. He (Mr. Hume) was one of those who was ready to vote for any Motion which was directed against the system of nominees. He was for continuing the principle on which the East India Company had hitherto been maintained, and he could not understand by what course of reasoning the Government, who had spoken in such eulogistic language of the way in which the Company had been conducted during the last twenty years, should propose now to destroy that principle. The Court of Directors was a body constituted by several Acts of Parliament. The right was given to the proprietors, for pecuniary considerations, to elect those Directors, and Parliament had no power to take that right from them. He thought the Government of India by the East India Company had been productive of more benefit to that country than had been the Government of any other of our distant possessions to those possessions. The arguments of the hon. Member for Kidderminster (Mr. Lowe) had only made the subject more confused, for instead of considering the Bill before the House, he had made a flimsy attempt to show what might be the state of things in the year 1874, and what Parliament might have then to do. He had heard no objection to the system of election, except that certain persons of high rank and great experience who had come from India had not been able to get on the Direction. If this were the only objection to the system, it might be got over without destroying the independence of the Board. He regarded this portion of the Bill as destructive of the independence of the Board of Directors. It might be said that the Board had yielded too much to the President of the Board of Control; but this was no reason why Parliament should destroy their independence altogether. He saw no reason why the Board should not be reformed by letting in men with 500*l.* stock, so as to increase the constituency, and to keep up a check upon the controlling power. He regretted that the Government had not allowed the present system to go on until 1874, when the proprietors would be paid whatever India owed them, and when a thorough reform might be effected. The Government had not objected to this form of administration during the last twenty years; but they were now about to introduce a measure, under the guise of an Amendment, the effect of which would be to unsettle everything, while it secured nothing. A great deal had been said as to the abuses which existed in India. He admitted that there were abuses in the administration of India; but the evidence given before the Select Committee showed, that looking at the circumstances of the country, and the difficulties to be encountered, there were more abuses in the public departments in this country than there were in India. He asserted, without fear of contradiction, that there were greater abuses in the present day in our Law Courts than had ever been traced to the Government of India. At the present moment, contentment and peace reigned over the whole of India, and there was every disposition on the part of the Directors to improve the condition of the country. In fact they had anticipated us in almost every question of public policy. They had opened their ports to ships of all nations—they had extended their commerce to different parts of the world—and they had removed all those duties which at one time formed so objectionable a feature in their Government. What Parliament ought to do, therefore, was to extend the system of election, to give more power to the Directors, to require the Secret Committee to keep records of all questions upon which they differed from the Board of Control, and to direct them to be supplied every month with an account of the expenditure. He greatly objected to the power which the Bill would give to the President of the Board of Control—a power which was greater than even that of the Crown. The President of the Board of Control could declare war, expend money and borrow money, without the consent of the House of Commons, or the sanction of the Court of Directors. This was the case during the last Affghan war, when 30,000,000*l.* had been expended without the knowledge or control of the Court of Directors. On these grounds he would vote for the Amendment of the right hon. Gentleman; but he would much rather see the clauses relating to the mode of government expunged altogether from the Bill.

Sir JAMES W. HOGG believed, that the single question before the House was, the best mode of selecting one third of the Court of Directors. It appeared that the House, whether rightly or wrongly, were agreed as to the expediency of selecting a portion of the Directors. That was the principle of the clause under discussion; and the object of the House—and he should hope of the Government also—was to adopt that form of selection which was most likely to produce the most able, the best informed, and most independent men. With respect to the system of selection, he could not help asking at the outset, if the selection were left to the Crown, or to the Court of Directors, what gentlemen coming home from India would become competitors for the office? Every distinguished Indian servant who thought he was fit for a seat in the Direction, would find himself, on his arrival in England, one among six similarly situated; and the chances were, that by adopting that mode of appointment, they would deteriorate the class of men who would come forward and offer themselves for office. He did not agree with those fastidious gentlemen who expressed such a horror of canvassing for a seat in the Direction. He thought there was something very un-English in that feeling. What would be said by any Gentleman who had the honour of a seat in that House, if he were told that he should not go amongst his constituents, or humble himself by soliciting their "sweet voices?" They all had to do that, at each and every election; whereas the candidate for a Directorship, if he succeeded in the object of his wishes, and afterwards discharged his duties ably and efficiently, was not elected for the short period of a Parliament, but for life. For his colleagues and himself, he indignantly repudiated the notion that there was any thing humiliating or dishonourable in canvassing for a seat in the Court of Directors. He would never have been a Director, if he had thought or believed that there was anything humiliating or dishonourable in aspiring to that office. With regard, in the second place, to the question as to the best mode of selection, he would briefly state the objections to the two plans before the House, leaving the House to judge which preponderated. The proposal of the Government was, that six Directors should be nominated by the Crown. Against that, it had been urged, with some weight, but not he thought with the force that had been attached to it, that those gentlemen when placed in the Direction would render themselves dependent upon the Crown, and would be so far influenced by an illegitimate feeling in the discharge of their duty. He was bound to say that he had no such apprehension. He believed that Gentlemen who had passed their lives in the civil and military services in India, and who had attained that position which rendered them eligible for a seat in the Direction, would discharge their duty honourably, independently, and uninfluenced by any considerations with regard to the person who appointed them. The noble Lord opposite had suggested, by way of amending the proposal of the Government, that the gentlemen so selected by the Crown should not be re-eligible. He trusted the President of the Board of Control would not adopt that recommendation. It meant that when a gentleman had been for six years, or whatever the time might be, in the discharge of his duty as a Director, and when he had acquired such experience as rendered his services useful to his colleagues and the country, he was to be excluded from the Direction, and likewise from a seat in that House. Now, if, according to constitutional principles, a person selected as a nominee of the Crown should be excluded from a seat in that House, there was at once an end to the whole question, because he thought it was impossible to agree to a plan which would subject six out of the eighteen Directors to political disqualifications; on the other hand, there were objections to the system of selection by the Court of Directors. He thought it was self-election to a certain extent, and he therefore so far disapproved of it. But the question for their consideration was, not whether this plan was perfect in itself, but whether it was less objectionable than the other. In addition to the objection already stated, there was this further reason for opposing the system of selection by the Court of Directors, that inasmuch as there was always a diversity of opinion in the Court, there was a danger of the majority selecting a gentleman who, when he joined the Direction would strengthen their party. That was a difficulty of considerable importance; but he was bound to admit that the right hon. Gentleman had almost if not quite removed it, by the provision that there should be the acquiescence of three-fourths of the Directors, who were unquestionably the parties most competent to select Gentlemen to act as their colleagues, as they were undoubtedly possessed of better means of knowledge than the President of the Board of Control. He believed that if the President of the Board of Control had the right of selection in his hands to-morrow, the first thing he would do would be to request the Court of Directors to recommend Gentlemen for the office. Whether, therefore, the selection rested with the Crown, or with the Court of Directors, he had no fears whatever as to the practical working of the plan, nor had he any apprehension that gentlemen so selected would be in the slightest degree dependent upon the Board of Control. It had been said that the situation would not be much coveted; if so, there was no use arguing the question any further. The object would be to get the best possible men—to secure men of the highest order, men of the most superior degree, men who would not condescend to any solicitation. But where were they to get these extraordinary men? Lord Metcalfe and Mountstewart Elphinstone had been talked of, as if such men were as plentiful as blackberries; but where did they find men like Metcalfe and Elphinstone? If these men had intimated, the day they arrived from India, that they desired to have a seat in the Direction, he (Sir J. W. Hogg) would say with confidence that, without soliciting a single vote, they would have come in the next vacancy. That statement he limited to men of that high stamp. The same thing was said by a very distinguished witness before the Committee, Sir George Clerk. He was a man of a very high order, of very superior abilities, and a man who had rendered distinguished services. He stated that he had been assured, when he returned from India, that he might, if he wished, come into the Direction, without the trouble of a canvass. But if they were to have men of that stamp, they must reward them in some way if they took from the Court the patronage which they had hitherto enjoyed. They (the Court) had been, in public estimation, the governors of India; they had been the fountain of all honour, of all appointments. Every servant in India knew that he derived his appointment from the Court of Directors. But now the Court stood partially condemned before the public by one-half of their number being withdrawn; they were no longer to have the appointment to the highest offices, formerly within their own exclusive nomination. They were no longer to appoint their own Advocate General; they were no longer to appoint Members of Council. These appointments were to be subject to the approbation of the Crown. They were no longer to appoint officers to the civil service. This was to be open to public competition. The same with regard to the medical service. The Government Bill had left them with the whole *prestige* of their power, but with all their patronage taken from them, with the exception of direct appointments, which amounted to no more than three or four in the year. It appeared as if they endeavoured to make the situation as little desirable as possible, that it might not be an object of solicitation or ambition. He would urge upon the House to make the situation as important as possible; that either in the way of position, or influence, or salary, or by some means or other, men of first-rate ability and experience might be introduced into the Direction; that the body to which they belonged might stand well before the public; and that the office which they filled might be an object of honourable ambition to such as desired to serve their country.

Mr. CUMMING BRUCE said, he believed that the Bill now before the House, and particularly the clause under discussion, was calculated to extinguish the Court of Directors, and put a speedy end to the present system of government in India. He was at a loss to understand what line of conduct the hon. Baronet who spoke last intended to pursue. The hon. Baronet had blown hot and cold upon the question before the House. In the first place, he had stated strong objections to the principle of nomination by the Crown; and, in the second place, he had urged equally strong objections to the principle of selection by the Court of Directors—

Sir JAMES HOGG: I object to both plans, but more especially to the system of nomination by the Crown.

Mr. CUMMING BRUCE said, he was

glad to hear it, for he also strongly objected to the proposal of the Government, and would join the hon. Baronet in opposing it. For his part he could not understand the indignity of canvassing proprietors of India Stock. They were a non-political body, as also was the Court of Directors; and he thought, if the Government plan of nomination were once introduced, the effect would be to do away with that non-political character, and consequently he should oppose it. The gentlemen who came forward to solicit a Directorship were canvassed with a scrutiny very severe by those whom they solicited, and if found not honourable they were immediately rejected. He should say he preferred, to the plan of Her Majesty's Government, or the plan of the right hon. Gentleman opposite (Mr. V. Smith), the system of open election to all members of the Directors' Court. For if they impaired the independence of the body—if they so packed it as to render it subservient to the Minister of the day, they would aggravate a hundredfold the evils of the despotic system at present existing. At present the Government of India was regulated on the principle that the administration abroad had to render an account to a superior authority at home; and therefore he (Mr. Bruce) felt the strongest possible reason for providing that that authority should be constituted in a way so as to be perfectly free and independent in itself. With respect to public opinion in this country, it was never perfectly informed on Indian matters, and it was only when questions of this kind were agitated that any feeling of interest was inspired. By this measure the functions of the Court of Directors would be absorbed by what was called the Crown, but which really and substantially, under a Parliamentary administration, would be absorbed by the House of Commons. But this was not the only consideration for which he must decline to give these powers to a Board of Control. He would not trust a Minister of the Crown with such power and patronage as would be conferred upon him by this measure; and in order to show how much the independent action of the Board of Directors was interfered with by the action of party politics in this country, he need only refer to what occurred in 1835, when Lord Heytesbury was appointed to the Governor Generalship by Sir Robert Peel. What happened then? Why, the very day that the noble Lord embarked with his suite, the Government was changed. A Whig

Administration succeeded to power, and the appointment of Lord Heytesbury was cancelled, and a supporter of the new Government was nominated in his stead. And it was his firm conviction that, in consequence of that change there ensued that deplorable and disastrous chapter in the history of India—the Affghanistan war; for if Lord Heytesbury had been allowed to proceed to India, that war would never have occurred. He therefore contended that they ought not to weaken the check of the Board of Directors over the powers of the Board of Control. It was quite impossible that gentlemen nominated to the Court of Directors could enter that body without carrying with them a strong leaning and favour towards that party by whom they had been nominated. They would carry with them political opinions, which would be introduced into that Board; and he could conceive nothing more prejudicial. It would cause everything which was done in India to be discussed in Parliament, and set up as a shaft of political enmity to the Government of the day. The introduction of these nominees would make the Court of Directors more and more a Court acting under party and political feeling, and the appointments themselves would fall, as a matter of course, under the ordinary system of political places, and everything would be given over and sacrificed, not to the interest of India, but to promote the interest of parties. He certainly could not agree with the Amendment proposed by the right hon. Member for Northampton (Mr. V. Smith), because he considered the system of open election by far the best; but he must say that he greatly preferred that Amendment to the course proposed by the Bill. He should, however, vote for the Amendment, inasmuch as he should take every opportunity of voting against the Bill.

Mr. J. PHILLIMORE said, it was his intention to vote for the clause as proposed by Her Majesty's Government, for he certainly preferred the nominees of the Crown to the mode of election by the proprietors of East India Stock in the manner it was constituted at present; and he thought every one who gave a calm and dispassionate consideration to the question, could not fail to come to the same conclusion. The present system had no connexion with the important duties which the men were so elected to perform. It had inspired the most able men with the deepest disgust, so much so that the most distinguished men in the service of the East India Company had said, without exception, that in spite of the power and the patronage, to the amount of 15,000*l.* a year, the humiliation of the canvass for an East India Director was so great they would not undergo it. He could have no object in saying anything offensive to any body of men; but any person who could maintain the opposite, he could affirm, was contradicted by the most recent facts. Had the hon. Baronet the Member for Honiton (Sir J. W. Hogg) forgotten the case of Mr. Morris, for that was a proof that the choice of the electors did not always fall upon those who were most eminently entitled from their services to a place on the Direction? He (Mr. Phillimore) could say, with the greatest sincerity, that he believed the places in the Board of Directors were not rewards—they were not given to promote the interests of India, or to reward eminent merit, but to those who, like the heroes in the *Dunciad,* "could dive the swiftest through the mud."

Mr. MARJORIBANKS said, he regretted the allusion of the hon. and learned Gentleman rendered it necessary for him to trouble the Committee with a few words, not for the purpose of depreciating the services of Mr. Morris, a civilian of standing, of much ability, and of great local knowledge, whom he knew and esteemed, and of whom he would not say one word of disparagement, but on his own behalf and in vindication of the recent election. No one had attempted to controvert the opinion of Lord Ellenborough, which had been borne out by the recent evidence before the Committee on Indian Affairs to the fullest extent, that English gentlemen, by which English gentlemen without Indian antecedents must be meant, must be admitted into the Direction if they wished to preserve its tone. If the hon. and learned Gentleman granted the correctness of that opinion, he must admit that the recent election afforded a fitting opportunity to carry it out, fifteen years having elapsed, and seventeen elections having taken place since the admission of such a person into the Board. He could not approve the system of nomination by the Government, nor that proposed by the Amendment.

Mr. PHILLIMORE, in explanation, said, that he objected to the system, but was sure a better selection than the hon. Member could not have been made.

Mr. THOMAS BARING said, he wished to observe at the outset of his observations, that the hon. Gentleman who had just resumed his seat (Mr. Marjoribanks), bearing as he did a name so familiar to East India Stock proprietors, need have offered no excuse for having been a candidate for a place in the Direction. The name of Marjoribanks was one ever to be honoured by those who had any interest in Indian affairs, and surely, therefore, any relative of the late Campbell Marjoribanks might well be considered to have claims upon the consideration of the proprietors. He believed that it was very desirable they should look to the origin and course of this clause, which had been stated to be based upon the evidence given before the Select Committee, namely, that the duration of the service of distinguished officers of the Company militated against their chance of being elected to the Directory on their return from India. And though the hon. Baronet the Member for Honiton (Sir J. W. Hogg) said that it was altogether ascribable to a morbid sensitiveness that such persons would not submit themselves to a practice so general and so common in England as that of canvassing a body of electors, yet he begged to remind the hon. Baronet, that it was a very different thing to pursue such a canvass after a residence of some twenty or five-and-twenty years in India—perhaps the individual in question being a person of high reputation, and with an honourable title, which alone might give him a claim for favourable consideration. He must confess he saw in that circumstance a very great impediment at any such person undergoing the trouble of a prolonged canvass. He could not understand what the right hon. Gentleman the President of the Board of Control proposed to himself, if it was not to adopt the best possible mode of selecting the Directors of the East India Company. He confessed he should have been puzzled by the clause if it had only the mere object of introducing individuals distinguished with respect to Indian affairs, and not also to strengthen the influence of the Board of Control in a way which it had never been pointed out that it was desirable to increase that influence. The clause gave the Crown the nomination of one-third of the Directors. He would pass over this point to the system of patronage which was thus introduced, and which he thought extremely objectionable. In his opinion, placing in the hands of the Crown the nomination of six individuals possessing great powers, and allowing them to sit in Parliament, was a great and serious objection. They were placed upon a different footing to the rest of the Directors, although the object was to assimilate the two portions, and to give them similar powers and similar privileges. Now, by the 10th clause, the duration of their office was made dependent upon the pleasure of the Crown. By that clause, consequently, their tenure of office depended upon the will of the Minister of the day. With respect to these gentlemen having a seat in Parliament, he differed with the noble Lord the Member for King's Lynn (Lord Stanley) on this as well as on other points, for he thought it was most desirable that they should have seats in that House. He thought, however, they would have a very different position if they came in with the joint assent of the Board of Control and the Court of Directors. He felt quite sure that if it was their wish to promote the harmonious working of the Board, that object would be much more likely of attainment by requiring the joint, rather than the single, assent to their nomination. Any gentleman who returned from India would rather sit at the Board of Directors knowing that he possessed the confidence both of the Directors and of the Crown, than enter that body as a mere nominee of the Crown. He thought the position would be more agreeable to the gentlemen themselves; but, according to the present proposal, a line of demarcation would be drawn between them, which would lead to unceasing jealousies. If the object then was, as he believed it was, to introduce gentlemen who from their prejudices did not wish to canvass, or who from their age did not wish to wait too long, the mode was to make their introduction to the Board as similar as possible to that of the other Directors. The hon. Member for Kidderminster (Mr. Lowe) objected to giving the Directors more power, which he said would be the case if the Amendment were adopted; yet he said they would have more power under the Bill as it stood. Now he (Mr. Thomas Baring) confessed he could not see how that could be, seeing that all their authority would be taken away. At the same time he would prefer to see their power increased, rather than it should be limited by the influence of the Crown. Those who seemed to favour the views of the right hon. Gentleman the President of the Board of Control, did so, as it appeared to him, because they wished to put an end to the present system—that system having been adopted by the present Ministry—of the agency of the Directors. His most anxious desire, then, was to see the Bill amended by the Government themselves. After having ascertained the feelings of the Court of Directors, and the views of those who wished to see the measure pass, he hoped Her Majesty's Government would take those feelings and views into consideration; and if their only object was to improve the Court of Directors without throwing into its composition the elements of discord, and planting in it the seeds of decay, they would, he thought, be disposed to adopt some suggestion like that made by the right hon. Gentleman the Member for Northampton.

SIR JAMES GRAHAM said, he could assure the Committee that the hon. Member who had just sat down had done no more than justice to Her Majesty's Government with regard to the point they were now discussing. Her Majesty's Government had no object, and they could have no object, but to do that which their duty compelled them to do, namely, to provide, by the arrangements they were now making, for the security and independence of the Board of Directors, and for maturing the best system of government for India. It was their sincere desire, whilst maintaining the independence of the Court of Directors, to take ample securities that it should be a most efficient and vigorous body—a body exercising no direct power, yet exercising great moral influence by means of the knowledge of Indian subjects which they pre-eminently possessed. The hon. Gentleman opposite (Mr. T. Baring) seemed to think it was possible for the Government to increase their controlling power by nominating some persons with that particular view; but they, as a Government, could desire no additional power to that which they already enjoyed. Their power was already as large as the most ambitious ruler could desire, for the power of governing India was really vested in the President of the Board of Control, whilst the influence which was exercised by the Board of Directors was moral influence alone, so that, just in proportion as you added to the ability and knowledge of that Board, just in the same degree did you increase their moral influence. As far as related to direct power, the Government, therefore, asked for no additional power by seeking to add members to the Board of Directors in this way; but the moral influence of the Directors was increased by giving them additional weight. His hon. Friend (Mr. T. Baring) laboured under great misapprehension if he thought that any power was given by the Bill to remove the nominees of the Crown at the pleasure of the Crown; because, so far from any such power being given, the words used in reference to the appointment of Directors were, he believed, the identical words used in the Act appointing County Court Judges, whose offices were held not during pleasure, but during good behaviour. At all events, it was these words specifying good behaviour which created the tenure under which these appointments would be held. But objection was taken to the power of removal. There must be some power of removal under peculiar circumstances. If he were not mistaken, the Court of Proprietors had already the power of removal, under circumstances described in the law for inability or misbehaviour. Surely it must be absolutely necessary that, as the Crown was to nominate, it should have the power of removal as well as the Court of Proprietors for inability or misbehaviour. His hon. Friend had used some strong expressions as to this Bill, which he called a rash and illusory measure. But what was the course he would adopt? He proposed more extensive changes than those proposed by the Government. He agreed with his hon. Friend, that, if there was any one point as to which all the evidence they had heard was conclusive and unanimous, it was against the system of canvassing. In the first place, it was quite certain that many most distinguished servants of the East India Company returned to this country after a long absence from it, having acquired habits which made it impossible to induce them to undergo a long canvass as a prelude to an election. Then, again, he was sorry to say he was convinced that, although there might be exceptions, in consequence of the present amount of patronage, coincident with the canvass, there had been promises of present and future distribution of patronage, which, he must say, threw some discredit upon the Court of Directors itself. It was necessary, he thought, to put an end to the system of canvassing, and they would be striking at the root of the evil by diminishing the amount of patronage. He certainly was of opinion that there was great force in the observation made by his hon. Friend the Member for Kidderminster (Mr. Lowe), founded upon an assumption made by the right hon. Gentleman the late President of the Board of Control (Mr. Herries). He said it would be in vain to arrest the time, which was inevitable, when the present system oı government for India must cease, when it must be vested in the hands of the Crown, and when the double system must terminate. The right hon. Gentleman (Mr. Herries) had stated that truly. Then in what year must it take place? In the year 1874. The term of the proprietary must be the period of its conclusion. At the conclusion of that time the present scheme of election by the proprietors as applied to the Court of Directors must terminate. This was the longest period for which the scheme would last. Now he had stated, when he addressed the House upon the second reading of the Bill, that this was a measure more or less experimental in its character. If it were successful, as he hoped and believed it would be, he had no doubt it would endure without any material change for the next twenty years; but, on the other hand, if it should not succeed, then he was satisfied that the next material change would be the substitution of a single government in the hands of the Crown. Was it prudent, then, when they were making changes, not to prepare for ulterior changes which were inevitably in view? In twenty years hence the government of India must be exclusively in the hands of the Crown. Possibly that event might be anticipated, and it might become necessary for the Crown to take the government earlier; but the great object was, on the part of the Government which introduced the measure, and on the part of the Legislature which had to deal with so important a matter, to make that inevitable change, come when it might, as little convulsive, and as easy in its transition, as legislation could make it. His own confident belief was that the proposition made by the Government was based on that view. He believed that the introduction into the Direction of a small proportion of Directors nominated by the Crown, would form the nucleus of a consultative body hereafter which should be the council of the sole Minister of India, named by the Crown. Then came the question, how, during the interval, would this mixed system work? His hon. Friend (Mr. T. Baring) said that it was absolutely necessary that this body should be homogeneous. But from its composition he (Sir J. Graham) did not believe it would be a discordant body; for it was impossible for a gentleman who had served in India, whether in a civil or military capacity, for several years, not to have a community of feeling and habits with the body of Directors. Associated in the same Direction, they would have common interests and common views; and though one portion of them might draw their nomination from the Crown, and the other and larger portion, for the present, from the proprietary, still, when they were assembled at the Board, there would be such equality of position, and such perfect uniformity of past habits and feelings, that he felt confident there could be no division in the tenor of their proceedings. He did not, therefore, anticipate any discordance of opinion. He must say, also, it was quite open to discussion, when they came to the subsequent clauses, to consider whether six years should be the duration of the office held by the nominees of the Crown. It was quite possible that that period might be somewhat prolonged. It might also be a question whether ten years' service in India might not be deemed too long. A shorter period of service in India, and a longer duration in office after election, were both matters open for consideration. A prolonged period of service would materially diminish the objection as to the recurrence of favour or expected favour, on the part of the Crown, with regard to the nominee. Judging from past experience, the President of the Board of Control, who nominated, was not likely to be the President of the Board of Control at the end of six years from the nomination. He knew not whether a sense of past favours was a stronger motive to gratitude than, as was sometimes said, the sense of favours to come; but there could be no doubt that, generally speaking, the Minister who nominated for six years, would not be the Minister to nominate at the election after the expiration of that time. He must say, that although the question was of an embarrassed and difficult character, looking at the circumstances of the case, and carefully weighing the conflicting opinions, he certainly thought that, for the reasons he had stated, the proposition of the Government was the one which he hoped the Committee would adopt; and he did not anticipate from it any of those evils which hon. Gentlemen had prophesied, but on the contrary he was strongly of opinion that from the system of self-election more evil was to be apprehended than from any nomination on the part of the Crown, particularly when that nomination devolved upon a Minister himself responsible to Parliament.

Sir J. Graham

Mr. BRIGHT said, the right hon. Baronet had made an able speech against the system of nomination on the second reading of the Bill; but it appeared to him that the speech just made by the right hon. Baronet justified the course that he (Mr. Bright) and his friends then took by his argument against the Amendment of the right hon. Gentleman the Member for Northampton. Unless it could be shown there would be no party spirit in 1874, that faction would be banished from that House, that patronage would not injure the Minister, and that several other things would not be just the same then as they were now, it appeared to him that the arguments of the noble Lord the Member for King's Lynn (Lord Jocelyn) would be just as strong in 1874 as they were at this moment. If it would be safe in 1874 to have a consultative Council and a responsible Minister for India, it would be just as safe to have them in 1853. The change which must come then, might as well be made now. With regard to the particular question, he conceived that the right hon. Member for Northampton had put himself in the worst possible position by the Amendment he proposed. If he had moved that eighteen Directors should be elected instead of twenty-four, he would have had a fair case against the proposition of the Government; but it appeared to him (Mr. Bright) that the proposition of the President of the Board of Control was admirable compared with that of the right hon. Gentleman. It was admitted that the twelve Directors were so badly elected, that it was proposed to put six in by another channel, in the hope of improving their quality; yet, after having consented to the twelve who were so badly elected that they could scarcely be tolerated at all, the right hon. Gentleman (Mr. V. Smith) suggested that six of their own election should sit with them—six who must become dependent upon them, more dependent upon them than they were upon the Crown. If the Minister appointed the six, there would be responsibility to public opinion, and to that House; but if the twelve appointed them, he did not know where they would have to look for responsibility, or for any guarantee that they would not appoint relatives, friends, and people of their own. Under such circumstances, there could not be a doubt as to what the decision of the Committee would be between the two propositions. Objectionable as he considered the Bill, the Amendment would make it far more unsatisfactory than it was now. Such a mass of inconsistency as had emanated from the Treasury bench on this subject, he had never before witnessed. Some papers had been presented from the India House which had not before been in the hands of Members; amongst which was a long letter from the Chairman of the India Board, and the sermon of the right hon. Baronet the President of the Board of Control, in which, in combating the arguments of the Chairman and the Deputy Chairman, the right hon. Baronet availed himself of all the arguments of himself (Mr. Bright) and his friends against his own Bill.

MR. NEWDEGATE said, he did not think, after what had fallen from the right hon. Baronet (Sir J. Graham), that any man who respected the system of double government could vote for the proposition of the Government. The right hon. Gentleman said, if they wished to provide for its suppression even before 1874, they ought to support the clause as it was framed. After all the civil speeches that had been made to the Directors, and the acknowledgment of the services rendered, of benefits conferred by them, nothing could be deeper than the ingratitude of leading them to rely upon a measure that was to provide for the destruction of their corporate independence and authority. He really hoped this clause before the Committee was better understood by the right hon. Baronet the First Lord of the Admiralty, than by the President of the Board of Control, who either did not comprehend the true bearing of his own measure, or had misled the House. He wished to ask the right hon. Baronet whether he intended that these nominees should be eligible for the chair of the Board of Directors? In such an event, the present clause would provide that those who were organs of the Court in direct communication with the Government, should be the Government's own nominees. If these nominees constituted the Secret Committee, it could not be considered independent. He had heard it attributed to the Secret Committee of the Court of Directors, that they had exhibited great extravagance in the wars which had been carried on in India. Nothing could be more unjust; for if there had been extravagance at all on this subject, it lay at the door of the Board of Control, not of the East India House, since the Directors had no power to decide upon either making war or maintaining peace. He deeply lamented the perseverance of the Government in pushing forward this clause. If it was intended that nominees should be eligible to the chair of the Directors—in that case, the pure nominees would be eligible to form the Secret Committee, and to be the sole check on the secret acts and conduct of Her Majesty's Government by whom they were to be appointed. He felt the full force of the appeal of the hon. Member for Huntingdon (Mr. T. Baring), who called upon the Committee to preserve that independence of the Government of the day, of faction and of political parties in this country, which had sustained the high character and the influential position which the Court of Directors had hitherto enjoyed. It was not possible to expect that men of first-rate abilities, who had been labouring in India for the advantage of the country, would again labour for India unless the position was given to them which their services merited, any more than to expect that our leading merchants would consent to become the dependents of the ever-changing Administrations of this country. He believed the Court of Directors, as constituted, had proved of advantage to England, as it had proved of advantage to India. The existence of such a body as the Court of Directors had hitherto afforded to the commercial aristocracy of England an honourable object; it withdrew them from the pursuit of mere gain, and elevated them to a sphere worthy of their ambition. The Government and their supporters were about to strike down one of the most legitimate objects of ambition for the aristocracy of the middle classes of the country. If the hereditary and landed aristocracy of England were so unwise as to make the office unworthy of the position which the Directory now afforded, they would bring on the middle classes to trample on their heels, and to tell them, "You have deprived us of that object of honourable ambition, that means of usefulness, for which our previous education and habits of life fitted us, and we now call on you to find us a position equal to that from which you have hitherto excluded us." These opinions might be untasteful to hon. Gentlemen opposite—to Gentlemen of the Manchester school, who called themselves the representatives of the middle classes; but, he repeated, they were seeking to destroy a position for the middle classes which they ought to maintain by all their power, if they had any real respect for the honourable ambition, the usefulness, and the character, of the middle classes.

Mr. MANGLES said, he would have abstained from addressing the Committee on this question had it not been for the right hon. Baronet the First Lord of the Admiralty (Sir James Graham), who had managed to throw into the debate a little dash of personality even stronger than any that had fallen from the hon. Member for Manchester (Mr. Bright). That hon. Member had been contented with disparaging the constituency; and on this point he (Mr. Mangles) must say that, whether they took the test of intellect, or of character, or of wealth, there was no Gentleman who sat in that House who was elected by so respectable a constituency as the body of East India proprietors. The hon. Member for Edinburgh (Mr. Cowan) was a proprietor—he supposed they would admit that he was respectable. Mr. Hallam was also a member of that constituency; so was Lord Campbell. [*Laughter.*] He was simple enough not to understand that laugh; he had supposed it would be admitted that the Chief Justice of England was a man of some weight. And, with the exception of the hon. Member for Huntingdon (Mr. T. Baring), every eminent man in the City of London belonged to the body of East India proprietors. However, the charge of the hon. Member for Manchester was but a light matter compared with what had fallen from the lips of the First Lord of the Admiralty. One reason alleged for introducing this new element into the Court of Directors was, that distinguished Indian servants would thereby be saved from the harass and annoyance of a canvass. But the right hon. Baronet assigned another reason, which they had not heard before, namely, that the change was necessary in consequence of the promises which a candidate was compelled to make during his canvass being a source of discredit to the Court of Directors; but he would like the right hon. Baronet to adduce any single instance where such had been the case. He could say, for himself, that during the course of his canvass he did not gain a single vote in return for any promise of appointment; and many of his colleagues had told him the same thing. He could not see what right the right hon. Gentleman had to frame charges against honourable men, and then to adduce those charges as a source of discredit to the Board of Directors. The Government had professed that the primary consideration was to secure the independence of the Directors, and, the secondary one, to gain admission into the Court for men well skilled in Indian affairs without their having to undergo a canvass; but it seemed to him that the attainment of the second object would defeat the first. The right hon. Baronet the President of the Board of Control said, that if the election were given to the Court of Directors, the majority would elect; and he seemed to think that there was always a majority and a minority in the Court of Directors, as in that House. Such, however, was far from being the case; it was constantly changing. If the election were entrusted to the Court of Directors, he believed they would elect the most eminent men they could find.

Mr. HILDYARD said, that the only question which the Committee had to decide was this—both the Directors and the Government being equally qualified to judge who would be the proper men to be appointed the six Directors of the Court—the question was which of those two parties would act under the greatest responsibility. The hon. Member for Manchester said that the twelve Directors would job the appointments; and certainly if there was the least chance of their doing so, there was an end of the question. But did any one believe that they would do so? The Directors had no term of office under this Bill, and the effect of their jobbing these appointments would be that when it became known to the country, they and their nominees would be swept away together. But under what responsibility would the Government act in this matter? They all knew that the responsibility under which the Government acted was a majority in that House; and in case they had a majority, they might do as they pleased. He believed that the Directors would be under a much stricter responsibility than the Government; and he should, therefore, vote for the Amendment of the right hon. Gentleman (Mr. V. Smith).

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided*:—Ayes 193; Noes 111: Majority 82.

Mr. HUME said, he wished to ask the right hon. Baronet the First Lord of the Admiralty whether this Bill was introduced with the view of establishing a Council, and entirely abolishing the Court of Directors? For, if so, he quite agreed with the hon. Member for Manchester, that it would be much better to come forward and do it openly. The right hon. President of the

Board of Control had distinctly told them that he approved of the double government, and would support it. One right hon. Gentleman had told them one thing, and another right hon. Gentleman told them another, and so led them into perplexity. It appeared now to be the intention of the Government to pull down the establishment which had governed India quietly and efficiently for so long a period.

SIR JAMES GRAHAM said, the hon. Member for Montrose appeared to be somewhat slow to apprehend the meaning of what had been proposed; but his perplexity did not appear to have been shared by the Committee, who, by a decisive majority, had marked their approbation of the measure. His anxiety was to maintain the system of double government, which had been most successful; but, at the same time, he could not shut his eyes to the fact, on which the right hon. Member for Stamford (Mr. Herries) had dwelt, that the time must come, and that, probably, at the expiration of the next twenty years, when the system of double government must cease; and he thought it was wise to make provision for that inevitable occurrence. He thought the proposition now made did make that provision.

SIR HENRY WILLOUGHBY said, he would now move the Amendment of which he had given notice. The Committee had determined that Her Majesty, under the Royal Sign Manual, should appoint three of the Directors. His Amendment was that the appointment should be made from a list prepared of twelve persons who had served in India from twenty to thirty years. This was a very different proposition from that which had lately been under discussion, and the objections which had been urged to the last Amendment did not apply to this, which was a compromise between the two extremes that had been proposed.

SIR CHARLES WOOD objected to the Amendment, because it restricted the eligibility to twenty years' service, when the person to be elected might be disqualified by age, and because there was no provision for the removal of Directors. He was opposed also to any interference with the nomination of the Crown.

MR. HUME said, that if the period was thus limited it would only let in the Judges.

Amendment *negatived.*

MR. RICH proposed an Amendment by substituting for the "one" Director, who is to be appointed for the first period of four years, the word "two," and also generally to amend the periods of service to three, six, and nine years.

SIR CHARLES WOOD objected to the Amendment on the ground that it would render it necessary that the elective Directors should be elected for no shorter period than nine years, which was more than double the time for which they were elected at present.

MR. BRIGHT said, he objected to a short term of service, and he thought that the clause before the Committee ought to be considered in connexion with a subsequent clause, which made Directors eligible to seats in the House of Commons. The clauses in conjunction would destroy the independence of Directors. What he desired was, that Directors should be elected for a fixed period—say eight or ten years—and be not eligible to re-election. If a man elected to the Direction in 1854 knew that he must go out of office in 1864, without pension or allowance, and be incapable of re-election, he would be totally independent of the Government; and if he should happen to be a Member of the House during the period, he would have no temptation, as the year 1864 drew near, to be more assiduous than usual in his attentions to the Treasury bench. It was supposed—whether truly or not he could not say—that there was always a strong leaning towards the Treasury bench on the part of Directors as the termination of a Charter approached; and he certainly had noticed recently an increasing affection between the East India Directors and the President of the Board of Control. It was not at all certain, therefore, that if the Bill should pass in its present shape, the Directors might not feel still more dependent on the Government—not dependent in the way in which some Members on the Ministerial benches were, but dependent as clerks were on the head of an office. If the clause should pass as it now stood, he would propose the omission of the clause allowing Directors to be Members of that House; for if there should be three or four elected Directors, and five or six nominees of the Crown in that House, an independent Member, on bringing forward any question connected with the Indian Government, would have to encounter not only the hon. Baronet the Member for Honiton (Sir J. W. Hogg), and the President of the Board of Control, as at present, but the fresh auxiliaries by whom they would then be supported, and would thus be borne down by the accumulated evidence of persons interested in giving a colour to transactions, or even in suppressing the truth. The clause ought to be postponed to afford the President of the Board of Control an opportunity of altering it to meet the wishes of the House. It would be much better to have the service terminable at the end of ten years, without any power of re-election. Perhaps the Government would agree to postpone the clause and consider that point.

Sir JAMES W. HOGG said, the hon. Member for Manchester (Mr. Bright) never could rise to discuss a question before that House without introducing matter of a personal nature into it. He had never known any occasion on which the hon. Member rose that he did not avail himself of the opportunity of saying something personally offensive. He had thought proper to allude to him (Sir J. W. Hogg); and he called on the hon. Member to state what he meant by his reference to the hon. Member for Honiton, and his vicinity to the Treasury bench. He (Sir J. W. Hogg) told the hon. Member that his conduct in Parliament had been at least as honourable and as independent as that of the hon. Member; and he had had an opportunity afforded him, which, perhaps, had not been afforded to the hon. Member, of evincing that independence, and evincing it too in connexion with his regard for India, and his desire to render that country any service in his power. The matter he was about to refer to he had never mentioned, either in public or in private; and he only now adverted to it in consequence of the observation that fell from the hon. Member a few nights ago, leading to the belief that the hon. Member had something on his mind which he had not the manliness to state. He would tell the hon. Member that he (Sir J. W. Hogg) was not devoid—and he did not pretend to be devoid—of that honourable ambition which led men to aspire to the honours of office and the emoluments of office; but it was upwards of nine years ago since he had the honour of being sent for by Sir Robert Peel, and offered a high office in the service of the Crown, including a seat in Her Majesty's Privy Council. Any man might have been justly proud of such an offer, and from such a man, coming, as it did, not only without the slightest solicitation, but without the slightest wish on his part. The offer was made shortly after he had been elected Deputy Chairman of the East India Company. He (Sir J. W. Hogg) thought it was desirable, not only for a person to be independent, but to take care that he was free from the very possibility of imputation. If he had been a simple Director he would gladly have availed himself of Sir Robert Peel's offer; but having been selected by his colleagues to fill an important and responsible office, he could not reconcile it to his feelings to abandon his colleagues or his duty to India on that occasion; and although there were in the Direction men as able as he was to discharge the duties of that office, he intimated to Sir Robert Peel that he could not consistently abandon the position in which his colleagues had placed him. He pledged his honour that he never hinted to a single individual of his colleagues the offer that had been made to him; and he pledged his honour also that though it was now nine years ago since the circumstance occurred, there were not more than three or four living men to whom he had ever mentioned the matter, though it was an offer of which any man might be proud. He regretted the necessity which had arisen for introducing a matter personal to himself; but he could not refrain from doing so, and hoped that he had shown that he was not influenced by the low considerations which the hon. Member would seem to impute to him.

Mr. BRIGHT: Sir, the hon. Baronet has alluded to something which passed in a former debate, when he says I had not the manliness to say what I thought. I am of opinion that I generally say pretty much what I think. I did, on the occasion referred to, allude to the hon. Baronet's ambition, but not, I trust, in an offensive sense. I do not blame the hon. Baronet for being ambitious, and I think that men generally would perform much less if they were not ambitious. I think the Committee will agree with me in thinking that I did not to-night utter a syllable which any man had a right to deem offensive. Perhaps I have not been sufficiently regardful of the delicate position in which Directors of the hon. East India Company are placed, and of the state of feeling which may exist under such circumstances. I will try to be more careful in future, and avoid wounding them on such a very tender point.

Lord STANLEY said, that it did not appear that the Court of Proprietors had exercised much control over the policy of the Directors. If the Amendment was pressed to a division, he should vote for it.

Sir HERBERT MADDOCK said, he thought that if those nominees were capable of being reappointed, they would not get that infusion of fresh blood into the Court of Directors which seemed to be so much desired. He should be glad if the right hon. Gentleman would adopt the suggestion of the hon. Member for Manchester (Mr. Bright), and consent to postpone the clause, in order that it might be revised.

MR. CAYLEY said, he would also suggest the postponement of the clause.

MR. RICH said, as the question involved the important one whether the Directors should have seats in Parliament, he would take the sense of the Committee upon it. It was desirable that as many persons of great influence and high character should have seats in that House as possible.

MR. BRIGHT said, he would advise the hon. Gentleman not to divide. He had made the suggestion because the right hon. Baronet the First Lord of the Admiralty had admitted that the clause might be improved.

Amendment *negatived.*

On Question, "That the Clause, as amended, stand part of the Bill,"

MR. T. BARING said, he wished to propose to add the words "and shall not have quitted such service for more than five years." His object was to provide some security that the nominees of the Crown should be persons who possessed a recent acquaintance with the state of India.

SIR CHARLES WOOD thought it very desirable that such a limitation should be imposed. Cases might occur — though they would probably be exceptional cases—where it might be important to appoint to seats in the Direction persons who had been absent from India for a longer period than five years. It was, of course, extremely desirable that there should be in the Court of Directors an officer of eminence in the military service of the Company; but the Amendment of the hon. Gentleman would exclude from the Court—if his presence were thought necessary there—one of the most eminent military officers in the service of the Company, who had now been absent from India more than five years. The object the hon. Gentleman desired to secure was, that there should be in the Court of Directors persons who had come fresh from India, and he (Sir C. Wood) fully admitted the importance of that object; but, at the same time, he thought the limitation proposed by the hon. Member might operate injuriously to the public interests.

VISCOUNT JOCELYN said, he would ask his hon. Friend whether it would not be desirable at present to suspend this question. He concurred with the right hon. Baronet (Sir C. Wood) that it was most undesirable to adopt a limitation which would exclude from the Court of Directors men of distinguished eminence in the administration of Indian affairs.

MR. T. BARING said, that after the observations that had been made, he would not press the Amendment.

MR. BRIGHT said, he would ask if the Committee thought it was necessary to retain that part of the clause whereby it was provided that every person who was nominated by the Crown should be possessed of as much stock in the Company as should now be possessed by an elected Director. It was not desirable that the Crown should be limited when they came to choose the persons who were to fill those offices. It was stated with respect to a distinguished servant of the Company, that it would be exceedingly inconvenient for him, and perhaps impossible for him, out of his own funds to purchase as much of the stock of the Company as would be the qualification required by this clause. He would therefore propose that the words to which he referred should be left out of the clause.

SIR HERBERT MADDOCK said, he perfectly agreed in the recommendation of the hon. Member for Manchester. The Amendment which he had on the paper, but which he was precluded from bringing forward at that moment, involved the omission of this latter part of the clause.

SIR CHARLES WOOD said, so far as the Crown was concerned, they had no object in proposing this qualification; but as there prevailed a general impression that the Directors appointed by the Government should be assimilated in all respects to the elective members, the greatest possible pains had been taken to put them in all and every respect on precisely the same footing. Those persons who were appointed by the Government, would be Directors of the East India Company for all and every purpose, as well as for the Government of India, and it was, therefore, thought proper that they should be qualified in exactly the same way as the other Directors. The Crown had no interest in maintaining this qualification, but it was thought desirable that there should be a perfect identity of feeling and interest between the two classes of Directors.

MR. BOWYER said, that, considering that the persons to be appointed were men who had either filled important offices in

India in the service of the Crown or in that of the Company, he thought it was perfectly unnecessary to exact from them the possession of a certain qualification in order to insure their feeling the necessary interest in the good government of India.

Mr. BRIGHT said, he had not heard from the right hon. President of the Board of Control a single argument in favour of retaining this qualification. He seemed to want to make two things look alike which were essentially different. Really, that was too puerile for the House of Commons. He believed that many of the best servants returned from India with little more than their pension, and that it would, therefore, be impossible for them to purchase this qualification with their own funds. True, they might borrow the necessary sum; but it was a bad way to get into office by getting into debt, and he did not think it was desirable to surround a man with additional pecuniary cares and embarrassment at the very time that important public services were required from him. Could the noble Lord the Member for the City of London give any good reason why this qualification should be insisted on?

Lord JOHN RUSSELL said, he thought there was great weight in the observations of the hon. Member for Manchester, and that he had given very good reasons why these words should be omitted. The qualification was inserted in order to place on an equality the Directors nominated by the Crown, and those elected by the Proprietors. If, however, the Committee thought that the former would not in the absence of the qualification be placed in an inferior position to the latter, he should not object to the omission of these words.

Mr. DISRAELI said, he was glad the noble Lord had come to this decision. Nothing could be more injurious than that of going out of the way to make a factitious pecuniary qualification. He thought also, that the observations of the hon. Member for Manchester as to the ill effect of surrounding a man with pecuniary difficulty when you wanted the concentration of his mind on the public service, were very forcible.

Mr. HUME said, he would express a hope that the qualification would also be abolished as to the Directors elected by the Proprietors.

Sir HERBERT MADDOCK said, the hon. Gentleman would presently have the opportunity of supporting an Amendment he intended to move for that purpose.

Words *struck out;* Clause, as amended, *agreed to.*

Clause 4 (The present Directors, and the Directors out by rotation, should appoint from their own body fifteen of the first Directors under this Act).

Sir JAMES W. HOGG said, he hoped that the Committee would not impose upon the Court of Directors the painful task of reducing the number of their own body, and of thus declaring some of their members less efficient than others. He would suggest that the selection should be made by Her Majesty's Government, who had ample means of knowing who were the fittest Directors to be retained, and the most competent for the post.

Mr. DISRAELI said, he should certainly dissent from the suggestion of the hon. Baronet, which would have the effect of increasing the influence of the Crown, as every member of the Court so selected must be added to the number of the Government nominees.

Mr. BRIGHT said, he thought it would be better that the Directors to be retained should be selected by the Court of Proprietors. A more unpalatable, a more unfair, a more disgusting duty, was never imposed on any public body than that which was assigned to the Board of Directors by this clause.

Mr. OTWAY said, no answer had been given whether the thirty Directors were to elect the fifteen. If they were, he concurred in thinking the worst fifteen would be elected. There was recently an election, and one of the candidates was a gentleman eminently qualified, and the other was a gentleman having no acquaintance with Indian affairs. He was informed that of the thirty Directors, twenty-six voted for the one, who, to say the least, had no great acquaintance with Indian subjects, and only four for the gentleman who had been twenty-eight years in India, and was eminently qualified for the situation. Seeing this, he had no confidence whatever in any election by the present Directors.

Sir JAMES W. HOGG said, he could only express his surprise at the remarks of the hon. Member, after the statement of the hon. Member for Berwick. It was quite true the great majority of the Directors, twenty-five or twenty-six, did support Mr. Marjoribanks. The law of the land was, that the Directors should be selected by the proprietors, and there was no stipulation as to their having been in India. If the hon. Member had read the proceedings of the Committee he would have found that all the public servants, the Governors General of India, and every person competent to form an opinion, were decidedly opposed to the Court of Directors being constituted exclusively of Indian servants. If they were to collect at that Court thirty men of the same calling, who had all passed their lives in the same country, they would have that which some called an accumulation of experience, but which was more properly called an accumulation of prejudice. For the last twenty years, only one Director had been elected who had not been in India; and the time had arrived when the selection ought to fall on a gentleman who had not been in India. He knew that to excite prejudice it was said that Mr. Marjoribanks was a member of a banking house. He never was in a banking house in his life, and he had no occupation except that of an East India Director and a Member of that House. That hon. Member was well qualified by birth, station, fortune, and education for the appointment; and he told the hon. Member who had questioned the election, that it was as good an election as was ever made by the East India proprietors, and that the great majority of the Directors who supported his election was strong evidence of his fitness for the office to which he was elected.

MR. OTWAY said, he understood the law perfectly well, but dissented entirely from the views of the hon. Member.

MR. RICH said, he thought that it would be better to send back the whole of the Directors to their constituents, and let them select whom they thought the fittest.

Clause *agreed to.*

House resumed.

Committee report progress.

COPIES OF SPECIFICATION REPEAL BILL.

Order for Committee read.

MR. COWAN wished to know if there was any objection to make it imperative on patentees to lodge specifications at Dublin and Edinburgh?

The ATTORNEY GENERAL said, he only proposed at the present time to go into Committee *pro formâ*, in order that the numerous alterations might be printed. In answer to the hon. Member for Edinburgh, he must inform him that the requirement suggested would entail upon patentees a great deal of expense, and therefore was open to serious objection.

MR. WHITESIDE said, he must complain that this Bill would interfere with an Act passed only last Session for the amendment of the patent laws, upon which great pains had been bestowed, and that the Amendments altered it essentially, and made it utterly ineligible and utterly unworkable. He protested against such a system of legislation, and should object to proceed any stage at that hour.

MR. BOUVERIE said, it was most unusual to object to go into Committee *pro formâ.*

MR. WHITESIDE would ask whether it was quite usual to send a Bill to Members to read, and when they came to go into Committee to say, that was not the Bill, but it was quite a different Bill altogether?

COLONEL DUNNE said, he objected to the system of centralisation so apparent in the measure.

The ATTORNEY GENERAL said, that there was a clause in the Bill which would meet the hon. and gallant Member's objection. He would also state that it was the intention to make all specifications lodged in Dublin evidence for all purposes; but it would be a saving of expense to the patentee if printed duplicates were sent to Dublin from the Patent Office here instead of manuscript copies.

House in Committee.

Bill *considered.*

House resumed; Committee *reported.*

GENERAL BOARD OF HEALTH (No. 3) BILL.

Order for Committee read.

SIR GEORGE PECHELL said, he must ask for the postponement of the measure, in consequence of the lateness of the hour [*one o'clock*].

SIR WILLIAM MOLESWORTH said, that all he intended to effect by the proposed measure was, to apply the Health of Towns Act to those places where an anxiety prevailed for its enactment, but not to those localities where no desire for its extension had been exhibited.

COLONEL HARCOURT said, that in the year 1851 some persons in Ryde had expressed a wish to have the provisions of the Act in question extended to that town. There had been a large majority of the corporation of Ryde, however, opposed to it upon that occasion, and subsequently a petition against its enactment had been presented upon the part of the inhabitants of Ryde to that House. It had been stated, he believed, by the right hon. Gentleman, that in those cases in which a majority of the ratepayers were opposed to the enactment of the measure, it should not be applied; and he (Colonel Harcourt) should therefore call upon him to take the sentiments of the inhabitants of Ryde as expressed with reference to the subject into his consideration. He contended that no additional power should be granted until the Board of Health was placed upon a different footing.

MR. GEACH said, it was a mistake to suppose that because a town council had voted in favour of this Bill, the borough which elected the council was favourable to it also. He thought this Bill ought not to be pressed on at that late hour, when the parties interested in it could have no opportunity of making their wishes known, and he hoped the House would not allow the Bill to be committed to-night.

MR. HALSEY said, he must also resist the Motion for going into Committee, and he begged to inform the House that the town of Hertford, which was included in this Bill, did not wish for the interference of the Board of Health.

MR. COWPER said, he must on the other hand, as one of the representatives for Hertford, declare that the majority of the inhabitants were decidedly in favour of the application of the Health Act to their town.

House in Committee; Bill *considered.*
House resumed; Committee *reported.*

BETTING HOUSES.

The ATTORNEY GENERAL said, he would now beg to move for leave to bring in a Bill for the suppression of betting houses, and in doing so he considered it was not necessary for him to make any lengthened statement upon the subject, as the evils which had arisen from the introduction of these establishments were perfectly notorious and acknowledged upon all hands. The difficulty, however, which arose in legislating upon this subject was to be found in the disinclination which was felt against interfering with that description of betting which had so long existed at Tattersall's and elsewhere in connexion with the great national sport of horse racing. But these establishments assumed a totally different aspect—a new form of betting was introduced, which had been productive of the greatest evils. The course now was to open a house, and for the owner to hold himself forth as ready to bet with all comers, contrary to the usage which had prevailed at such places as Tattersall's, where individuals betted with each other, but no one there kept a gaming table, or, in other words, held a bag against all comers. The object then of this Bill was to suppress these houses, without interfering with that legitimate species of betting to which he had referred. It would prohibit the opening of houses, or shops, or booths, for the purpose of betting; and inasmuch as it appeared that the mischief of the existing vicious system seemed to arise from the advancing of money in the first instance with the expectation of receiving a larger sum on the completion of a certain event, it was proposed to prohibit the practice by distinct legislative enactment. The mischief arising from the existence of these betting shops was perfectly notorious. Servants, apprentices, and workmen, induced by the temptation of receiving a large sum for a small one, took their few shillings to these places, and the first effect of their losing was to tempt them to go on spending their money, in the hope of retrieving their losses, and for this purpose it not unfrequently happened that they were driven into robbing their masters and employers. There was not a prison or a house of correction in London which did not every day furnish abundant and conclusive testimony of the vast number of youths who were led into crime by the temptation of these establishments, of which there were from 100 to 150 in the metropolis alone, while there was a considerable number in the large towns of the provinces. He believed this Bill would have the effect of suppressing most of them, or, at all events, of preventing the spread of an evil which was admitted on all hands. It had been suggested that the more effectual course would be the licensing of these houses; but for his own part he believed that would be discreditable to the Government, and would only tend to increase the mischief instead of preventing it. He trusted and believed the Bill which he now sought to introduce, would have the desired effect, and he hoped the House would offer no objection to his bringing it in.

Leave given.

Bill *ordered* to be brought in by Mr. Attorney General, Viscount Palmerston, and Mr. Solicitor General.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, July 12, 1853.

MINUTES.] PUBLIC BILLS.—1ª Land Revenues; Stamp Duties.

2ª Metropolitan Building Act further Amendment; Public Houses (Scotland); Bankruptcy (Scotland).

Reported.—Convicted Prisoners Removal and Confinement.

3ª Savings Banks Annuities.

RUSSIA AND THE PORTE—QUESTION.

LORD LYNDHURST: My Lords, I beg leave to put a question to my noble Friend opposite, the Secretary of State for Foreign Affairs, with regard to a document issued from Peterhoff, to which I myself referred the other night. Now, my Lords, I understand that that document was originally put forth in the Russian language, and that the translation in French deviates in a considerable degree from the original, and particular with regard to some important epithets. I wish, therefore, to know from my noble Friend, whether he has a copy of the original document in the Russian language, and, if so, whether he has any objection to lay it upon the table of your Lordships' House? I would also ask permission to call the attention of my noble Friend to some expressions which I made use of with respect to the circular signed by Count Nesselrode, and which has been made the subject of criticism. I beg to state—and I am quite sure my noble Friend will join me in such a statement—that the answer to that document which has come from the Minister for Foreign Affairs in France has completely, both in argument and in fact, borne out the conclusion which I then advanced. And I beg, my Lords, further to state, that as far as relates to the document from St. Petersburgh—that circular document published yesterday—I may leave that safely without any comment. I would, however, call my noble Friend's attention to a particular passage in it. I understand, my Lords, according to my interpretation of that passage, that the Court of Russia has taken upon itself to state, and has pledged itself, that, until the Ottoman Porte has satisfied the Court of Russia with respect to the demands made against it, and until we have withdrawn our fleets from the Turkish waters, the Government of Russia will not abandon the possession of the Danubian principalities. Now, I understand that a noble Lord in another place has stated that he does not put that interpretation upon the document. But as I have read the document with some attention, I must say I cannot think it possible that any other interpretation can be put upon the passage. I wish, therefore, my Lords, also to ask my noble Friend whether he concurs in the interpretation which I have alleged it bears?

The **EARL of CLARENDON**: My Lords, in reply to the first question of my noble and learned Friend, I believe that there are some differences between the Russian document issued for home consumption for the use of the Russian people, and the translation which has been sent abroad—more particularly I believe with respect to the word "perfidious" as applied to the violation of the Sultan's word. I believe that there is a Russian original of this document at the Foreign Office, and, if it will be any satisfaction to my noble and learned Friend to have that document to peruse, I certainly see no objection to laying it on your Lordships' table. I may also state that I entirely agree with my noble and learned Friend upon the great ability and skill of the note which the French Government has issued in answer to the first circular of Count Nesselrode. And with respect to the third question of my noble and learned Friend, I believe that when my noble Friend (Lord John Russell) answered the question put to him in the House of Commons yesterday, he had not had an opportunity of reading the note. I do not entirely take the same view as my noble and learned Friend appears to do of what is stated in that note; but I certainly can have no hesitation in saying that we do not consider that the presence of the British and French fleets in Besika Bay is at all similar, or that it can in any way be compared, to the occupation of the Danubian principalities; and certainly no condition with respect to the departure of the one or the evacuation of the other will be made.

LORD LYNDHURST: The expression I made use of, or rather the interpretation I put upon the particular passage, amounts to this—that as soon as the Ottoman Porte does what he (the Emperor of Russia) requires, and as soon as the English and French fleets quit the Turkish waters, then he will withdraw from the principalities. He does not absolutely say that he will not withdraw sooner, though it implies not sooner.

The **EARL of CLARENDON**: I think

the answer I gave my noble and learned Friend exactly meets the question. We shall make no condition of that sort.

EARL FITZWILLIAM: My Lords, I beg to observe that the expression referred to is a great deal stronger than my noble and learned Friend has stated. The expression is not only "in the Turkish waters," but "within sight of the capital," which, I apprehend, is an expression bearing a very different meaning from "the Turkish waters." The phrase "Turkish waters," as used in the circular, must mean what we call the Ægean Sea, and "within sight of the Turkish capital" must mean the Sea of Marmora. The English and French Governments are also charged with having sent their fleets into the Sultan's dominions. I think that everything passing in the east of Europe must cause considerable anxiety at the present moment; and I trust my noble Friend the Secretary of State for Foreign Affairs will forgive me if I request his attention while I put a question to him upon a subject lately mentioned in the public prints, and upon which it is desirable to know if the Government have received information. It is not for the purpose of gratifying an idle or individual curiosity that I ask the question, but because it is a matter of deep public importance to know whether the report in question has any foundation in fact, and whether the Government have received any information on the subject. The rumour to which I allude, refers to the alleged passage of the Austrian troops into the Turkish province of Bosnia. I am desirous of knowing whether my noble Friend has received any information confirmatory of or denying that statement, which has been confidently made in the public prints, and which purports to come from the capital of the Austrian dominions?

LORD LYNDHURST: Before my noble Friend answers the question, I must be allowed to apologise for not having been strong enough in the representation of the particular passage to which my noble Friend (Earl Fitzwilliam) has adverted. But my noble Friend has fallen into the same error, and has fallen short of the meaning of the Russian circular. The words are to the effect that "as soon as the British fleet shall remove from within sight of the city of Constantinople we will retire."

The EARL of CLARENDON: I think my noble Friends have used expressions which are both of them sufficiently strong; but as both have quoted from a statement which is manifestly incorrect, it can be of little importance how strong these assertions are. The English and the French fleets are neither in the Turkish waters, nor are they within sight of Constantinople; and, although that may be asserted in the Russian note, there is certainly no reason for taking precautions on that subject. With respect to the question of my noble Friend (Earl Fitzwilliam), if he had been in the House yesterday when the same question was asked, he would have heard the only information I am able to give to him. I believe that this report has, like many others, arisen from the electric telegraph, which, as I took an opportunity of stating some time ago, now transacts, not very correctly, a great portion of the diplomatic business of Europe. I have no reason to believe that the Austrian troops have crossed the frontier and entered Bosnia, but the contrary. My latest dates from the English Minister at Vienna, which are to the 7th instant, make no mention of it. I have also communicated with the Austrian Minister in this country, who entirely disbelieves the report. He says he thinks it may have arisen from some of the Austrian troops having been sent to their own fortress of Peterwardein, which is about eighty miles from the territory of Turkey.

JUVENILE MENDICANCY (No. 2) BILL,

On the Order of the Day for the House to go into Committee on this Bill (on recommitment),

The LORD CHANCELLOR said, he had received a communication from his right hon. Friend at the head of the Poor Law Board (Mr. Baines), who had intimated to him that although he entirely concurred in the object contemplated by his noble Friend (the Earl of Shaftesbury), he was yet of opinion that there would be a very great, and in fact an insuperable, difficulty in carrying out that object by the means which the noble Earl suggested. That suggestion was, that children found in a state of vagrancy might be taken up, and placed in the workhouse. Now, that there should exist the means of taking these children from the streets, and placing them somewhere, so that they might be instructed in some useful employment, and have the benefit of something like education, was what nobody could dispute; but the Poor Law Commissioners felt there was an almost insuperable objection to placing young persons in the workhouse who were criminal, or *quasi* criminal. They were of opinion that it would render these establishments distasteful to the poor if the feeling once got abroad that persons were placed there who were destitute and criminal. [The Earl of SHAFTESBURY: Not criminal.] The noble Earl said these children were not criminal; but they were so nearly criminal, that it would be difficult to give any definition of criminality which did not include them. Now, there had been a Committee of the House of Commons on the subject of criminal and destitute juveniles, which had made a report, now before the Poor Law Board, and under the consideration of the Government, in which they recommended, with a view to meet the very object of this Bill, that an establishment should be formed to which it would be impossible to object, and which, if adopted, would carry into execution the very desirable intentions proposed by this measure. That Committee reported to the House of Commons about a fortnight since, and they stated that it was their opinion that a great amount of juvenile destitution, ignorance, vagrancy, and crime, had long existed in this country, for which no adequate remedy had yet been provided. The Committee then referred to similar evils in some of the Continental States and in America; and went on to say that it appeared to them to be established by evidence that these evils might be prevented, and thousands of miserable human beings might be converted into industrious citizens, if due care were taken to rescue destitute children from the temptations and the demoralising influences to which they were subject. They gave it as their opinion that penal establishments ought to be instituted for the correction and reform of destitute and criminal children, who were convicted before a magistrate or a court of justice, and that such penal reforming establishments ought to be founded and supported entirely at the public cost, and to be under the care and descretion of the Government. That was a portion of the report. Now, without meaning to pledge himself or the Government that exactly the terms of these recommendations should be carried into effect, this he was quite willing to say—that the whole matter was before the Poor Law Board and the Government, and was being made the subject of full and anxious consideration. The Government felt that there could not be any object more important, or one more likely, if attained, to contribute to the social improvement and the happiness of the country, than that of arresting crime at its source, by putting children who were deserted by their parents in a condition in which they should be taught better, so that it should not become a matter of necessity to them to pass their lives as criminals. Having stated that it would be the object of the Government to accomplish this, he was bound to say that he did not think the Bill of the noble Earl could be made to work efficiently, so as to bring about the result aimed at. He had looked at it with the most anxious attention, but not hypercritically, and with the most earnest desire that, if possible, its provisions should be carried out; but he did not see how it could be made to answer the object which his noble Friend had in view. He did not now refer to the difficulty of defining the age within which a person should be considered a "child;" but the noble Earl provided that an order should be made, requiring "such parent or guardian or other person to pay" for the relief and maintenance of the child. Now, that seemed a very large phrase; and he would propose to amend it by the words, after "other person," to be inserted "legally liable, to contribute." To what extent was he to be made liable? If he refused, where was the child to be placed? He could not be sent to prison, and it was clear he could not be placed in the workhouse, and therefore he must be sent to some place which they had not at present in existence. He thought, therefore, that the object of the Bill, however laudable, was not to be carried out by the present machinery which they possessed, and thought the end in view must be postponed for the present.

The EARL of SHAFTESBURY said, that the moment the Lord Chancellor and the Lord Chief Justice signified their disapproval, he felt almost sure that the fate of the measure was decided. It did not, however, at least so he thought, require a whole week to arrive at the final judgment. Seven minutes would have given the same conclusion as seven days. Important time had now been lost, which, at this period of the Session, he could not recover. He was ready to admit the proposed Amendments, and to take such definition of a child, whether it should be under thirteen or otherwise, as should be approved of by their Lordships; but all the former objections, stated in that House, were now set aside, and he was met by two from the Poor Law Office—first, that the workhouses must not be made "houses of detention;" secondly, that there was not accommodation, either in quantity or quality, adequate to the expected pressure. The first was not a sound objection; the workhouses were at present houses of detention; no child, of tender years, admitted therein, was allowed to go out at its pleasure. He asked no more for the young mendicants and vagrants. The detention, too, such as it was, was against the claim of the abandoned parents to regain possession of the child for sinister purposes. To show they were houses of detention, he might adduce one proof. It was contained in a letter from the clerk to the guardians of the Yeovil Union, stating that the guardians had passed a resolution that in future, when the master should have reason to believe that notice given to him to quit the house was given merely for a temporary purpose, and with intention to return, he should refuse such notice till he had brought it before the board of guardians for their decision. The Commissioners directed the following communication to be addressed to the clerk in reference to such resolution:—

> "The Commissioners desire to point out to the guardians, that, except in the case of orphan children, there is no power to detain a person in a workhouse against his will after he has given reasonable notice to the master of his intention to quit it."

Let these children be placed on the footing of orphans. The second objection was even less sound. There would be little or no pressure on the houses; the terrors of the law would be nearly sufficient to clear the streets. But, to obviate the possibility of such a pressure, he proposed both to the Lord Chancellor and Mr. Baines to limit the operation of the Act to the metropolis. This would have removed all the provincial difficulties, and almost all those anticipated in London, for, had the pressure been severe, the Secretary of State could have directed the constables not to apprehend the children, and so we should have had a virtual suspension of the Act until the meeting of Parliament, when whatever was injurious might be altered or repealed. He could not see what possible objection could be urged to that proposition. He understood that the noble Lord had said the present inmates of workhouses would be disgusted if criminal children were introduced among them. They were not criminal children—they were children who were prevented from becoming criminal, and were placed in the workhouse in order that they might not become criminal. It seemed to him preposterous to say that the admission of children of six or seven years of age would be the cause of disgust to the inmates of workhouses. If they could but manage to reach those children, they would tear up the whole seedcrop of crime, and he thought that in ten months they would find a decrease in crime of 50 or 60 per cent among the criminal population. He greatly regretted the hostile view which some of their Lordships had taken of a measure which appeared to him to be calculated to effect the greatest good. But he was resolved not to withdraw the Bill. He was convinced of its necessity and its efficacy; and he would not by any act of his contribute to its defeat. He should, therefore, submit it to the adverse decree of their Lordships, under the advice and influence of the Poor Law Commissioners.

The EARL of ABERDEEN said, he felt very strongly the discouragement which must fall on the efforts of the noble Earl if this Bill were rejected, and was anxious that every support should be given to such laudable objects as those his noble Friend had in view. He was ready to admit there were difficulties in carrying the present Bill into effect as proposed in the first instance; but those difficulties passed away if the Bill was limited to the metropolis, and to the metropolis he thought it might be fairly extended; and if they found, which he agreed with his noble Friend in thinking would not be the case, that any inconvenience arose from overcrowding the workhouses, the Secretary of State could give directions to cease an increase of the number. He agreed with his noble Friend in thinking there would be no difficulty from that cause; and, with the limitation proposed, he would not object to their Lordships considering the Bill in Committee.

LORD CAMPBELL said, that so far from resisting the proposition of the noble Earl, he would do all in his power to assist his noble Friend in working the measure, and conceived there was an almost unanimous feeling in its favour. He wished to see these poor destitute children receiving a religious education, and becoming useful members of society. The poor child of six or seven years of age, who was employed by wicked parents, or by persons who engaged him to go out begging, was not to be considered as a criminal, and every person of right feeling should rejoice at seeing him rescued from the fate to which he was exposed. He felt that the objection with regard to the want of accommodation was a strong one, until the noble Earl proposed that the measure should be confined to the metropolis; for if it were extended to the whole country, there were workhouses that might be inundated, and discredit would be brought on those who supported the measure.

EARL GREY said, he highly approved of the measure, and quite concurred with the noble Earl that it was better to introduce the restriction to the metropolis than to lose the Bill altogether. At the same time he could not but express his regret that the efficiency of the measure should be crippled by such a restriction, for he knew that the grievance which it was intended to remove was not less felt in the country than in London. He could say with respect to the great town of Newcastle, that juvenile mendicancy in that town was an evil of such a frightful description that they were endeavouring to remedy it by private association. He trusted that Her Majesty's Government would reconsider this point, and consent to pass this Bill, with such other amendments as might be necessary, without depriving the large provincial towns of the great advantages that would result from the passing of it. It was contrary to all probability—he would almost say to all possibility—that any difficulty could arise from the adoption of his suggestion: but if any difficulty should arise, a remedy existed in the country as well as in London. His noble Friend had suggested that in London it was in the power of the Secretary of State, if a workhouse should become very full, to direct that the police constables should no longer arrest juvenile mendicants; and without the intervention of the Secretary of State, the local authorities in the counties were competent to take care of themselves, and if it was found that there was any difficulty about the workhouse accommodation, he could answer for the magistrates of his own county that they would exercise the permissive powers given by this Bill with so much discretion as to prevent difficulty arising from it. He must confess that he had heard with very sincere regret the report that had been read by his noble and learned Friend the Lord Chancellor from the Poor Law Commissioners. He thought that the report had taken a very imperfect, erroneous, and shortsighted view of the whole subject. In general, no man more admired the administration of the Poor Law Board than he did; but there never came a document from that Board that more lowered it in his opinion, than the document that had been read by the noble and learned Lord—

The LORD CHANCELLOR begged to explain that the document to which he had referred did not come from the Poor Law Commissioners.

EARL GREY was referring to the objections which his noble and learned Friend announced had been made by the Poor Law Commissioners to this Bill, and he held that those objections were perfectly groundless. He believed, whether it was mendicancy or crime that was committed by very young children, they ought not to be regarded as criminals at all. They were not the persons to blame, but their parents, who neglected them. When a child of that description was found begging or picking pockets, they should say that he was not a proper subject for punishment, because the misconduct of that child proved that he had been neglected by his natural guardians, and it was the duty of the State, under such circumstances, to come forward and do for that child what his parents had not done for him. They should treat him, not as a criminal, but as a destitute person; for destitute persons the workhouse was provided, and the workhouse, therefore, was the proper place to put him in, not for punishment, but because the workhouse, when the State acted as the guardians of such a child, was the only place to keep him in. According to the principle of the Act, it was not to be considered that they would be detaining the child in the workhouse in the sense of a penal detention; they were there assuming the guardianship of him, and placing him there for safety. He did not see why the Bill should not be now amended, and go through Committee that evening, because at that season of the year every day was of importance.

LORD WHARNCLIFFE rose to express his most decided opinion in favour of the experiment that was about to be made by this Bill; but he must guard himself from being supposed to concur in the statement that had been made as to the entire conformity of this enactment with the existing poor-law regulations. He must say that he thought it was an innovation, and that there was a broad and marked distinction between what was authorised by this Bill, and what was asowed to be done under the existing poor-law. With respect to orphan children, how did they come into the workhouse? They were not taken by the constable; but he found by the first clause of this Bill that the children should be placed in the workhouse, and there detained, of course, only with the sanction of a magistrate; and he maintained, that under the present system, no child could be taken and put into the workhouse, and detained there against the will of the person who was responsible for it. With respect to an orphan child, if he had not arrived at an age at which he was responsible for himself, they must have the consent of the statutory guardian; but, with regard to other children, his impression was, that any master of a workhouse who pursued such a course, would do so on his own responsibility, because he had no right to detain such children. Although he did not exactly approve of the power given by this Bill, he entertained a still greater objection to the children being sent to houses of detention or prisons; and in point of fact he did not see any better mode of providing for these destitute children than by placing them in the workhouses, as he thought it would not be advisable to establish a wholly new class of institutions for the particular purposes of this measure. Under all the circumstances, therefore, he believed his noble Friend had proposed the best possible course. If the result of his measure, experimental as it was intended to be, should prove to be beneficial, it would be wise to extend its operation to the whole of the country, at the earliest possible opportunity.

The DUKE of ARGYLL hoped that the fact of the noble Earl at the head of the Government having acceded to the suggestion which had been made, for the purpose of seeing how the Bill would work, would not be supposed, either in the House or in the country, to imply that among the Members of Her Majesty's Government there was any objection to the principle of the Bill, or any shyness as to its application. He could not express too strongly his own deep conviction of the paramount importance of the principle of the Bill; and, so far from wishing to see the area of its operation restricted, he begged to express his regret that the Bill was not made to apply to the whole of the kingdom of Scotland. The principle of the Bill had been brought into operation in some of the larger cities of Scotland—in Aberdeen for instance—and he could assure their Lordships that its effects on juvenile delinquency in those cities had been most important. Under Mr. Sheriff Watson, who sent all the little children who were brought before him to ragged schools and other similar institutions, there had been a decline in juvenile delinquency in the city of Aberdeen amounting almost to total extinction. When the principle was first applied, the percentage of juvenile delinquents was very high indeed, but by the last returns it was not more than 1 per cent. There was no wish whatever on the part of the Government of throwing cold water on the Bill; and, indeed, the only objections which had been taken to it were of a purely technical character.

The EARL of HARROWBY said, the principle of the Bill was to treat the children virtually as orphans, as having parents who were worse than dead. He should be very glad, indeed, to see the Bill extended over the whole country, but accepted the present experiment of its application to the metropolis as better than nothing at all.

LORD KINNAIRD hoped the House would agree to the restricted operation of the measure, since, if successful, it could be made more general in the ensuing Session.

The MARQUESS of BREADALBANE approved the principle of the Bill, but could not see why a clause should not be introduced, compelling the parents to pay for the support of their children during their retention in the workhouse.

The EARL of WICKLOW was glad that the noble Earl had acceded to the proposed restriction of the Bill to the metropolis, and trusted that the experiment would be found to work so well as to call for further extension in a future Session.

LORD CAMPBELL, in support of the necessity for some measure of this kind, instanced a case which had come under his knowledge in his judicial capacity. A young girl, of eight years of age, was tried before him, charged with having passed bad money; and the evidence having established the case, as well as the fact that she had been trained by her parents to commit this crime, he was compelled, in order to save her from the influence of such parents, to pronounce a sentence of seven years' transportation upon her. Under that sentence she was taken into a Government penitentiary, provided with proper religious and moral instruction, and so removed from the pernicious influence of such degraded parents.

The LORD CHANCELLOR deprecated the idea that he was at all hostile to this Bill. Still, he was not yet convinced that if it were placed in operation throughout the country, the inmates of workhouses would treat it as a light thing that these children should be sent there. He thought it was a good suggestion that its operation should, in the first instance, be confined to the metropolis, and he hoped its success there would justify its subsequent extension to the whole country.

LORD BROUGHAM was rejoiced at the prospect of this most important Bill passing through Parliament during the present Session, and hoped that its eminent success in the metropolis would lead to its extension to the whole country in a future year. He hoped that the magistrates, whose duty it would be to administer this measure would take the greatest care with respect to the children they sent to the workhouses; and that they would not send there children of so advanced an age, and so tainted with crime, that it was impossible they should be regarded by the other inmates of these establishments, he would not say with favour, but at least with compassion rather than with aversion. The separation of children from parents, as proposed by this Bill, was no doubt an extremity to which resort should be had with the greatest reluctance, but it had really now become a social necessity that children should be removed from the influence which their profligate parents exercised over them for the worst purposes.

After a few words from Earl FITZWILLIAM,

House in Committee; Amendments made; the Report thereof to be received on *Thursday* next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, July 12, 1853.

MERCHANT SHIPPING BILL.

Order for Committee read; House in Committee.

Clause 29 (So much of the Act of the 12th year of Her Majesty Queen Victoria, chapter twenty-nine, as requires every British ship to be navigated by a Master who is a British subject, and by a crew of whom the whole, or such proportion as therein mentioned, are British subjects, shall be repealed).

ADMIRAL WALCOT said, that this clause proposed to repeal the 12 & 13 *Vict.*, which provides that every British ship shall be navigated by a master who is a British subject, and that three-fourths of the crew shall consist of British seamen. It was of vital importance to the interests of the Navy and the country that this law should be maintained. To repeal it would be only interfering with the maritime supremacy of the kingdom, and bringing the British flag into disrepute, and it would be impolitic, unwise, and unsafe to place a British cargo in the custody of a motley crew of seamen of all nations and castes, civilised and uncivilised, who would be bound together by no common tie of language, country, or national faith. The British flag was an emblem, not only of courage and national merit, but of the indomitable perseverance and unimpeachable honour of our seamen; and he warned the Committee to pause before it placed that flag in the keeping of foreigners, or consented to adopt a clause the inevitable effect of which would ultimately be to break up the stability of our Navy. Was this a time, when the horizon was darkening in the East, to bring in a measure of this description, which was most obnoxious and most hurtful to the interests of this country, which tended to impair our strength at home, and to weaken our character abroad for honour and patriotism?

MR. INGHAM said, no man was more attached to the interest and welfare of the British seaman than himself, nor could any one more highly appreciate his value to the country than he did; but he thought that truth and honour would induce them to say that after the repeal of the navigation laws, which exposed British shipowners to the competition of foreigners, it was only a matter of justice that they should be exonerated from those restraints which prevented their entering freely into such competition. His view, however, was, that the power given by this clause should be exercised by the shipowners only in so far as they were exposed to competition. Now under the act which was passed two years ago, what was called the "coasting trade" was still secured to the British shipping; and if this clause passed he would propose a proviso to preserve to the British seamen that great nursery for the Royal Navy. That was what the British seamen themselves implored the House to do in their petition; and considering that the coasting trade was not only a nursery for seamen, but a great domestic service in which the children of the sailor found early employment, he hoped the House would not hesitate to accede to his proposal when he should make it on the Motion for the third reading of the Bill.

SIR GEORGE PECHELL regretted to

find himself in opposition on this clause to his hon. and gallant Friend the Member for Bath (Admiral Walcot); but after the repeal of the navigation laws this alteration was positively called for as an act of common justice to those whose property was embarked upon the high seas. He could not at all think it was calculated to injure the Royal Navy, and it was greatly desired by the British shipowners. There would then only remain the passing tolls and timber duties which the British shipowner could have any possible right to complain of; and he hoped the Committee would not hesitate to negative the Amendment, in spite of the fears which some hon. and gallant Gentlemen seemed to feel about the clause. As for the notion that the effect of this change would be to drive the British seaman into the service of the United States, he did not believe anything of the sort. He remembered the same idea was entertained during the American war; and when the *Chesapeake* was taken by the *Shannon*, and carried into Halifax, the men were examined with the view of ascertaining how many of the crew of the *Macedonia*, which had been previously captured by the Americans, had deserted from the British flag for the service of the United States, and it was found that there were not more than two. The fact was the same then as now, that the British seaman felt no particular regard for the American service; and if this clause passed, the Committee need be under no apprehension of "Rule Britannia" being changed for "Hail Columbia." With respect to that portion of the argument against the clause which contended thnt the alteration of the law would prove detrimental to the British seaman, he could not well understand how that should be; for the British seaman had nothing whatever to fear from the competition of foreign rivals. No; his services were too highly valued and appreciated by British shipowners for that. They preferred to have him in their ships beyond all others, but more particularly beyond the Spaniard, who was always upon his knees in a storm, praying to some saint or other, when he ought to be up aloft reefing the topsail; while so far from the Lascar being ever likely to supplant the British sailor, it was notorious that he was a positive hindrance to the navigation of a ship, instead of an assistance. The matter might with great safety be left to the shipowners themselves, who were perfectly acquainted with the best mode of protecting their own interests, which they would certainly attend to by not employing a dangerous proportion of foreigners. The British seaman was duly appreciated everywhere, and no clause of this nature could inflict any, much less a serious injury, upon him.

Mr. DIGBY SEYMOUR defended the clause, believing it to be the great redeeming feature of the Bill. On other points he thought the Bill was wanting, but in this clause he had great confidence. He could in no way understand the argument with reference to the injury which it was alleged such a measure would inflict upon our nursery for seamen; and he thought that a sufficient answer was given to it by the gallant officers who had been examined before the Committee in 1847. Upon this point Captain Sir James Stirling spoke with great confidence, and stated distinctly that he did not believe the merchant service was the nursery of seamen for the Royal Navy—that not more than one-tenth of the seamen in the Navy was derived from the merchant service. With regard to the proviso suggested by the hon. Member for South Shields (Mr. Ingham), with the view of protecting the coasting trade, he must say that he looked with considerable disapproval on the remaining blot upon our maritime laws—the protective coasting trade; and he would infinitely prefer that our coasting trade should be thrown open altogether than to see it protected as it now was. The sailors themselves, in their memorials, had asked for this, urging that, if foreigners were allowed to enter upon the coasting trade, British seamen would be invaluable to them in navigating their vessels, owing to the knowledge which they possessed of the coasts; and, in the words of the sailors, he said "If trade is to be free, let it also be fair." He should give his hearty support to the clause as it stood.

Mr. DUNLOP said, he should rejoice to see the restriction on the employment of foreign seamen removed. The exclusion of foreign vessels from our coasting trade was taken advantage of by the United States to exclude our vessels from the important trade which they called a coasting trade, between New York and California. He wished to see all restrictions removed, and he hoped next year the Chancellor of the Exchequer would be able to deal with the case of the shipbuilders in respect of the timber duties, because nothing could be more unjust, or more contrary to the principles of trade, than to admit the manufactured article—foreign ships—free of duty, and impose on the home manufacturers heavy duties for the raw material.

Sir GEORGE TYLER apprehended many evils would ensue if the clause were retained, and he warned the Government not to give way too much to the interests of the shipowner, but to provide for the country a sufficient nursery for seamen, that in case of emergency they might know where to obtain them. If foreign seamen should displace the British seamen, it would be fraught with peril to the safety of the country. He hoped the clause would not pass. At all events he should give it his most strenuous opposition.

Sir JAMES GRAHAM felt that it would not be respectful to the Committee if he allowed them to go to a division without shortly expressing his opinions upon the subject—especially after two gallant and distinguished Officers opposite had declared their opposition to the clause as likely to impair the efficiency of the British Navy. Certainly, considering the post which he had now the honour to fill, it was his particular duty, to the best of his judgment, to take care that no measure should pass which could prove injurious to Her Majesty's naval service. He assured the Committee that he had given this question the consideration which its importance deserved. In the first place, he would remark that the evidence which had been given by the gallant Officer to which reference had been made, was antecedent to the repeal of the navigation laws. Before the Committee which sat upon the subject, Sir J. Stirling certainly stood almost alone in recommending the change which was now proposed, although the evidence of many distinguished officers was taken upon the greater question of which this only formed a small part—that of the repeal of the navigation laws; and, if he were not mistaken, all the gallant officers examined upon that occasion, with the exception of Sir J. Stirling, and his hon. and gallant Friend near him (Admiral Berkeley) pronounced their most confident conviction that if the navigation laws were repealed, all the fatal consequences which were now predicted with reference to the repeal of the manning clause would ensue, and that the ruin of Her Majesty's service would follow. If they looked, however, to the last returns of British shipping either entered inwards or outwards in the first five months of the present year, as compared with the corresponding five months of 1850, 1851, or 1852, they would find no such result. In shipping entered inwards, there had been a considerable increase. In shipping entered outwards, there had been a very large increase; and, with regard to the coasting trade, there had been an increase of somewhere about ten per cent. What was the fact, again, with regard to the merchant seamen? It was confidently predicted that the repeal of the navigation laws would lead to a diminution of the number of British seamen in the merchant service. Had that been the case? On the contrary, there was at this moment an addition of nearly 10,000 British seamen in the merchant service, as compared with the date when the navigation laws were repealed. The Committee, on manning the Navy, had, he admitted, expressed a strong opinion against the repeal of this enactment, and in most matters not connected with questions of trade he had the greatest respect for the opinion of the gallant and distinguished naval officers who sat on that Committee; but, judging from the opinions they had pronounced as to the navigation laws, his confidence in their judgment, upon subjects of that kind, had been considerably shaken; and, he would avow to the House, that so entirely did he dissent from the opinion expressed in that portion of their report, that nothing could have induced him to propose to Parliament an increase of the pay in Her Majesty's service, or any of those other advantages which the House had so liberally sanctioned at a considerable expense, if he had not agreed with his Colleagues that the proposition for the repeal of the manning clause should be brought forward. What would have been the effect if Her Majesty's service had gone into the market for seamen to compete with the merchant service while this restriction remained? In the present state of demand in the merchant service for seamen, with the amount of the supply of labour restricted, only one consequence could have ensued. The Queen's service would have been pitted against the merchant service. One bidding against the other would have led to the terms for seamen being raised extravagantly high, and the supply would not have been increased in the slightest degree. He thought that the observations of the Manning Committee with regard to the increase of the advantages of the Queen's service were most judicious, coupled with the provisions of this clause; but most injudicious if this clause were not to be agreed to. Certainly he was satisfied that, should the clause not be agreed to, the sole effect of the increased pay and increased charge proposed would be to throw money away—that there would be no increase of the number of men to Her Majesty's service, but that there would be a great enhancement of wages, which would prove highly injurious to the merchant service. What was the fact at present? Was there any want of men either for the merchant service or the Queen's service? Unquestionably not. The hon. and gallant Member for Bath (Admiral Walcot) had spoken of the necessity of cherishing the interests of British seamen, and expressed his fears that, if this measure were passed, their fidelity would be shaken, and their loyalty would cease. He (Sir J. Graham) had no such anticipations. He did not believe that they could pass any measure which should be politic with reference to trade, which should foster trade and increase commerce, which would not have the double advantage of conferring a benefit upon the seamen, not of the Queen's service alone, but of the merchant service also. If they added to the commerce of the country, they infallibly added to the number of ships; and if they added to the number of ships, they must infallibly add to the number of merchant seamen, and they thereby also increased the supply to the Queen's service from that nursery for seamen which he was anxious to see preserved. Let the Committee see what the position of the merchant service of this country would be if these restrictions with regard to manning were not relaxed. The race of competition with foreign shipping would be close and stringent, and it was necessary that our merchant service should carry no weight which could possibly be avoided. He was convinced, then, that they might safely dispense with these restrictions. He had no doubt of it whatever. The facts consequent upon the repeal of the navigation laws with reference to the increased tonnage and the increased number of men, showed what, in that intense race of competition, were the spirit and the energy both of the British merchant and the British seaman. He defied them to take any course which should really be conducive to the interests of the trade of the country, which should not also be subservient to the common advantage both of the merchant service and of the Queen's service. He quite agreed with two important admissions which had been made in the former debate upon this subject by his right hon. Friend the Member for Taunton (Mr. Labouchere). His right hon. Friend stated that British seamen were the cheapest and the best in the world; and he added that he was persuaded the sole effect of this measure would be somewhat to moderate the demand for a very large increase of wages. He agreed with his right hon. Friend, that, all things considered, the British sailor would be found by the British merchant to be the cheapest and best sailor he could employ; and he was sure it would be further found, whatever power this clause might give to add to the proportion of foreign seamen employed in British vessels, that, practically and generally, the number of British seamen, even on board merchantmen, would not materially be diminished. The next admission of his right hon. Friend, in which he concurred, was, that no real injury to the seaman was proposed. Let the Committee recollect how circumstances had altered since the repeal of the navigation laws—let them look at the tide of emigration which ebbed outwards, at the demand for seamen which existed in all the foreign and colonial ports, and particularly the large demand in the United States, and ask how this measure could injure British seamen? Connected with this there was an observation which he must make before he sat down. There were certain points in which he was desirous to relax every fetter which pressed in any possible degree upon the shipping interest; but there was one point to which he attached even primary importance. He could not consent—unless compelled by the manifest opinion of the Committee—to forego for Her Majesty's service what he held it to be their incontestable right to take—volunteers from the merchant service in the most distant parts of the world. He was sure, on the one hand, that if that privilege were foregone, the merchant seamen in distant places would be exposed to undue harshness on the part of the masters commanding merchant vessels; and, on the other hand, he was quite satisfied that it was indispensable in distant and foreign climes, when, in consequence of the climate, the strength of the Queen's ships might be materially weakened, by the entry of volunteers from time to time that strength should be maintained; but, then, if he were right in that view, that was a question which should not be considered abstractedly, and independently of the point which they were then debating.

If they gave the right of taking volunteers from the merchant service, they were bound, on the other hand, to give every facility to the masters of merchantmen for replacing those volunteers, on the return voyage, by persons hired without reference to their birth or origin. Upon all these grounds, on which, if it were necessary, he could enlarge much further, he had, upon the whole, the strongest opinion that, on the one hand, it was absolutely necessary to maintain the right to Her Majesty's ships of receiving volunteers on foreign stations, and that that must be counterbalanced by giving to merchant ships increased opportunities of replacing those volunteers by men raised without reference to their nationality. With reference to any inconveniences which might arise from the master as well as the crew being foreigners, he believed that they were wholly imaginary. There would be no such thing as British ships with foreign masters and a foreign crew, having nothing British about them but British colours. The case of simulating the character of British ships was provided for by the 31st and 32d clauses of the present Act; and by the law of nations, also, there was a penalty for simulating the character of British vessels, that penalty involving the forfeiture of the vessel, and other heavy losses On the whole, he had no apprehension as to the measure. He had considered it anxiously and carefully; and so far from this clause being detrimental to the national service, or to the commercial interests of the country, he believed that it would be conducive in the highest degree to the increase of our commerce, and that it would prove inestimably useful as affording additional facilities for the manning of the Navy.

Mr. W. WILLIAMS said, that he had been a free-trader all his life, but he thought the proposition before the Committee was carrying free trade a step farther than it ought to be carried. He had great respect for the opinion of the right hon. Baronet; but on a question of this kind he preferred the opinion of the admirals and naval officers, who came to a conclusion which was entirely opposed to this proposition. The only object of this clause could be to bring down the wages of the seamen, and put them into the pockets of the merchants. The merchant service was never in a better potition than now, and he thought the seamen ought to participate in the general benefit. The hon. and gallant Officer, the Member for Glamorganshire (Sir G. Tyler), in which there were many important ports, had, greatly to his credit, preferred the interests of his country to the private interests of a great many of his constituents; and he wished that the representatives of the ports, whom he saw around him, would follow his example. Sir William Parker, Admiral Dundas, Admiral Fanshawe, Captain Richards, Captain Shepherd, the hon. and gallant Officer opposite (Sir G. Tyler), and the hon. and gallant Member for Bath (Captain Scobell), all of them officers of great experience and distinction, had reported against any such proposition as the present. Such was the unpopularity of the naval service, that he much feared they would not be able to man the Navy in times of emergency without resorting to the odious means of impressment, and that the system of volunteers would fail them in time of need. Their seamen would enter the American service, and when danger came, they had only to show that they had the protection of the United States, and nobody dare touch them. He thought the proposition fraught with danger, and he hoped the Committee would reject it.

Admiral BERKELEY said, that he spoke upon the subject with as much independence as any one, and nothing should induce him to consént to the clause, if he entertained such fears as had been expressed by hon. and gallant Gentlemen on both sides of the House. They had distinguished themselves in the last war; but they must remember that, since they served, a great change had taken place in circumstances. All the circumstances of drawing men from merchant ships to the Royal Navy were totally altered since those gallant Officers had gained their experience; and they were nearly half a century behind in the knowledge of how the Queen's ships were now manned. The hon. and gallant Member for Bath stated the other day, most truly, what was the case when he was employed in the war time, that they obtained the best able seamen from the merchant service; and those seamen constantly made the best leading men and petty officers. Such was the fact then; such was not the fact now. He had been at the Admiralty now, on and off, some twenty-four or twenty-five years, and it had been his special duty to watch the manning of the Navy. He had taken the greatest possible interest in the subject, being convinced, however numerous their ships, however highly equipped, and however good the officers, without men they had not the means of defence. He had no doubt in his own mind that the Navy now brought up and turned over to the merchant service an equal number if not more men than the merchant service brought up and turned over to the Navy. With regard to the petty officers, he held in his hand a return of those serving on the home stations; and he found by that return that 1,097 were men who had been brought up from boys in Her Majesty's service, and only 285 had entered from the merchant service. There was proof that they were no longer obliged to depend on the merchant service; and though he would not weary the Committee now, when the Bills for manning the Navy were before them, he should produce facts to support his assertion, that the nursery for seamen was greatly altered. Circumstances were changed. A merchant seaman now never rigged or unrigged his ship, and owing to the practice of steamers running from port to port, the number of smacks, which was the best nursery for thorough able seamen, was greatly reduced—in fact, the nursery for seamen in the merchant service was in a great measure cut off. He could assure the House, if he had not been convinced that the Royal Navy would not suffer from this alteration, he would not give this clause his support.

MR. HUDSON was surprised at the view which the hon. Member for Lambeth (Mr. Williams) had taken of this question, and very much doubted whether the hon. Member's constituency would approve of the limit which he now wished to put upon the principle of free trade. He had seen one or two sly votes, however, given by the hon. Member, when he had represented other constituencies, not wholly in accordance with his free-trade theories. Parliament had declared that the British shipowner should compete with all the world; and on what principle of justice was it, he asked, that he should be restricted in his means of manning his vessels? Other trades were allowed to employ foreign workmen, and why should the shipowner alone be placed under this restriction? He approved of the Bill generally, and he was anxious that it should pass as speedily as possible. He trusted that the right hon. Gentleman would, before long, direct his attention to the question of the passing tolls.

MR. HENLEY regretted that a question of this importance should have been appointed for a morning sitting. Those sittings were well suited for matters of detail; but this question involved a great principle. If he had a stronger sympathy with one class than another, it was with those who had their capital invested in British shipping. But there was another matter of even greater importance, and that was the safety of the State—that, in his mind, ought to override every other consideration, even though some hardship or possible loss might be inflicted on the shipping trade. When the Government themselves proposed to repeal the navigation laws they hesitated to adopt the principle which they now recommended; but they had changed their opinions, and he thought the country was entitled to be informed why it was that they had done so. The gallant Admiral (Admiral Berkeley) had objected to the opinions expressed by the gallant Officers who had opposed this clause, because they founded their experience only upon the time of war. Now, however much that criticism might apply to the gallant Officers in that House, that was not the case with those officers whose names were appended to the Report of the Committee, which had lately been presented to the House, and who had been unanimous in the strong sentiments which they had expressed upon the matter. The question almost entirely resolved itself into this—what wages were seamen, under this Bill, whether in the Queen's service or in the merchant service, likely to obtain? The right hon. Baronet the First Lord of the Admiralty had truly stated, that if the Crown had taken steps suddenly to increase the pay and advantages of seamen in the Queen's service, they would have placed the merchant service in some disadvantage by coming all at once into competition with them. But what they were doing now by the present clause amounted to this: they refused to bid one against the other, in order to obtain for the British seaman fair pay for the services which he performed; but they united to beat down the value of those services by bringing the foreigner into competition with him. It appeared to him that the arguments of hon. Gentlemen opposite were remarkably inconsistent. The right hon. Baronet had admitted, as broadly as he could, that we must look to the merchant service as the nursery of British seamen. Sir J. Stirling said that it was not necessary to look to the merchant navy in order to feed the

Queen's service; and the gallant Admiral opposite had given an opinion almost equally strong. The effect of the Report upon the table of the House, however, as he understood it, and of the Bills which the Government were about to introduce, was to set up for the first time a kind of permanent naval service, by which the Navy might be supplied in time of peace from the boys whom it was proposed to introduce into it; but they admitted that in time of war recourse must be had to the merchant service. He regretted that he had been unable to find in that Report any suggestion with regard to any possible means of obtaining the men required in the time of an emergency, except by impressment, which, according to the Report, was the *ultima ratio* by which the service was to be supplied. If that were so, it became more important than ever to see whether the amount of men upon whom the engine of impressment could be brought to bear, was likely to be increased or diminished. That was a point upon which the right hon. Baronet had touched very lightly; but it must be evident to the most casual observer, that, put the impressment system into force how you would, unless there were a sufficient number of men to operate upon, it could only lead to disappointment. He believed that the effect of this measure would be to decrease the number of seamen who would be available for the service of the Crown. There had been a good many general arguments used, that an increase of commerce must lead to an increase of shipping, and that that in its turn must lead to an increase of men both for the Queen's service and the merchant service. That, he believed, was the argument of the right hon. Baronet opposite; but if that increase of men were not an increase of British seamen, and of the quality of men who were required, it would not answer the purpose intended. It was stated in the evidence taken before the Committee, that, antecedent to the repeal of the navigation laws, a large number of British seamen were employed in foreign service, and the numbers had been variously stated at 15,000, 20,000, and even 30,000 men; and then that it was necessary to secure a constant supply of seamen by the operation of the apprentice laws, which compelled every ship to carry a certain number of apprentices. He quite agreed with the gallant Admiral (Admiral Berkeley) that the training up in the merchant service of first-rate men with a competent knowledge of their profession, was, by the change of circumstances, and the introduction of steam, almost entirely cut away from under them. Feeling that this ground was being every day cut from under our feet, it was impossible not to be struck with the remarks made in the Report upon the necessity of training boys in the Navy, and on the necessity of sending them out in special ships to teach them the use of the lead. This might do some good; but, after all, the men who were of most service in times of danger were not the men who were trained or were sent out in holiday rig. But he would come to the question of increasing or decreasing the number of men. It was quite true, as the right hon. Baronet had stated, that there had been an increase in the amount of tonnage, both entered inwards and outwards, since the repeal of the navigation laws; but the right hon. Gentleman had wholly omitted to allude to the important question of the number of apprentices now as compared with that period. He found it stated in a return before the House, that if, from any circumstance, we gave up training seamen, the tendency must be to lead to the necessity either of supplying their places with a worse class of British seamen, or with foreigners. From that return, which was dated June, 1852, it appeared that the whole number of masters, mates, and apprentices, amounted, in merchant vessels and traders of every description, to 177,000, of whom the apprentices, including all the foreign coasting and steam trade, constituted 14,259. Lieutenant Brown, the gentleman who signed that return, added that the number of apprentices in 1848 was 34,858. That showed a fearful decrease in the number of persons bound apprentices, and that being so, there must of necessity be a decrease in the number of good trained sailors. [Sir J. GRAHAM: That does not follow.] Not follow! He should like the right hon. Baronet to tell him how a skilled labourer, as he contended the sailor was, was to be obtained if he were not taught his trade. The coasting trade required apprentices, and owners and captains took care to obtain them, in order that they might secure their services when they had become of some value. Still, the number had greatly fallen off; and he learned that the same process was going on at this moment in other trades. Owing to the abundance of population, various trades had lately given up, to a great extent, the practice of taking apprentices; but there had since been a great emigration of skilled labourers, and employers began to sing out for hands, on finding they had not secured the means of training others up. In like manner, if they supposed they could secure skilled seamen without taking measures to train them up, they would be disappointed. But he feared the inducements to young men to go to sea were not so great now as they had been. It was true they were doing a great deal to improve the qualifications of masters and mates. That, however, in his opinion, was no inducement for a boy to go to sea. A great majority of masters and mates used to be promoted from before the mast; the best conducted boys soon got made mates, and when they conducted themselves well as mates they soon became masters; but the higher requirements now exacted would have a tendency to stop this sort of promotion. Here, then, was a diminution of the inducements for boys to go to sea, inasmuch as the motive of reward was cut off. But were they doing nothing else? Certainly they were. Just compare the wages given in the merchant service with those paid for any skilled labour in this country, and see whether there was any fair comparison between them. There was not. Consider the wages of a carpenter or a mason. It would then be found that in comparison with skilled labour of those descriptions, the seaman, who was also a skilled labourer, did not receive the reward which he ought. The present wages in the merchant service might be, perhaps, 3*l.* a month. In the Navy they were not quite so much; and, adding what they pleased for victuals and allowances, they would not find that they amounted to anything like the sum earned by carpenters, masons, and other skilled labourers. In addition to this, the sailor, if he were a married man, was liable to the expense of keeping his wife at home; and the hardships of his life and condition were such as early made him an old man. Coupling the question of wages with the repeal of the apprenticeship laws, there could be no doubt at all of the strong tendency which this measure would have to decrease the number of men who would be available for the Navy. It had been stated that shipowners had been greatly pressed by the scarcity of men which had recently existed. That that had been so for a short time he admitted, owing to the sudden demand for men to navigate vessels to Australia, many of whom, when they got there, went off to the diggings, and did not return to their ships. He doubted whether there had not, however, been a considerable return of these men lately, both from Australia and from foreign service, on account of the increase which had taken place in wages. If that were so, it only strengthened his opinion that it was a question of wages. He was sorry that the seamen appeared likely to be deprived of the advantages to which they were fairly entitled, and that the inducements which were held out to them should be less than those offered to other classes of skilled labourers, because he believed that to the merchant service it was that we must have recourse, in time of war, to man our ships. He regretted that the Report did not touch upon the reason why men preferred the merchant service to the Queen's service, because he thought that it was a problem which required to be solved. He could not understand why the Queen's service should not be the most popular in the world, and he regretted that it was not so. [Sir J. GRAHAM: There are higher wages in the merchant service.] He had compared the rate of wages given in the two services, and he did not find that there was any such difference between them as should lead to the Queen's service not being preferred. Certainly, men in the Royal Navy were not nearly so hardly worked as those in the mercantile marine. If it were only a question of money, however, he regretted that the Crown did not pay such wages as would secure the very best men, for he was sure that if the Royal Navy were made a desirable service, men would be found eager to enter. The subject was, no doubt, one of great gravity and of great difficulty. He admitted that those who had capital invested in shipping had almost a right, since the repeal of the navigation laws, to ask for this measure. At the same time, he had serious doubts what the effect of the clause would be in diminishing the number of seamen, and he thought that the public safety ought to override even that strong claim which he admitted the British shipowners to have upon the Government. He, for one, therefore, could not vote for this clause. He viewed it with great apprehension. He did not think that the inconveniences which were alleged to exist, were sufficient to call for it. He did not think that the shipowners had made out the case that they could not man their ships without it, or that the increased wages which they were compelled to give were at all more than the increased prosperity of that interest, consequent upon the increased demand for vessels, enabled them to give; and he did not see why, for the purpose of a fanciful symmetry of legislation, they should be called upon to run the risk which he apprehended from the passing of this clause.

MR. CARDWELL said, that the right hon. Gentleman who had just sat down had spoken unquestionably with great authority upon this subject, and had not only stated the case with plainness and fairness, but had brought before the Committee, divested of extraneous considerations, the true question (whether it were regarded in a naval aspect or a commercial aspect, because, truly regarded, it had but one aspect)—whether by the operation of this clause we should increase or diminish the number of persons employed in the naval service of this country? That, again, was a branch of another great question—because we could not have exceptional legislation for a particular class; but Parliament must act upon broad principles, and must extend those principles uniformly unless a strong case for exception could be proved. The right hon. Gentleman had stated that when the Government introduced the repeal of the navigation laws, they hesitated to apply the principle of this particular clause, and he asked how it was that the Government had altered their opinions? But there might have been reasons then existing which did not exist now. There were very strong apprehensions expressed at that time with respect to the consequences of the change of the law then about to be made. Since that period we had had evidence of experience; and the conclusions to which that evidence had led were—what? They had heard in the course of that debate gallant Gentlemen for whom he entertained the highest respect, and whose services to their country entitled them to respect whenever they spoke upon a question of this nature, speaking against the clause, and they had been told that the naval authorities were almost unanimously opposed to it. At the time, however, to which the right hon. Gentleman had referred—namely, in 1849, the naval authorities gave their testimony with equal unanimity, with greater force, with greater earnestness, and with greater eagerness, against any alteration in the navigation laws whatever. Since that period we had had experience, and there absolutely was not upon record any experience so strong, so conclusive, and so much without exception, as the experience which we had had in the three years that had elapsed since 1849. What was the necessary consequence of the alteration in the law effected by the repeal of the navigation laws, coupled with the reciprocal repeal of the navigation laws in America? Of course, the primary apparent effect was a falling off in the returns of our own shipping, because our ships began to be employed in the carrying trade to and from places not previously open to them, where they found more lucrative engagements, and consequently they did not for a time show themselves in our custom-house returns. There was at first, therefore, a falling off in the tonnage, and that was looked upon as a verification of the gloomy predictions which had been indulged in. Was it so? On the contrary, subsequent returns showed, beyond all possibility of dispute, that the opposite result, to a far greater extent than their most sanguine anticipations could have led them to hope, had been the consequence. He would not weary the Committee with figures, because upon a former occasion he had laid them before them, though briefly. The fact was, however, that those high naval authorities having given that unanimous opinion in 1849, in the short period that had since elapsed, that unanimous opinion had been overruled by the irresistible evidence of facts; and it was too late to ask the House now, high as were the authorities, and deep as was the respect which he paid to them, to yield to considerations of that description. The right hon. Gentleman owned that his opinion had been much governed by one return respecting the number of apprentices. No doubt it was natural, when you repealed a specific law rendering a certain number of apprentices to a certain number of tons absolutely necessary, that there should be a diminution in the number of apprentices at first. But his right hon. Friend had said with the same breath that skilled labour was becoming scarce, and that self-interest rendered it necessary for the shipowners to take apprentices in order to have the necessary supply of men. Then, if self-interest rendered it necessary to take apprentices, what became of the apprehension that apprentices would fall off? But would boys not be bound? The first effect, as he had said, was a great falling off in the number, and now there were not so many on the books as at that time. The true test, however, was afforded by the number indentured from time to time; and he found that immediately after the first falling off there had been a rally, and that from 1850 down to the day on which he spoke there had been a continuous increase in the number of boys indentured. Surely, then, there could be no reason for apprehensions upon that ground. In 1850 the number of boys indentured was 5,056; in 1851 it had increased to 5,275; in 1852 it had increased to 5,845; and in the first six months of the present year, when labour had been so well rewarded in other occupations, and when there had been so great a demand for boys in other pursuits, 3,731 had come forward to be bound, as against 2,922 in the first six months of 1852. The right hon. Gentleman said that it was a question of wages. He admitted that it was so; but why therefore should the advocates of free trade wish them to constitute a special protection for this interest? He asked the right hon. Gentleman to explain this. He had stated that carpenters and masons were well paid, but that the skilled labour of the sailor received wages disproportionately low. Let him ask the right hon. Gentleman, then, what was the benefit of protection, if all the classes of labour which were exposed to free competition were well remunerated, and the only class still protected received wages disproportionately low? By what title did hon. Gentlemen opposite call themselves the seaman's friend, when they came forward to maintain for his benefit this particular protection? But though the wages of the sailor were disproportionately low, the right hon. Gentleman had told the House—what the evidence before him enabled him (Mr. Cardwell) to confirm—that the practice of British sailors going abroad was now subject to a reverse action, and that those who had previously enlisted in the American service were now returning to take their natural places on board British ships. Well, but how did they account for that upon the supposition that wages were disproportionately low? A great deal had been said about the difficulty of finding men for the Navy. He did not know that it was very logical to say that, because there was a difficulty in finding men for the Navy, you ought therefore to contract the market of supply, and so render it still more difficult to supply them. But, however it might tell as an argument, the Committee should know a fact which his gallant Friend near him had just put into his hand, and which was a piece of accurate information. Since the 5th of December of last year nearly 5,000 men had been entered for the British Navy. He would tell them, that notwithstanding the protection which the navigation laws were supposed to be—that "marine charter," as it had been called, which was to protect this country from foreign dangers—we had in the year previous to the repeal of these laws 8,000 fewer men available for our naval service than there were now. Might they not, then, dismiss these idle fears? Might they not apply to this branch of the service those sound healthy principles which, being applied to every other branch, had been proved to work well, and which, in the particular subjects of the building of ships, the entries of ships, the employment of ships, and the tonnage of ships, had been proved by irrefragable evidence to work well? Why should they hesitate to apply these principles to this particular branch of trade? The right hon. Gentleman said that he would sacrifice no practical advantages for a mere "symmetry of legislation." He agreed with the right hon. Gentleman; but he asked what practical advantage were they called upon to surrender? It was of importance that we should have symmetry of legislation; and depend upon it that the day would come when symmetry of legislation would be applied to this question of manning. If by an unfortunate vote to-day they were to reject this clause, they might depend upon it the day would come when they would be compelled to adopt it—for they could not apply free trade to the shipowner, and protection to the sailor. They could not be increasing the sailor's comforts, diminishing to him the cost of sustenance, and giving him all the benefits of free trade, and at the same time continue to him the so-called, but most miscalled, thing "protection." The time of transition was often a time of suffering. Had Providence blessed them with the opportunity of making this change at a time when the transition would not be accompanied with suffering? It might be that Providence had done so. It had, at all events, given to British commerce this opportunity, that there was a demand for shipping and for sailors which no amount of supply could satisfy. There did exist an opportunity, therefore, of not giving a mere pedantic symmetry of legislation, but of giving another example to other countries, and of holding out another inducement to them to follow with a good heart in the course which they saw to be operating so beneficially for us. Such being the singularly fortunate state of affairs, he believed that they might safely make this transition at this moment without the apprehension of inflicting any temporary injury or inconvenience upon the interests with which they proposed to deal.

MR. H. T. LIDDELL said, he wished to state a few of the reasons which induced him to support Her Majesty's Government in this clause. The question had been considered under the two heads of national and commercial policy. Under both aspects the subject was one which involved a good deal of speculation; but he considered that the apprehensions which had been expressed in respect to each had been most satisfactorily answered. When the Motion for repealing the navigation laws was made, great apprehensions were felt for the consequences, which the result had certainly failed to realise; and having that experience before him, was it reasonable, after they had swallowed the camel to strain at the gnat? Was it not natural to suppose that the evils which were now foretold from this clause, would prove equally futile and exaggerated? No man had been more opposed to the repeal of the navigation laws than himself, and no man had taken more trouble to inform himself of the probable consequences of that measure; and he was now bound to say that the apprehensions he then felt for the result had been disproved. He was bound also to add, whether from the altered circumstances of the world, or from commerce having found new channels of enterprise, that the shipping interest was now in a much more prosperous state than it had been in the latter years of protection. With regard to the clause now under consideration, the Shipowners' Association of Liverpool were in its favour—they stated that they approved of the clause, and that they considered that, as British ships were exposed to competition with the ships of all nations, so all restrictions on the employment of foreign sailors ought to be removed. If, as was alleged, there was a scarcity of seamen, why should the House oppose itself to the introduction of a new supply? There were two sides to this question. Shipowners were exposed to unjust demands on the part of the seamen; and why should they not have the means of supplying themselves if they had the opportunity? The profits of shipowners ought to be considered as well as the wages of seamen; and the shipowners generally, under the circumstances in which they were placed, were favourable to the clause as it stood. In conclusion, as one of the representatives of Liverpool, he considered that in voting for this clause, he should be acting in accordance with the wishes of his constituents and the interests of the country.

MR. MITCHELL said, that many grievous burdens still remained upon British shipping, such as the passing tolls and the like, and therefore it was the more necessary, in his view, that this clause, which dealt manfully with the subject, should be agreed to. He was greatly surprised at the speeches which had been made by the hon. Members for Lambeth and for Bath, and was astonished that they should have proceeded from free-traders. It had been argued that the effect of this measure would be to reduce wages. He in no way accepted that view. He regarded this Bill as a corollary to the repeal of the navigation laws, and inasmuch as he had argued then against the notion that the repeal of those laws would reduce the rate of freights, but would tend to equalise them, so he now contended that no reduction of wages would follow from the present Bill. He trusted that the Committee would speedily go to a division upon this clause, but still that they would do so with a full conviction of the importance of the principle which it involved.

MR. HEADLAM supported the clause, but entered his protest that the right hon. Gentleman at the head of the Admiralty had attempted to unite it with another clause which he believed was calculated to perpetuate a principle of the grossest injustice—he alluded to the clause which enabled the captains of Royal vessels to take volunteers from merchantmen who wished to break their contracts with their employers. He saw no connexion whatever between the two clauses, and he protested against the arguments on the subject which the right hon. Gentleman had employed.

MR. ALEXANDER HASTIE having long advocated the necessity for a provision of this nature, thought he had reason to congratulate himself that it was now proposed by Her Majesty's Government. We had already exposed our shipping to competition with the world, and it had rapidly improved under the stimulus. Expose our seamen in the same way, and he had no doubt that the same results would follow. The right hon. Member for Oxfordshire (Mr. Henley) was quite right in his statement as to the diminution of apprentices; but this was easily accounted for. For a long period shipowners had been compelled to take a certain number of apprentices in proportion to the tonnage of each vessel, and when they were relieved of that compulsory measure it was very natural that there should have been a temporary reaction.

MR. B. WILCOX said, he had had some half century of experience of the character of British sailors, and he was pretty well acquainted with their good and bad qualities. It had been stated that our shipowners would man their vessels with Norwegians, Danes, Spaniards, and the like; but suppose they did, what was to become of the ships belonging to those countries—would they be left unmanned and rotting in the harbours? Why, of course, those countries that at present paid their seamen less wages than we did, would be compelled to raise their pay, and to get their sailors back again. If the hon. and gallant Member for Bath had inquired before he stated that British seamen would be replaced by Danes, Swedes, Norwegians, Dutchmen, Spaniards, and Portuguese, he would have found that the wages of the Danes and Dutchmen were quite as high, and the wages of the Spaniards, generally speaking, were higher than in this country. His opinion was, that, if the clause passed, they would not employ one English sailor the less, and not one foreigner the more, but they would put a check on that disgraceful and wholesale desertion carried on by English seamen. At Quebec it was a regular practice for the crews to desert, to remain concealed until other men were engaged, probably at double wages, and then to engage with the next British ship, the crew of which had in their turn deserted. The same system was carried on in the Australian ports. The crews did not go to the diggings, for, in a physical sense, they could not stoop to low work; but they waited in turn for the next ship that was deserted, and then obtained 50*l.* or 60*l.* for the voyage home. He objected, however, to that portion of the clause which enabled a British ship to be commanded by a foreign master:—the shipowners would consider that no boon whatever, and it would never be resorted to, except to cover some illegal or sinister object. He did not think it prudent to entrust the British flag to men who owed no allegiance to the British Crown.

CAPTAIN SCOBELL replied. He contended that the Government viewed this question through a false medium. They were, after all, but landsmen—country Gentlemen who sat at home at ease—and he did not think their opinion entitled to much weight. But such as it was, in 1849 one-half the present Ministers were opposed to a repeal of the manning clauses, and in 1853 they had changed their opinion, and were all unamimous in favour of it. It was said that, since the repeal of the navigation laws, freights had greatly risen. If the shipowners were so well off, why were the sailors to have their wages kept down? Sailors were not like carpenters and masons; they afforded safety to the country; their case was an exceptional one, and ought to be treated as such. If this Bill passed, sailors would not freely enter the Queen's service, and there would be no means of manning the Navy in a case of emergency, without some stringent power. The right hon. Gentleman at the head of the Admiralty had boasted that since the 5th of December we had enlisted 5,000 seamen. Five thousand men in seven months! What was that? Why not 800 a month. If a war should break out, we should want 20,000 in a month; and he was convinced that, if this clause should be passed, we might find ourselves in a dilemma from which it would be impossible to extricate ourselves without recourse to very unpleasant means. We might have other Niles and Trafalgars yet to fight, and he entreated the Committee not rashly to abandon the laws under which those glorious victories had been won. Even if the power of taking volunteers on foreign stations were retained, there would be no necessity for this clause, because, when a merchant vessel was short of hands, the captain, by obtaining the certificate of a consul, could take as many foreign seamen as he pleased, and, in case of necessity, the Queen, by proclamation, could admit as many foreigners to the merchant service as she pleased, and for as long as she pleased. The gallant Admiral (the Member for Gloucester) seemed to have forgotten his own evidence which he gave in 1849, and in which he said they generally got better seamen from the merchant service, and that the manning clauses were very necessary, and ought not to be given up. If the proposition had been to extend the limit of foreigners from one-fourth to one-third, he should have voted against it, but it would not have been so startling a change. He believed these clauses, which it was proposed to repeal, essential to the safety of the country, and to the efficiency of the naval service. It was said he was not a free-trader. That he denied; he was a sound free-trader, but free trade had nothing to do with this question. They could not buy and sell seamen; they must remember they were their countrymen—that they had great claims on their consideration—that they had given them encouragement for the past 200 years, and during those 200 years they had never had the foot of an enemy upon their shores. It was said that naval officers had been mistaken about the navigation laws, and therefore their opinion was worth nothing upon the manning clauses. They might not understand the navigation laws perfectly, but they did understand how all England's naval victories were won—that it was by an *esprit de corps*, which they had not now, and would not get at all, if this policy were pursued of creating dissatisfaction in the minds of the seamen. In 1849 they repealed the navigation laws, but they did not venture to repeal the manning clauses. But they did repeal the apprentice clauses, and the result had been most alarming. Out of 414 emigrant vesels leaving this kingdom in one year, 300 had no apprentice on board at all. He hoped the Government would re-enact the apprentice clauses, in order that they might be able to man the Queen's ships, which they could not do now, for he understood some of the ships at Spithead had been many months in commission, and were not manned yet. He hoped the House would reject the clause. No effort should be wanting on his part to get rid of it. He believed it was of the greatest consequence to the wellbeing of the country to do so, and when the question was more understood, many would deeply regret voting for it. He called upon hon. Members to free themselves from all influence, whether Ministerial or selfish, and join him in throwing out the clause.

Question put, "That Clause 29 stand part of the Bill."

The Committee *divided:*—Ayes, 142; Noes, 36: Majority, 106.

Clause *agreed to;* as were Clauses 30 to 37 inclusive.

House resumed; Committee report progress.

MALT DUTIES.

Mr. E. BALL *presented* a number of petitions for an alteration of the duties on malt, and without further observation moved—

> "That this House will resolve itself into a Committee for the purpose of considering the Duties on Malt, with a view of making such alteration in those Duties that the Farmer may be exempt from the Malt Duty on such quantity of Malt as he may require for his own use, made from barley of his own growth."

Sir JOHN SHELLEY stated that he did not rise to complain of the course of proceeding, which he thought would teach the Government a very good lesson. He could only say that he thought the Motion perfectly reasonable, and was prepared to vote with the hon. Member for Cambridgeshire. [*Loud cries of* "Divide!" "Withdraw!"]

The CHANCELLOR of the EXCHEQUER [*who had suddenly entered the House*] said, he never had been so fortunate as to find that the business began for half-an hour or three-quarters of an hour after the meeting of the House, owing to interpellations and other preliminary matter:—he had not, therefore, expected that this question would have been brought on so soon. The hon. Gentleman had made a Motion on a subject of great importance, without stating any argument in its favour: it would not, therefore, be necessary for him (the Chancellor of the Exchequer) to state at length the objections of the Government to it. He rose mainly for the purpose of saying, that he hoped that if he abstained from taking that course, the hon. Gentleman would not interpret it into any mark of insensibility on the part of the Government. The hon. Gentleman would probably agree with him in thinking that it would be futile if an attempt were made to lead the House into considerations which might, after all, be wholly beside the mark as respected the Motion. Had the hon. Gentleman stated the argument he was no doubt prepared to state in support of his Motion, he (the Chancellor of the Exchequer) should have been prepared to follow that argument, and to show that there were serious, he believed conclusive, considerations to prevent the House and the Government from acceding to the Motion. When he saw the Motion on the Votes, he was not clear, nor was he clear at the present moment, upon the question whether the hon. Gentleman intended to claim a special privilege for the farmers as consumers, or whether he intended only to claim that the farmers should be allowed to make use of malt, duty free, for farming purposes. The language of the hon. Gentleman would lead to the first conclusion; but the reason of the thing—and he was bound to believe that the hon. Gentleman proceeded with reason—led to the latter conclusion. The arguments against granting power to farmers to use malt duty free, for the purpose of breeding stock, were conclusive; but the proposition was one in favour of which a great deal was to be said; and, seeing that a large mass of the community thought themselves interested in such a concession, he could not possibly hesitate to admit that it would have been his duty to enter fully on the consideration of such a matter if the hon. Gentleman had given him occasion. That, however, looking to the terms of the Motion, would not appear to be its meaning. The Motion said nothing of the use of malt for the purpose of rearing stock. It spoke of such a quantity of malt as the farmer might require for his own use; but it did not say for the feeding of stock. "For his own use" might be for his own use in brewing, or in distillation, or for any purpose he pleased. When he (the Chancellor of the Exchequer), on entering, heard his hon. Friend the Member for Westminster express his approval of the Motion, he was sure his hon. Friend did not mean approval of it in that sense, or holding that there was to be one class who were to consume malt free of duty: first, because that would be a piece of exceptional legislation; and, secondly, because it would be a piece of exceptional legislation without reason. Why should farmers be allowed to make beer and drink spirits free of duty, when all others paid? What would be the result of such a privilege? That such an amount of temptation will be supplied that unless every farmer were supposed to be a man of the highest principles, a system of fraud so abominable would be established, as would demoralise the people, and a system of plunder so extensive would be introduced, as absolutely to impoverish the Exchequer. The House were dealing with 5,000,000*l.* of revenue. He would not suppose that they would interfere with that revenue—one tenth of the whole revenue of the country—he would not say in surprise, but in haste, Any attempt that broke down such a revenue, was an attempt that broke down what the House had recently endeavoured to effect. He had not had the good fortune to hear what construction the hon. Gentleman put on the Motion, but he had two constructions before him. With respect to the more limited concession to the farmers to make use of malt for the purpose of rearing stock, the first question that arose was, whether it was or was not true that malt could be extensively used in the rearing of cattle with greater profit than could be obtained by the employment of other descriptions of food? His hon. Friend the Member for Northamptonshire (Mr. O'Brien Stafford), introduced, in 1845, a Bill for the purpose of permitting farmers to steep and to dry malt, for the purpose of rearing stock with it, free of duty. The Government of the day had the question in a marked manner pressed upon their attention. Inquiries were instituted in Glasgow and its neighbourhood under the superintendence of Dr. Lyon Playfair, Dr. Thomson, and another eminent chemist. Two cows and two bullocks were selected, and were put under circumstances precisely identical, except as respected the food they used, The food of one cow and one bullock was malt exclusively, and the food of the other was barley exclusively; and the result put it beyond doubt that the feeding with barley was far better, cheaper, and more profitable, than the feeding with malt. So much for the experiment; but, not satisfied with that, these gentlemen proceeded with their inquiries, till they satisfied themselves, and proved to others, that what experiment showed them had happened, research and analysis showed them would happen. Malt had indeed, as compared with barley, one recommendation—easy digestibility. A Committee appointed in 1846 to make inquiry with respect to the burdens on land, showed very clearly, in regard to what were the constant qualities of barley and of malt, that a considerable quantity of the substances which entered into the composition of barley, and which entered inte the formation of milk and flesh, disappeared from the barley in the course of its being converted into malt. Whether malt was to be used in the same manner as salt, or as pepper, or in the same manner as we used bread, beef, or mutton, was an important question. If a total revolution in the food of cattle were shown to be expedient, a battery would be brought against the malt duty; but if malt were to be used duty free, in order that a handful might be mixed, say, with a bushel of barley, the *primâ facie* argument of those who supported the Motion fell to the ground. The remark had been made that it was not possible for the House to raise the revenue necessary for the public service, if every little trifling objection which might be brought against a particular law imposing a duty, was to be held valid for the purpose of insisting on a remission of that duty. There was no branch of revenue which was not open to objection. The House had been investigating two sources of revenue for some months, and there had been a plentiful crop of objections. Indirect taxes were favourite subjects of assault; but the House were chary of giving their votes when great branches of the revenue were at stake, and were never disposed to admit the doctrine that on account of small or minor objections great branches of the revenue ought either to be abandoned or undermined. The first question was, whether the objection in regard to the present tax was a trivial or a great objection? If the argument of the hon. Gentleman were, that malt afforded the most profitable means of rearing cattle, when used (he should not enter now into the question as to its being used exclusively or not) as the main article of their subsistence, then the objection would be considered; but, as he had shown, the evidence was on the other side—evidence taken before a Committee composed of noblemen who had proved themselves to have an interest in the land by the general tenor of their report, which well deserved the attention it had obtained. The hon. Gentleman was, no doubt, from his practical acquaintance with agricultural affairs, a high authority on such subjects; but there were high scientific authorities who had expressed opinions, not merely theoretical ones, but derived from actual experiment, opposed to the hypothesis that malt was more adapted than barley for the rearing of cattle. In a report to the Crown in 1845 upon this subject, Dr. Graham, Dr. Thompson, and Dr. Lyon Playfair expressed their opinions on the matter, and those distinguished scientific authorities were decidedly of opinion that malt was not as well adapted as barley for the fattening of cattle. Dr. Lyon Playfair was clearly of opinion that barley was better adapted to feed cattle than malt. If, then, it was clearly established that if facilities were given to the farmers for feeding cattle with malt, it would not be attended with any advantages, surely it would not be advisable to endanger a large amount of revenue by giving a boon of such a questionable character. The opinion of Dr. Playfair was given, however, before any actual experiment had been made, and ultimately experiments were made which added considerably to the knowledge which had been possessed on this subject. Dr. Thompson, after making various experiments, expressed his opinion on one which he had made, that, although it had been interfered with by a malady among the bullocks, still it left no doubt in his mind that barley was superior to malt for fattening cattle. It appeared, then, to him, that from the knowledge possessed at present upon the subject, and derived from sources to which he had referred, and that when it was considered that barley was superior to malt for the sustenance of cattle, it was only reasonable to conclude that, for all practical purposes, it would be more economical and more profitable to the farmer to employ barley in rearing his stock. He would repeat that the conclusion which he had drawn rested not only upon the opinions of practical men, but that those opinions were founded upon the results of actual experiments made with the greatest care, and the results of which had never been, to his knowledge, contradicted by results obtained in any other experiments. If that were so, he submitted that he had established his poposition, inasmuch as the question of actual benefit to the farmer would be of a very minute and contracted nature, for it then became a question, not as to whether the farmer should have the power of introducing a new means of feeding cattle, but as to whether increased facility should be afforded him for applying to the use of stock what might be properly called a condiment—not subsistence, but only a qualification of other articles. As far, then, as the benefit to the farmer was concerned, the question became very insignificant; but he would now inquire what appearance it presented as far as concerned the mischief which might arise from adopting the proposition of the hon. Member for Cambridgeshire. He had already stated that the House of Commons had always evinced the utmost hesitation and caution in interfering with any of the sources from which the larger branches of the revenue were derived. Now, he had no doubt that the hon. Member for Cambridgeshire would assure him that he had no intention of persuading the House to abandon the revenue derived from the malt duty; but all that he required was, that the imposition of the duty should be altered in such a manner as to enable the farmer to feed his stock at a less cost. He gave the hon. Gentleman every credit for the sincerity of his intention, but he must express his decided conviction that in point of fact the tendency of the Motion now before the House would be to undermine and impair a most important branch of the revenue of the country. He was not alone in that conviction, for he felt bound to say that there had never been any doubt in the minds of those persons who had been responsible for the collection of the revenue that such would be the effect. At different periods various Governments had entertained this question, with a view of, if it could possibly be done withou detriment to the revenue, facilitating the use of malt by the farmer, to enable him to rear his stock at a lower cost than he could upon barley. He considered that, as far as Chancellors of the Exchequer, with a due regard to revenue, could go, they had gone, and in 1836 a circular had been issued by the Commissioners of Inland Revenue, at that time called Commissioners of Excise, giving permission for barley to be steeped by the farmers for the purpose of cattle feeding, and requiring that returns of all particulars should be furnished to them. From this it appeared that up to that time the steeping of barley had been prohibited, and when it was then permitted it became necessary to institute a species of general supervision. He would put it to the hon. Member for Cambridgeshire, if he supposed that in the event of not only steeping barley being permitted, but if also it were permitted to pass it through the remainder of the process and convert into malt, in such a case the same kind of supervision as was exercised now would be found to be sufficient? If the farmer were allowed to steep his barley, and then convert it into malt, it would be absolutely necessary, for the protection of the revenue, to carry into every farm in the country the presence of officers of Excise; the whole quantity of malt would have to be made known to them, and all the malt manufactured left untouched until the revenue officers had examined its quantity and noted it down. Now, he must say that he felt these annoyances and vexations—which would be absolutely necessary, unless the whole of the revenue derived from the malt tax were to be abandoned—would prove to the farmer inconveniences which he would not be able to maintain. There were several other evil consequences which might be expected to ensue if the Motion of the hon. Member for Cambridgeshire were agreed to, and among them he might mention that it would be utterly impossible to prevent the use of malt for other purposes than for cattle feeding, to prevent its being surreptitiously removed, and employed for brewing beer, or for the distillation of spirits. He had no doubt that the hon. Member for Cambridgeshire did not in any way contemplate any such results as those to which he had referred; but he would ask him to take it for granted that such would occur on the opinion of persons of practical experience in such matters—he meant those persons employed in the collection of the revenue. He was well aware that just as farmers were practical men in rearing stock, so the officers of Excise were practical in raising revenue; and he must tell the hon. Gentleman that in that department of the public service there was not a single man who doubted that to take off the duty upon malt which was employed in rearing cattle, would be seriously to impede the levying of a duty from which the Exchequer derived a revenue of from 4,000,000 to 5,000,000 of money. He did not wish to convey the impression that the proposal of the hon. Gentleman was one, *in totidem verbis*, to abandon the whole of the revenue derived from the tax upon malt. or that even he had the wish to do so; but he must repeat that that proposal did, in his opinion, tend to undermine that portion of our fiscal policy. Even if it could be presumed that there was no farmer who would not, if permitted to grow malt to feed his cattle, use it for any illicit purpose, it was utterly impossible to believe that every servant of every farmer, would be proof against the enormous temptations to fraud which such a proposal would throw in his way. It was upon grounds such as he had mentioned, and not from any indisposition to grant any practical relief to a class of men who, he would willingly admit, were subject to a very sharp competition, that the Government felt it to be their duty to set their face against the proposal of the hon. Gentleman; and he trusted that the House of Commons would adhere to that course which they had taken in former years, and would not accede to a proposal which would, he believed, prove ruinous to the collection of a large branch of the public revenue. He would not say that he believed that the malt tax would last for ever; but he did believe that Parliament would continue to levy a tax upon beer during the lifetime of most of its present Members. There was a great question which had been considered for now upwards of a quarter of a century, and that was, whether it was most expedient that the tax should be levied upon the beer itself, or upon the malt: that was an open question, If a regulation could be made without regard to private breweries, by some arrangement, which, if it did not establish exact justice, would at all events make a close approximation to it, he was not prepared to say that it would not confer a great public benefit, and prove of advantage to all persons engaged in agricultural pursuits, and all connected with the preparation of malt. He should be greatly obliged to the hon. Gentleman, if he would bring forward a proposal by means of which the duty now levied upon malt could be levied upon beer, without an inconvenience; but he feared that he was not prepared to do so. The great difficulty in the way of introducing such a measure, was the difficulty of levying the tax as far as private breweries were concerned, for it would be a remarkable anomaly that persons should be able to brew their own beer, or that even noblemen, whose cellars were a spectacle in the county in which they lived, should also be able to do so free of duty, while persons brewing beer for sale would not be allowed to do so. It was the difficulty attending that part of the question, which had compelled the Government of 1830 to abandon the plan of a beer duty, and to retain the duty upon malt. The question was one which had been mooted ever since, and which had attracted a considerable amount of attention, but, as yet, had received no satisfactory solution; and in his opinion, the point upon which the whole affair turned was, whether or not it was possible to continue to lay something like a fair tax upon private breweries, without subjecting the owners of them to the vexation and annoyance of any excise restriction. Until a plan of that description could be proposed, there seemed to him to be insuperable objections to entertaining proposals such as that of the hon. Member for Cambridgeshire; and he did not believe that any gentlemen who had been in the habit of turning their attention to the condition of the fiscal laws of this country, could better employ their time, than in the consideration of this important question; and he should feel indebted to any hon. Gentleman who could assist him in the solution of that great financial problem. There was a great deal, no doubt, to be said on the subject of the malt tax; but it was clear that it would be impossible to do away with it, until some substitute could be devised. He felt himself bound to set his face not only against any direct proposal to do away with the malt duty, and abandon the whole of the revenue which we derived from it, but also to oppose most strenuously proposals like the present, which, not professing to have for their object the repeal of the whole of the malt tax, would, he felt persuaded, have the effect of leaving the annual revenue derived from that tax, *minus* some millions, and of introducing a system which would tend to encourage wholesale fraud and demoralisation; and he believed that the proposal of the hon. Gentleman, considered in an extended sense, would infallibly lead to evils more serious than mere loss to the revenue.

Motion made, and Question put—

> "That this House will resolve itself into a Committee for the purpose of considering the Duties on Malt, with a view of making such alteration in those Duties that the Farmer may be exempt from the Malt Duty on such quantity of Malt as he may require for his own use, made from barley of his own growth."

The House *divided*:—Ayes 69: Noes 73: Majority 4.

POOR-LAW (MEDICAL RELIEF).

MR. MILES then rose to call the attention of the House to the system of poor-law medical relief at present existing in England and Wales, with a view to its revision; and also to the large number of persons who annually become chargeable to the poor-rates from no medical relief being afforded to them in sickness, unless they become paupers. Although he knew nothing could be done during the present Session on this subject, he felt it his duty to point out the existing evils, and the remedies which might be applied; and he trusted the Government, during the recess, would take the matter into their serious consideration. He considered the system of medical relief to the poor one of the greatest blots in the system of poor-law relief, and one which led to a great amount of expenditure. He had only to state that there were between 3,000 and 4,000 medical poor-law officers having the care of 835,000 persons, to prove that their arrangements for medical relief must be insufficient, and the only check that existed against any maltreatment of the patients was that of placing the case-book on the table every board day. The Poor Law Board could not investigate such cases, and the boards of guardians were improper persons to investigate medical treatment. Then with respect to the cost—there was great difficulty in ascertaining with any degree of accuracy the cost of the extra diet for medical comforts. In 1850 the cost of in-maintenance was 763,000*l.*; of out-maintenance, 2,808,000*l.*; of medical relief, 212,000*l.*; of vaccination, 25,000*l.*; and other expenses amounted to 1,325,000*l.* The late Mr. Charles Buller in 1848 stated that the system of extra nourishment had almost entirely risen under the new poor-law, and he mentioned one union in Essex in which 646*l.* had been paid for that purpose in one year. There could be no doubt that the extra cost in this respect was very considerable. The provision made for the medical officers was most scanty, particularly when they not only performed their medical duties, but provided medicines for the poor. He proposed that a medical inspector should be attached to the Poor Law Board, independent of the President, and that he should have the power of sending down an inspector, professionally educated, to inquire into any case that might be laid before him. He thought it most unfair to call on the medical officers to pay for drugs, and that it operated injuriously on the poor, inasmuch as in the case of expensive drugs it became a question between honesty and prudence on the part of the medical officer. To meet that difficulty he proposed that the boards of guardians should themselves find the drugs. He believed the changes which he now recommended would inflict no additional cost on the management of the poor, but would rather tend to decrease the amount of the rates. The next point to which he would allude was the case of the secondary poor. With the wages usually received it was almost impossible for poor persons to provide themselves with medical relief. In 1847, in conjunction with Dr. Wallis, he made some inquiries on this subject, and was actually startled at the number of persons who became paupers owing to sickness in both the rural and manufacturing districts. In looking at this matter, it was necessary, in the first place, to consider the wages of the poor in this country. Mr. Henry Mayhew estimated the labouring population at 4,000,000, and the average earnings of a poor man at 10*s.* per week. For clothing and provisions he put down 2*s.* 6*d.* per head in the unions. He then calculated the number of persons in a family at 3¼, and, adding 20 per cent for increased cost at home, he made the payments for food, clothing, and fire, amount to 9*s.* 9*d.* per week, to which he added 1*s.* for rent, making 10*s.* 9*d.* Now, how was it possible for a man smitten with sickness, and with his children sick around him, to provide medical relief? Last year the Registrar General called the attention of the public to the fact of the great mortality of the children of the poorer classes, particularly in large towns. That officer attributed the evil to the neglect of these children by their parents; but he (Mr. Miles) believed that the poor man had as much regard for the health of his children as the rich man, but his wages would not allow him to send for medical aid, and the children, from the want of a few doses of medicine, often fell into diseases which carried them off. The registrar at Manchester said the poor could not afford to pay for medical relief, and that labourers would not pauperise themselves by applying to the poor-house, and that out of 252 deaths in that district not less than 156 were children under five years of age. He thought it was the duty of the House to urge upon the Government the necessity of an alteration of the present law, and especially of the extension to the poor in England of the system of dispensing drugs, which existed in Ireland. He did not anticipate that the right hon. Gentleman at the head of the Poor Law Board would be able to bring in a Bill this Session, in order to remedy the evils of which he had complained; but he was convinced that the right hon. Gentleman would give his mind to the subject during the recess, and he (Mr. Miles) trusted would be prepared with a measure next year.

Motion made, and Question proposed—

"That this House will, at an early period, take into consideration the state of the Law as affecting the Medical Relief of the Poor."

MR. BAINES: I beg leave, in the first place, to apologise to my hon. Friend the Member for East Somerset (Mr. Miles), and to the House, for my absence at the beginning of this discussion. I can assure them that it was caused solely by a miscalculation, in which I was by no means singular, as to the time at which this subject was likely to come on. The speech of my hon. Friend has dealt with two topics of a very different kind, though both of great importance: first, the working of the present Poor Law as regards medical relief to the sick poor; secondly, to suggestion of certain new principles, never yet recognised by our laws, for the extension of such relief to persons who are not actually destitute. Upon the former of these subjects, connected as it is with the department over which I have the honour of presiding, the House have a right to expect that I should enter into some little detail. The case of the sick poor is a subject which the House and the country will deem to be of the utmost importance, and deserving their most careful attention. It is well known that for many years after the passing of the Statute of Elizabeth, which is of itself silent as to medical relief, no systematic provision of the kind was made; and it was not till the latter part of the last century that anything deserving the name appears to have been established in England. Indeed, till the passing of the Poor Law Amendment Act in 1834, the system of medical relief for the poor was of a very partial and most unsatisfactory kind. It is true that in many parishes there was a person called the parish doctor, who was not required to possess any particular qualification, who made his contract with the overseers, and was responsible to no one else, though often performing his duties in the most negligent and unfeeling manner. After the passing of the Poor Law Amendment Act, a very different system was adopted. The country was divided into districts, each placed under the care of a regularly qualified medical officer, all of whom were responsible to the Poor Law Commissioners. In 1838, a Committee of this House was appointed to consider the working of the new system. They made two specific recommendations for its improvement: one, that the medical officers should in no case be engaged by tender—a mode justly considered to be derogatory to the profession; the other, that the size of the districts for medical relief should be reduced. Both these recommendations were carried out by a General Order of the Poor Law Commissioners, issued in 1842. In 1844, another Committee of this House was appointed, on the Motion of Lord Ashley, to examine further into the subject of Poor Law Medical Relief. Much evidence was taken, and many very conflicting opinions were expressed by the witnesses. One of the most distinguished professional authorities, Mr. Guthrie, formerly President of the College of Surgeons, distinctly stated, as one of the results of the new system, that "an infinitely greater amount of medical relief is now furnished to the poor than before the passing of the Poor Law Amendment Act." At the close of their inquiry, the Committee contented themselves with reporting to the House a bulky volume of evidence, unaccompanied by any suggestions or recommendations whatever. One result, however, of these Parliamentary inquiries has been to induce the then Poor Law Commissioners and their successors, the present Poor Law Board, to pay a constant attention to the whole subject of medical relief, with a view of adopting every suggestion of a practical nature for its improvement. There can be no question that the supply of medical relief to the poor has become more and more liberal. In 1838, the total cost of such relief for the poor in England and Wales was 136,000*l.*; in 1844, it was 166,257*l.*; and in 1852, it was 212,050*l.* This is exclusive of the amount paid to the medical officers for vaccination, which amounted last year to 25,894*l.* One result of the Parliamentary inquiries was the establishment of extra fees for certain operations requiring extraordinary labour or care. These extra fees amounted in 1840 to 5,499*l.*, and in 1852 to 30,727*l.* Another change of an important character has taken place in the total number of medical officers. In 1838, the whole number employed in the care of the sick poor was 2,091; in 1852 it had been augmented to 3,233. This had arisen in part from the abridgment of the medical relief districts, many of which were originally too large. With regard to the qualifications of the medical officers, the Poor Law Board think they ought to be such as to ensure for the poor a degree of skill in their medical attendants equal to that which can be commanded by the more fortunate classes of the community. For this reason, a rule has been established, requiring a double qualification, medical and surgical; and this rule is always insisted upon, except in special cases, where from the circumstances of the district a literal compliance with it is impracticable. One great advantage of the system of medical relief under the Poor Law Amendment Act, as compared with that which preceded it, is to be found in the strict responsibility under which the officers constantly act. They are all directly responsible to the Poor Law Board; and I undertake to say that no case of alleged neglect or maltreatment of the poor on the part of a medical officer is ever brought before that Board without leading to an immediate and searching inquiry. I am happy to say that such complaints are few; I think them very few, considering the great number of medical officers throughout the country, and considering also that the vigilance of rival practitioners, or that of the benevolent persons who are always anxious to protect the poor against neglect or ill treatment, would be sure to bring forward every complaint which had even the semblance of being well founded. Speaking of them as a body, I believe that the medical officers discharge their important duties to the poor with great diligence, ability, and humanity. In those cases of real neglect or misconduct which do sometimes occur, the Poor Law Board think themselves bound to enforce the responsibility of the medical officer very strictly. Any gross case would be followed, as a matter of course, by a summary dismissal; and even a mere venial one might entail a censure, which of itself would be no slight punishment to a professional man. But though on the one hand his responsibility is strictly enforced, for the protection of the poor, yet on the other the Poor Law Board are most anxious to protect the medical officer against anything like injustice or oppression. He finds in them a defence against any cabal by which he might otherwise be unjustly borne down. There is one point upon which, as many hon. Gentlemen opposite well know, the Poor Law Board have shown themselves able and willing to render very important aid to the medical officers. Low as the present scale of their remuneration is, a great many efforts have been made within the last three years, especially by some of the agricultural unions, to reduce it still lower. The depreciation in the value of agricultural produce has been generally urged in such cases as a ground for the reduction of the salaries of medical officers. It could not be effected without the sanction of the Poor Law Board; and, I believe I may say, that in every case which has come before them, the Poor Law Board have thought it right to withhold their sanction. Looking, then, to the various points upon which I have now touched, I may confidently ask the question, whether the system of medical relief to the poor has not been undergoing constant improvement ever since the passing of the Poor Law Amendment Act, which of itself effected a very great improvement upon the system previously existing? I am far from saying that the present is not capable of being further improved, and the Poor Law Board will gladly avail itself of any really practical suggestion for that purpose. My hon. Friend the Member for East Somerset has made one or two suggestions, as to which I cannot but express considerable doubt. With regard to a different mode of supplying drugs (which are now furnished by the medical officer), very conflicting opinions were expressed before the Committee of 1844. I find, however, that a witness of great authority, Mr. Keate, formerly President of the College of Surgeons, expressed great doubt whether any better system than the present could be adopted; and the same view was taken by other witnesses of great intelligence. Then, it is suggested by my hon. Friend, that there should be one medical inspector at least connected with the Poor Law Board. I can assure him, however, that this provision would be deemed wholly inadequate and almost worthless by those who have contended for giving to the Poor Law Board a medical or semi-medical character. It has been gravely argued, that one of the Poor Law Commissioners, if not all of them, should belong to the medical profession; that there should be a physician-in-chief, a surgeon-in-chief, and a large and costly staff of permanent medical inspectors. My hon. Friend has said, that Mr. C. Buller entertained an opinion favourable to the appointment of one or more medical inspectors. I have the best means of knowing from those with whom Mr. Buller was in the most confidential intercourse, that although he did at one time entertain an opinion of this kind, yet that he found the subject involved in greater difficulty the longer he considered it. The House will remember that the Poor Law Board have full power with regard to every question of a medical character which may come before them, and submit the facts to the highest professional authorities, and to obtain the best professional advice. For example, a question arose lately as to the sufficiency of certain sanitary arrangements in one of the workhouses, and it was a question of considerable difficulty and of great importance. The Poor Law Board requested the President of the College of Physicians, to have one or two medical gentlemen of undoubted skill and reputation, who might investigate the subject fully and report their opinions. Two gentlemen were so appointed, and they gave the most satisfactory information and advice, upon which the Board had no hesitation in acting. It has been said that no one but a medical man can investigate properly any of those charges of neglect or malpractice which are occasionally made against a medical officer, and which may involve questions attended with the most serious consequences to his professional character. I think it might as justly be said, that no case of what lawyers call *mala praxis* on the part of a medical practitioner, should ever be tried by a judge and jury, unless they were all physicians, surgeons, or apothecaries. The inspector in the one case (who is usually a gentleman thoroughly accustomed to deal with evidence), acts as the judge and jury do in the other, upon the evidence brought before him, and has always the power of calling in the best professional testimony for the purpose of informing and guiding his judgment upon any point of difficulty. In some special cases, when it has appeared advisable to do so, the Poor Law Board have associated with their inspector a medical assessor, for the purpose of investigating questions of peculiar difficulty or complexity. The illustrations which I have now given will probably induce my hon. Friend to doubt whether it really can be essential to have a permament medical staff attached to the Poor Law Board. With regard to that part of my hon. Friend's speech, in which he suggested that medical relief should be provided out of public funds for persons who were not destitute, I will only observe, that when such a proposition is brought distinctly before the House, I shall be ready to express my opinion upon it. A gentleman of great ability and benevolence, Dr. Wallis of Bristol, and who is also, I believe, a constituent of my hon. Friend, has recommended that such aid to an unlimited extent should be furnished at the public cost to all persons having incomes under some fixed amount; I believe 40*l.* a year is the limit suggested. The example of Ireland has been appealed to upon this point. The experience under the old system of dispensaries in Ireland is said to have been very unfavourable, and the new system has been too recently introduced to warrant any very distinct conclusions as to its working. Whenever a specific proposition is made for the adoption in this country of such a plan as that suggested by my hon. Friend, it will deserve great consideration how far it may have a tendency to weaken the motives for economy and forethought in the humbler classes of the community, and to slacken efforts for the preservation of that independence which is so essential to the respectability and to the true happiness of each individual. With respect to my own immediate province, the administration of the existing Poor Law, I can assure my hon. Friend, that every suggestion with which he may favour me for the improvement of the system of medical relief, shall receive the most careful and respectful attention. With that assurance, and as he has now had an opportunity of bringing his views before the House and the country, I trust that he will not think it necessary to press his Motion to a division.

SIR JOHN TROLLOPE thought it would be superfluous to follow his right hon. Friend in all his points; but he felt bound to confirm the opinion of the right hon. Gentleman, that the medical relief of the poor was not only in a satisfactory, but in a gradually progressing state; and to acknowledge that the poor received every care from the Board over which his right hon. Friend presided. He (Sir J. Trollope) could confirm him in the statement that there was a very great improvement in the mode in which the relief to the poor was administered, and in the character of those who were selected to dispense it. There was also a great improvement in the medical officers, and in their qualifications for the discharge of their duties; and he could most distinctly confirm his right hon. Friend in what he had said with respect to the cases which were brought before the Poor Law Board, of neglect of duty and maltreatment—that very few such cases were brought before the Board while he had the honour to preside over it, and that when any charge was made, it received the most earnest attention, and that dismissal, when called for, had invariably followed. During the year in which he had held office, not more than four or five cases of neglect of duty, or maltreatment of patients, had been complained of; and he thought the House would agree with him that this was a very small number, considering that upwards of 4,000 officers were employed in administering medical relief. His hon. Friend the Member for Somerset (Mr. Miles) desired to extend poor-law medical relief to what he called secondary poor, especially in cases of sudden sickness and casualties. Now, with regard to this class of persons, the greater portion, especially those of the more prudent character, belonged to sick clubs, or some other of the numerous benefit societies which existed throughout the country. In his part of the country, for instance, after the passing of the Poor Law Act in 1835, some benevolent person set about establishing medical clubs; the poor of the surrounding neighbourhood became ready subscribers to it, the amount of the subscription being a penny a week, and the rest of the expenses being made up by the charitably disposed inhabitants of the districts. He could speak strongly of the great benefit these clubs had proved to that class of the poor. It promoted their feelings of independence, prevented them from becoming paupers, and gave them an opportunity of calling in any medical man whom they thought proper. And he could assure the House that this privilege of calling in any medical man whom they chose, was greatly valued by the poor, who had their fancies as well as other people. He would ask his hon. Friend if these sort of societies would not be altogether discouraged by his proposal? It would also discourage the affluent who subscribed to the dispensaries and infirmaries which abounded throughout the land. The great objection to it was, the difficulty of drawing the line between parties who should and who should not be entitled to relief. At present, the complaint made by charitable societies was, that parties obtained assistance who could well afford to pay for medical advice; and he was afraid that complaint would be found to increase, if the proposal of his hon. Friend were adopted. If they granted this relief to those one degree removed above the poor, he apprehended that they would do away with this class of charities altogether, and thus do away with a great national benefit. The object of vaccination was for a totally different purpose. It was to protect the public health, and to prevent the spread of disease. The question of medical inspection under the authority of the Poor Law Board, was brought under the notice of the Commissioners by another gentleman, also from Somersetshire. A medical gentleman from that county had communicated with the Board, suggesting that such officers should be appointed, and stating, in addition, that he should he happy himself to make one of them. He (Sir John Trollope) then instituted an inquiry into the circumstances of the case. He found that this suggestion had also been brought under the notice of Mr. Buller and his hon. Friend who had preceded him in that office. It was found that it would occasion endless expense, and accordingly it was not deemed prudent to suggest it to Her Majesty's Government. With respect to the other suggestion of Dr. Wallis, it was submitted to the Chancellor of the Exchequer, who said that it was a question of such magnitude that he could not prudently submit it to Her Majesty's Government. The consideration of expense was a secondary one, provided that adequate benefit could be obtained in proportion to it. The principle was a new one, and full of danger in the extent to which it might be carried—dangerous to the finances of the country. With respect to the payment of the medical officers under the Poor Law Board, he was free to confess that it was inadequate in many respects; but the House would recollect that the salaries were not altogether under the control of the Poor Law Board. The boards of guardians through the country recommended the amount which they considered necessary; and it was a question which ought to be left to those gentlemen who were elected guardians to superintend the finances and affairs of their immediate neighbourhood. They were informed by his right hon. Friend that the scale of salaries was gradually improving; but if these salaries were largely augmented, there would probably be a call upon the Treasury to take the whole of of them upon itself. He believed that the medical officers were improving both in character and knowledge, and they had found that the cases of complaint were exceedingly few, and, when made, not always well founded,

Mr. WODEHOUSE could confirm everything that had been said with respect to the medical officers, and he was sure his hon. Friend the Member for Somersetshire (Mr. Miles) had no intention of disparaging the administration of the Poor Law Board; he only regretted that he had not brought the subject forward at an earlier period of the Session. He believed the system was conducted on too niggardly a scale; the salaries were niggardly, and the allowances were niggardly; there ought not only to be an extended relief, but a better quality of relief. He thought that there was no subject more deserving of the attention of the Executive Government. He hoped the hon. Member for Somersetshire would renew his Motion from time to time.

Mr. BARROW warned the House of the danger of tampering with the administration of the poor in this manner. It would be but tempting those to apply for relief who could do well without it; and it would do far more harm in breaking down that independence of spirit which led them not to accept relief, than it would do good by thus offering it. He had made some inquiries in his own county, and he had found that so far from men having a difficulty in procuring medical relief from charitable resources, the great complaint was, that these charities were too often encroached upon by parties who could well afford to pay for medical attendance.

MR. MILES then replied, and said that he was contented with having brought the subject before the notice of the House, and that he would accordingly withdraw his Motion.

Motion, by leave, *withdrawn.*

MR. AGLIONBY moved for certain returns connected with the Woods and Forests, when

Notice taken, that forty Members were not present; House counted; and forty Members not being present, the House was adjourned at a quarter before Nine o'clock.

HOUSE OF COMMONS,

Wednesday, July 13, 1853.

MINUTES.] PUBLIC BILLS. — 1° Patronage Exchange; Colonial Bishops Act Extension; Juvenile Offenders.

IMPROVEMENT OF NAVIGATION.

SIR ROBERT H. INGLIS said, that in the absence of the First Lord of the Admiralty, he wished to ask a question of the hon. and gallant Admiral near him (Admiral Berkeley). A few years ago Lieutenant Maury, of the American navy, devised a plan for effecting great improvements in navigation. He prepared certain charts, and distributed them to every merchant vessel as well as every ship of war in the United States service. The result of the experiments and observations made by these vessels, had been a great and manifest improvement in the art of navigation, so much so that one voyage which formerly occupied forty-one days, was now performed in twenty-one days; while a voyage to California, which formerly took one hundred and eighty days from New York, was now done in one hundred days. The plan had been adopted by the American Government, and they had suggested that it should be adopted by the Governments of the other maritime States. He, therefore, wished to ask the hon. and gallant Admiral whether Her Majesty's Government, having referred this plan to the Royal Society, and having received from the Royal Society, through its council, a strong recommendation in favour of its adoption, and having been made acquainted that the British Association had almost simultaneously recommended it, were prepared to state that they would adopt the suggestion of the United States Government as to the plan of Lieutenant Maury?

ADMIRAL BERKELEY said, that Her Majesty's Government were prepared to enter into, and to take their part in, any well-digested plan for effecting the object in view. With regard to the Royal Navy, most of the observations required, such as related to currents, wind, tides, depth of water, and temperature, were already called for from the commanders of Her Majesty's ships by the Admiralty. But with regard to the mercantile marine, there was very great doubt, as well as very great difficulty, how the object was to be attained. When he stated that in thermometers alone, if they were supplied to the mercantile marine, the cost would amount to 3,500*l.*, and that there were fears whether they would be much used, he thought it would be seen that there was much difficulty as regarded this part of the question.

COUNTY RATES AND EXPENDITURE BILL.

Order for Committee read.

MR. MILNER GIBSON said, he wished to put a question to the noble Lord the Home Secretary on the subject of this Bill, which stood first in the Orders of the Day. He saw that there many hon. Gentlemen on the benches opposite who had attended, no doubt, with the view of assisting him to perfect the measure by proposing Amendments. But before proceeding he wished to know whether there was any truth in a rumour which had reached him, that Her Majesty's Government, being in favour of the principle of the measure, were prepared to bring in a Bill to carry out that principle, or to devise such improvements upon it as they might think best calculated to effect the purpose? If he could have an assurance to that effect from the Government, it might change the course of the proceedings to-day; but until he had heard what the noble Lord the Secretary for the Home Department might state in reply to his question, he should decline making his final remark on the subject.

VISCOUNT PALMERSTON, in reply, said, that though the right hon. Gentleman invited his friends opposite to hold a *conversazione* on the subject of this Bill, there was little chance, he believed, of its passing in the present Session. Therefore he (Viscount Palmerston), should suggest that his right hon. Friend should postpone his further notice of the weekly meeting. He should leave his right hon. Friend to do so in his own terms, for that House having frequently considered the principle of representation with reference to the administration of county affairs, and that House having repeatedly admitted that principle, he (Lord Palmerston), if the right hon. Gentleman should drop the Bill, was prepared to say that in the beginning of the next Session Her Majesty's Government would propose to Parliament such a measure as they might think fit to recommend, founded on the principles of popular representation as regarded the administration of the affairs of counties.

Mr. MILNER GIBSON said, that under those circumstances he should move that the Order of the Day for the Committee on the County Rates Expenditure Bill might be discharged. He should do so on the understanding that the noble Lord had undertaken to introduce a Bill on the subject in the next Session.

Sir JOHN PAKINGTON said, he was extremely glad that the House was not to be engaged in a *conversazione* of six hours' duration—which on the 13th of July would be a great waste of its time—on a matter which involved at least four large subjects of detail; and, though the House had devoted the whole sitting to the purpose, they could not hope to make any material progress, nor could the right hon. Gentleman have any prospect of passing the measure this Session. From what the noble Lord the Secretary for the Home Department had said, it appeared that he had brought something of the caution of the Foreign Office into the transaction of our domestic affairs. The noble Lord had given an answer as cautious in its tone as was necessary and becoming on this subject. He (Sir J. Pakington) was one of those who had contended for several years that if any legislation on this subject were to take place, it ought to be brought forward with the authority, sanction, and weight of the Government. The right hon. Member for Manchester (Mr. M. Gibson), who had fought most gallantly for several years in favour of the Bill, must have found how difficult it was for an independent Member to pass a measure of this nature. But, as the noble Lord had consented, and wisely so, to take up the measure in a future Session, he (Sir J. Pakington) must express his earnest hope that the noble Lord would not think it necessary to prescribe for all England after feeling the pulse of Lancashire only. In other words, he hoped he would not adopt a remedy which was applicable to only a particular part of the country, and force it upon the whole. Even assuming that the noble Lord and the right hon. Gentleman were right in regard to the principle, he was convinced that the noble Lord would find many difficulties in the details. The noble Lord, he hoped, would approach the subject with those feelings of caution which had been shown to-day, and would be cautious how he meddled with a system which had worked so long and so well for this country.

Mr. FRESHFIELD said, he would suggest that in any future Bill on this subject the noble Lord would do well to direct his attention to the great distinction between the assessment of county rates and the administration of county expenditure. These two things were essentially different.

Mr. V. SCULLY said, he wished to repeat an observation he had made before, that such a Bill as the County Rates Expenditure Bill ought to extend to a country which appeared to be almost altogether forgotten. As an hon. Member once reminded the House that there was such a country as England, he should remind the House that there was such a place as Ireland. The case of Lancashire was a strong case, but was not equal to that of counties in Ireland—the county of Tipperary, for example, having no control over nine-tenths of the county expenditure. He hoped the noble Lord would include Ireland in the measure. Separate legislation for England and Ireland was an immense waste of the time of the House, and did a great deal to sever the two countries from each other.

Captain SCOBELL said, he fully concurred with the hon. Member who had just spoken, and, as an English Member, begged to remark, that since the short time he had been in that House he had wondered to see the waste of time from Scotch law officers bringing in Scotch Bills, Irish law officers bringing in Irish Bills, and English law officers bringing in English Bills. The right hon. Member for Droitwich (Sir J. Pakington) had preached caution to the noble Lord the Home Secretary; he (Captain Scobell) should preach boldness; he should exhort the noble Lord to do what he did in no niggardly way.

Mr. BARROW said, he must express

the hope, that, if the noble Lord meant to remove the anomaly of taxation without representation, which distinguished the administration of county affairs, he would carry out fairly and effectually the removal of that anomaly, and not impose such restrictions as should render the measure a mere mockery. Lancashire alone was not interested in this question; and it was hard to understand why an anomaly which extended to the whole of England should be treated as one connected with a single county.

Order for going into Committee *discharged.*

SEAMEN'S SAVINGS BANKS BILL.

Order for Committee read.

Captain SCOBELL said, that two other hon. Members whose names were on the back of the Bill, were not present. As being connected with the Navy, he had been requested to let his name be put on the back of the Bill. He was not acquainted with its details, and he understood the Government were prepared to oppose the Bill. He had no authority to withdraw it; he had no authority to go on; and he was not in a position to enter on the subject.

Mr. COWPER said, he thought the best way to settle this Bill was, that he should move that the House go into Committee on the Bill this day three months. If the persons who drew the Bill had referred to the Acts of Parliament, they would have found that an Act existed which carried out the purposes of the Bill, seamen having power by the 4 *& 5 Vict.* of remitting money to the Accountant General, who placed it in savings banks, where it stood to their account. Improvements would be better made by means of the department which had to do with the subject. He would, therefore, move that the House go into Committee on the Bill that day three months.

Motion *agreed to.*

PROBATES OF WILLS AND GRANTS OF ADMINISTRATION BILL.

On the Motion for resuming the adjourned Debate (July 6) on going into Committee on this Bill,

Mr. HADFIELD said, he had received a note from the noble Lord the Member for the City of London, stating that the whole subject with which this Bill was connected was engaging the attention of the Government. He now wished to ask the noble Lord the Home Secretary, whether it was in the contemplation of the Government to bring in a measure next Session by which one probate might be sufficient for the United Kingdom? The present system was one of the most intolerable grievances ever known.

Viscount PALMERSTON said, the subject to which the Bill of his hon. Friend (Mr. Hadfield) related, was no doubt one of very great importance, and of great public interest. But his hon. Friend must be aware that it formed but a part of that greater and larger subject which his hon. and learned Friend the Solicitor General had announced his intention of dealing with by a Bill, which he had hoped to be able to bring in—that was, a Bill with respect to Ecclesiastical Courts. He (Lord Palmerston) stated, the other evening, in answer to a question for the reasons why no such measure had been brought in this Session, that it was the intention of Her Majesty's Government to be prepared with some measure upon the general question in the early part of the next Session. He, therefore, submitted to his hon. Friend that it would be better for him to defer this partial measure. He called it partial only because it related to one branch of a great subject; but he could not, in answer to the question, make any specific pledge as to the details of the Government measure, though he could confidently assure his hon. Friend that the general subject would be dealt with, and that the Government would be prepared with their measure in the early part of the next Session.

Mr. HADFIELD said, he should like to have an assurance from the noble Lord that the general measure would include the particular point he had stated?

Viscount PALMERSTON said, he apprehended that any measure which dealt with the jurisdiction of the ecclesiastical courts must also deal with the question of the probates of wills.

Order of the Day for the Committee *discharged.*

SIMONY LAW AMENDMENT BILL.

Order read, for resuming adjourned Debate on Question [6th July], "That the Bill be now read a Second Time."

Question again proposed.

Debate *resumed.*

Viscount GODERICH said, in the absence of his hon. and learned Friend the Member for Tavistock (Mr. R. Phillimore), he begged to move the Second Reading of this Bill. The subject was one of the utmost importance, and ought not to be lightly treated by that House. It would, he thought, be presumptuous on his part to touch upon the legal questions connected with this subject; but he would merely ask the House to consider whether the arguments of the hon. and learned Member for Weymouth (Mr. G. Butt) had justified his opposition to the measure. In his (Viscount Goderich's) opinion, the hon. and learned Member had made out no case whatever against it. The Bill was consistent with the spirit of past legislation, by which remedies had been from time to time applied to evils that had grown up in the course of years. He would not advert to that part of the subject which the hon. and learned Member had treated so lightly—the question of what might have been the canon law in former times; but he would ask the House to look to what had been the character of legislation on the subject since the Reformation. The first opinion expressed in any manner since that event by authority—for he did not think that the hon. and learned Member would deny that it was held illegal to sell presentations to livings previous to the Reformation—was contained in an instruction issued in the reign of Edward VI., by which this sale was forbidden. If the arguments of the hon. and learned Gentleman were sound, it seemed to him that they were opposed to the continuance of the existing law, for if objection were taken to the Bill now before the House on the ground that it contained a violation of the rights of private property, it seemed to him that that objection applied equally to the present law, which prohibited the sale of a living after the death of the incumbent. It was not, however, he thought, a mere question of private property; the right to present to a living was in its nature essentially different from other descriptions of property, for it involved the exercise of the duty of providing for the spiritual welfare of a portion of the people. In his opinion the measure of his hon. and learned Friend the Member for Tavistock was consistent with the course of past legislation, inasmuch as it merely endeavoured to extend the law in the same spirit in which it had been enacted in former times. The hon. and learned Gentleman who opposed this measure was doubtless a great legal authority; but he believed that there were many gentlemen belonging to the legal profession who would give it their support. But he was most anxious that the House should not look at this question merely in a legal point of view, but should also observe the important moral and social considerations which it involved. What was it, he would ask, that the right of presenting to a living conferred? It was the right of selecting a man who, as a minister of the Church of England, was to be intrusted with the spiritual guidance and instruction of his parishioners, who was to preach the doctrines and perform the rites of the Church, to discharge the duties of visiting the sick, comforting the unfortunate, and defending the oppressed; and he could not conceive any duties of a more sacred nature. The law prohibited the sale of a judgeship, and any Minister of the Crown so offending would be impeached. The law prohibited the sale of the smallest public office, and any Minister so offending would have to quit his post. The law prohibited the sale even of a cadetship in the East India Company's service, and all persons involved in such a transaction would be liable to punishment by fine and imprisonment. He asked, therefore, since such had been the course of our legislation in these cases, that that House should prohibit the sale of presentations to livings. For what in truth was this sale? It was putting up to auction to the highest bidder the right to preach the word of God; and to sell that sacred trust was, in his opinion, a monstrous scandal on the Church, and upon that common faith which all the members of that House professed. He would ask to those who were not members of the Church of England, what they would think of their ministers paying a sum of money for the right to preach in a certain district; and he entreated them to assist in removing from the Church of England a scandal and a stigma which in their own case they would not for a moment permit. It was not uncommon that on a living becoming vacant, a minister was presented to it whose sole recommendation was his precarious state of health. Now that was a scandal which, in his opinion, the House of Commons had a right to endeavour to prevent. It was not only the rights of the patrons which had to be considered; those of the parishioners seemed to him to claim at least an equal degree of consideration. What must be the feelings of the parishioners, on the death of an incumbent whom they had respected, to find their spiritual affairs intrusted to an old and incapable man; and, in addition to that, to see an advertisement in the newspapers, that the next presentation to the living was to be sold, and to discover that it had been given to a man whose ill health would enable him to serve as a mere warming pan for the purpose of evading the law prohibiting the sale of a void term, and would thus secure a living for the son, or a portion for the daughter, of the patron? A system of this nature, by which a man was able to buy the next presentation to a living, and thus provide a means of livelihood for a son who might be too ugly to go into the army, or too stupid to go to the bar, was surely calculated to reflect discredit upon the Church. When his hon. and learned Friend the Member for Tavistock had asked him to allow his name to be placed on the back of the Bill, he recollected that in all probability he would have at some time the right of presentation to a living; and he felt the responsibility which would thus devolve upon him, and with these feelings he had considered it his duty to endeavour to promote a measure calculated to remove what he felt to be a great scandal on the Church of England. He had no doubt whatever that the hon. and learned Member for Weymouth was a friend to the Church, and ready to maintain all its rights as far as they were consistent with the rights of private property; but he thought that there was one Member of that House who must have heard his speech of last Wednesday with the most lively satisfaction, and that was the hon. Member for Rochdale (Mr. Miall), the able and persevering advocate of the separation of Church and State. He had felt considerable difficulty in bringing forward this Motion for the second reading of the Bill in the absence of the hon. and learned Member for Tavistock. But he trusted that the House would assent to the measure, for he believed that it would tend to remedy a great and crying evil, and remove a great scandal from the Christian faith.

MR. G. BUTT said, he would move as an Amendment, that the Bill be read a second time that day three months. He did so because of the character and the certain effect of the Bill. He had last Wednesday had an opportunity of expressing the views which he entertained of this measure, and the objection which he entertained to it, and which he trusted would be shared by hon. Gentlemen who considered its nature and object. The noble Lord (Viscount Goderich) had regretted the absence of the hon. and learned Member for Tavistock (Mr. R. Phillimore); but that hon. and learned Member had on a previous occasion stated very fully the object which he had in view in introducing this measure. The noble Lord appeared to him to forget completely what the object of the Bill really was, and assumed that object to be what it really was not. The noble Lord assumed the object of the Bill to be to provide that by some special legislation a better class of clergymen should be presented to livings; and he stated one of the evils which it endeavoured to prevent, was that of old men, utterly incompetent, becoming clergymen of the Church of England; but if he had looked carefully at the Bill, he would have found that such was not its object at all. He would remind the noble Lord, that the law, as it at present stood, provided a most effective safeguard against the evils of which he had complained. The noble Lord must be aware that it was the duty of the bishop of the diocese, when a clerk was presented to a living, no matter by whom such presentation were made, to judge of his age, learning, and general qualifications; and, he would ask, what better security could there be for the appointment of persons duly qualified? He quite agreed with the noble Lord that it was most essential that the persons appointed to livings should be those persons who were best adapted for the discharge of the necessary duties. But how did the noble Lord secure the fitness of the minister and the due performance of his duty? By taking away the sacred title of the lay impropriator to his tithe. The title of the lay impropriator to the tithes was as sacred and secure as the title of the noble Lord to his estates. His main objection, then, to the Bill was, that it destroyed the rights of property, without accomplishing any beneficial object, or remedying any existing defect. The hon. and learned Member for Tavistock had stated that the Bill did not attack advowsons, but it attacked the next presentation, and an advowson was simply the right to every next presentation. If this Bill were passed, next presentations, purchased some time back, would, as property, be destroyed. The measure was not, in his opinion, prospective, as stated by the hon. and learned Member for Tavistock, but retrospective. A man who purchased five years ago the next presentation to a living held it as a chattel interest, going to his executors, which they were bound to sell to pay off debts on the estate; but this Bill would prevent the sale. When the noble Lord said that his measure was not an interference with the rights of private property, he should like to know what he meant, for in all cases next presentations were liable to be sold by the executors to pay off the debts on an estate, and in many cases they were made the subject of mortgage security; and if the sale were prohibited, the mortgagee lost all security. Whatever might have been the state of the law on this subject before the Reformation, he would not, at present, touch upon that matter; but there could not, he thought, be the slightest possible doubt that since that period advowsons and presentations to livings had been always looked upon and considered property, just like any other chattel. The old laws of simony were full of absurdities. The noble Lord was anxious to secure good clergymen, and so was he. He would conclude his remarks by saying, if any parties wished to get the property of the Church into their hands, and wished to promote a scheme by which they could get advowsons and presentations cheap, all they would have to do was to get such a measure as this, and then they could get such property for a mere song. The introduction of such a Bill, which destroyed property without remedying abuse, was only productive of unmixed evil; and he trusted that the House would see that it ought never to have been brought forward, and would not allow it to be read a second time.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Sir GEORGE GREY said, that while he concurred with the hon. and learned Gentleman in his Amendment, he did not participate in his fear of the danger to property from passing this Bill. His objection was that it was a very trifling and insignificant change in the law, utterly unworthy the consideration of the House. The noble Lord (Visct. Goderich) contended it was undesirable, on spiritual grounds, that any layman should have the power to dispose of next presentations; but that issue was not raised by the Bill. That was much too wide a question to be discussed incidentally; but as to this proposition, he could not see why men should not acquire by purchase that which they could acquire by intestacy, as heirs at law, or by will. This Bill aimed a blow at the exercise of ecclesiastical patronage in lay hands; but he believed the patronage was exercised quite as much for the interests of the Church in lay as in clerical hands. The Bill, as now framed, prohibited only cases of most unfrequent occurrence, where the next presentation to a living was purchased by a layman for himself. He believed the House would agree with him that it was very unusual for a layman to purchase the next presentation with a view to go into orders, and then take the living himself. The case was so exceptional that it did not require the interposition of Parliament. He cordially concurred in the Amendment, as he objected to disturb the law in this infinitesimal degree without further consideration.

Viscount GODERICH said, he felt that with the opposition which the measure had received, it would be impossible to pass it through Parliament that Session. He should therefore withdraw his Motion for the second reading of the Bill.

Question, "That the word 'now' stand part of the Question," put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for three months.

JUVENILE OFFENDERS.

Mr. ADDERLEY said, he would now beg to move for leave to introduce a Bill which, though limited in its scope, was destitute neither of interest nor importance. The object of the Bill was the establishment of reformatory schools throughout England and Wales, to which young children detected in the commission of offences and vagrant children might be sent by the magistrate. The measure, in fact, was but the corollary to the Act of the 11 *Vict.*, chap. 82, introduced by the right hon. Baronet near him (Sir J. Pakington who gave magistrates summary jurisdiction over peccant children, and authorised their discharge on security being given for their good behaviour. The present Bill went a step further in the same direction, and would enable magistrates to send juvenile offenders to schools to be successively established in counties and boroughs in which the magistrates might agree to apply to the Secretary for the Home Department for that purpose. He conceived that no apology was necessary on his part for introducing this Bill, because there was no measure which the country was so ripe to receive. It might, indeed, be said that the country had anticipated legislation on the subject, for a considerable number of institutions such as those he proposed to establish by law had already been established by private contributions in many parts of England. What was still more important was this, that the magistrates and justices had also anticipated legislation, and taken the law into their hands by adopting most of the provisions included in the Bill he was about to introduce. Under these circumstances, it was incumbent on Parliament to deal with the question, although at the same time he feared the Session was too far advanced to allow him to hope that his Bill, however limited its object, could be passed into a law. He could plead this excuse for introducing the Bill at so late a period—that a Committee which, under the able superintendence of the right hon. President of the Poor Law Board, had for two years indefatigably and minutely investigated the subject, had only just reported some Resolutions to the House. The Bill embodied these Resolutions. He anticipated at least this advantage as likely to result from the introduction of the Bill, and the discussion which he hoped would take place on its second reading, that Ministers would feel the necessity of maturing a measure on the subject during the approaching recess, and introducing it with all the authority of Government in the next Session.

Leave given; Bill *ordered* to be brought in by Mr. Adderley and Sir John Pakington.

Bill read 1°.

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Thursday, July 14, 1853.

MINUTES. PUBLIC BILLS.—1ª Colonial Church Regulation.

2ª Battersea Park; Westminster Bridge.

3ª Convicted Prisoners Removal and Confinement; Chancery Suitors further Relief.

THE CRIMINAL LAW DIGEST.

LORD ST. LEONARDS said, that it was not his intention to press the Criminal Law Amendment Bill during the present Session. Their Lordships would recollect that at the commencement of the Session, on the proposal of his noble and learned Friend Lord Lyndhurst, a Commission was appointed in order to prepare the way for legislation in reference to the subject of a digest of the criminal law. The whole question was subsequently referred by their Lordships to a Select Committee, and he was bound to say that it had there undergone as much consideration and as much discussion as, probably, had been applied to the *Code Napoleon*, which, as their Lordships were well aware, was a subject that had been most elaborately discussed, as well as most attentively considered. The proposal which he had now to make to their Lordships was, that the matter should not be further prosecuted in Parliament this year, but that the Bill should be printed and circulated, and that—the attention of each of the several Judges having been invited to its details—it should be proceeded with next Session, after their Lordships had received all the advantage of having had the Judges' opinions upon the several Amendments which had been introduced.

The LORD CHANCELLOR expressed his entire concurrence in the course proposed to be taken by the noble and learned Lord. He felt perfectly persuaded that there had been devoted to the consideration of this subject, on the part of lay as well as the law Lords, as much attention as had ever been given to any measure brought before their Lordships' House. Perhaps it was hardly necessary for him to say, that nothing which must be introduced into such a code or digest would present so great a difficulty as the definition of the graver cases, such as murder and manslaughter—cases which, if your definitions failed, would be involved in inextricable difficulties. He begged to inform their Lordships that the learned gentlemen who had been appointed to inquire into the subject, on being released from that duty, had, at his (the Lord Chancellor's) request, immediately proceeded to the preparation of another measure; and accordingly, within the very last week, they had sent him in a Bill, reduced to a very nice form, on the subject of larceny, and offences of that nature; and he would propose that, with regard to that measure also, it should be submitted to the consideration of the Judges during the recess, it being quite impossible that it could undergo any examination at the hands of a Select Committee this Session.

LORD CAMPBELL wished to express his

great gratification at the course which the noble and learned Lord (Lord St. Leonards) proposed to take with regard to the criminal digest law, and to bear testimony to the ardent zeal which the noble and learned Lord had devoted to the digest of the criminal law. It was manifestly impossible that such a great and important measure as that was could be pressed further this year.

Lord **BROUGHAM** was happy to be able to confess that at last there was every reason to expect that the country was on the eve of receiving a sound and well-digested code of criminal law; and although their Lordships had already heard enough of compliments, he could not allow the moment to pass without stating his deep sense of the services rendered to the country by his noble and learned Friend (Lord St. Leonards) in reference to this great work. And what made his noble Friend's exertions the more praiseworthy was the fact, that, though he originally entertained certain doubts on the matter, he set to work most manfully in the preparation of the object. He might also speak in the highest terms of the assiduity of another noble Friend of his (Lord Beaumont), who, though not a member of the profession, had nevertheless contributed the most valuable assistance to the Committee. He earnestly hoped, then, that the learned Judges, on receiving a copy of the Bill, would apply themselves to its consideration before the end of the long vacation.

SOUTH EASTERN RAILWAY (CANTERBURY AND WHITSTABLE, ETC.) BILL.

The Earl **VERULAM** moved the Third Reading of this Bill, and stated that a clause had been added to the Bill to give the company power to run steamboats in connexion with the railway between Folkestone and France. It was the duty of Parliament to procure for the public the *maximum* of comfort with the *minimum* of cost. He believed that that object would be attained by this Bill. The company had been forced to run steamboats between some of the English and French ports. They were found to be a great convenience to the public; and they had been so well conducted, that although they had conveyed a vast number of passengers backwards and forwards, not one accident had occurred. As there was a doubt as to the legality of this proceeding on the part of the railway company, they now asked Parliament, by the passing of this Bill, to give its sanction to the undertaking.

Lord **MONTEAGLE** said, that the Bill involved a great public question, to which the attention of their Lordships ought to be especially directed. There were ten petitions presented against this Bill, one of which represented seventeen large steamboat companies, and another fifteen. With regard to the latter, the petition represented the opinions of persons who were interested in about 100,000 tons of steam shipping, and who were working a capital of about 4,000,000*l.* They comprised the British and Foreign Steam Navigation Company, the Liverpool and Dublin Steam Packet Company, the Levant Steam Navigation Company, the British and North American Steam Navigation Company, the Bristol Steam Navigation Company, and several other important steamboat companies. They rested their opposition to the Bill on two grounds. The first was, that it gave to a railway company an entire monopoly over the steam navigation in the harbours at which the company had *termini.* The second ground of objection was, that it would give to this particular railway company the power of establishing a steamboat monopoly, with limited liability—a privilege which Parliament had invariably refused for a long period of years to any steamboat company. In 1847 the Railway Commissioners had reported against such a principle. In 1848 there was a joint Report of the Board of Trade and the Railway Board to the same effect. Under Lord Derby's Government a somewhat similar application was made on behalf of the British and North of Europe Company, and the then Board of Trade refused to give its sanction to a limited liability. In the case of the Dublin Steamboat Company, an application for an Act of Incorporation was made. This incorporation, he admitted, constituted a grant of limited liability. But the case of this company required further examination before it could be quoted as a precedent. Their capital was 500,000*l.* Although a concession of limited liability was made to that company, it was specially declared that such a concession to that company was not to be taken as a precedent. Therefore, when they came before Parliament on a subsequent occasion for power to extend their capital, the application was refused, on the ground that Parliament would not grant a limited liability in relation to the new capital sought to be raised. Under these circumstances, he (Lord Monteagle) thought that it would be the height of injustice, after refusing to grant limited liability to so many other parties, to grant it in the case of the present Bill. A Royal Commission was at present engaged in an inquiry into the law of partnership, expressly including the question of partnerships with limited liability—yet without waiting for the Report of that Commission their Lordships were now asked by the promoters of this Bill to grant this favour to their particular company. If ever there was a case in which it would be dangerous to grant such a favour, it was the present one. Parliament had often found it necessary to interpose their power against the grasping monopoly of railway interests. If on general principles he were indisposed to grant this favour to an ordinary steamboat company, he would be still less disposed to grant it to such a company in connexion with a railway. The Chester and Holyhead Railway Company was an exception to the general rule, because the late Sir Robert Peel was anxious to make a sacrifice for the purpose of securing a better communication between England and Ireland. Practically speaking, the terminus of this communication was rather Dublin than Holyhead. It should also be recollected that that company had contributed a sum of 200,000*l.* towards the construction of the harbour at Holyhead. The Brighton Railway Company were refused powers to establish steamboats between Brighton and France. The late Duke of Wellington, who took a great interest in the question of Channel communication, in 1848 drew a distinction between a Railway Bill to enable a company to make a railway, and a Bill to enable them to build steamers, with the construction of which he conceived a railway company had nothing to do. It was admitted by the South-Eastern Railway Company that they had acted illegally and contrary to a well-recognised principle, in establishing their steamboats: however, after having done so for many years, they had now the boldness to come forward with the present application to sanction and to legalise their violation of the law. Their Lordships should not be led away by the argument that by giving this company these powers Parliament would enable them to run good boats across the Channel. This was contradictory to another branch of their argument, for the case the petitioners endeavoured to make out was that, without this Bill, they had already embarked a large capital and employed good boats in those very harbours in which the company now asked Parliament to give them a monopoly. He had no objection to granting the company all the other powers they asked for; but he hoped that their Lordships would not lend themselves to such an injustice as to grant a special favour to one company which they had already refused to so many others. He would, therefore, move to omit those clauses of the Bill which proposed to give the company those powers to which he had objected on behalf of the petitioners whose interests he represented.

LORD BROUGHAM said, this case had been sent before a Select Committee as an opposed Bill. Different opposing companies were heard against it by counsel, agents, and witnesses, and the Committee, after all, came to a resolution in favour of the Bill; and it now appeared before their Lordships for a third reading. He strongly recommended their Lordships to pause long before they departed from the principle of giving their confidence to the reports of their Committees acting impartially, and he would say judicially, on the questions referred to them.

After a few words from the Earl of BANDON and Lord COLCHESTER,

The EARL of HARROWBY said, that the principle was not to give persons the advantages of limited liability except in cases of such magnitude as should make the risk too great to be undertaken without such a privilege. In the present case no such amount of responsibility had been shown; he, therefore, hoped their Lordships would not pass the Bill. The present was merely an attempt on the part of a steamboat company to obtain an advantage over a competitor, by acquiring certain privileges under the cover of being connected with and forming part of a railway company. He saw no reason why their Lordships should depart from the principle which they had usually followed in reference to such cases, which was, not to give one party an advantage over other competitors, which advantage was not at all requisite to the carrying out of their undertaking.

LORD STANLEY OF ALDERLEY said, he did not think it was quite fair to apply the same principles which regulated the steam navigation of this country with foreign nations, to such a description of steam navigation as, that which was contemplated by this Bill. There was a great difference between the steam navigation which carried on the trade between all parts of the world, and that which conducted trade between local ports. In the present case the steamboat company was rather a branch of the railway company, than an independent body. So far from its being the fact that there was no instance of Parliament having given its consent to a similar undertaking, he believed there was hardly any case in which a similar application was refused. The principle laid down in the Report of the Committee of 1848 was, that it was not politic to grant a charter of limited liability to any persons undertaking a private enterprise, and that such charter should only be granted when the undertaking was of sufficient magnitude to make it of national importance. But the Report drew a distinction which appeared to be applicable to this case. They thought that under circumstances similar to those which here existed, a limited power might be granted. If a *minimum* of fares were established, and if certain regulations were adopted, it was their opinion that the powers now asked for might be granted. He did think that, such having been the recommendation of the Committee under the peculiar circumstances of the case, their Lordships ought to grant the powers now asked for. The course pursued by their Lordships' House, and by the other House of Parliament was, when such matters were referred to a Committee, and that Committee reported that it was desirable that the power asked for should be granted, to concur with the recommendation of the Committee; and he thought that much stronger reasons should be adduced than had been advanced by the noble Lord (Lord Monteagle) before their Lordships should depart from that principle by refusing to pass the third reading of this Bill.

The Earl of WICKLOW thought their Lordships ought to have better evidence before them previously to their coming to a decision upon the Bill. He would, therefore, recommend that the third reading should be postponed until the Report of the Committee was printed and laid before their Lordships.

The Earl of GALLOWAY opposed the Bill. The object of it could not be carried out without a great outlay, which outlay could not be met without granting preferential shares; and he knew that many of those who were now interested in the company were opposed to granting any preferential shares.

The Earl of POWIS opposed the Bill. The present was altogether different from all previous cases in which the privilege of unlimited liability had been granted to railway companies working steamboats. This was not the case of a steam ferry, but that of a railway company working boats for sea voyages. If they granted the privilege sought in this case, they would be asked by every other railway company, whose undertaking terminated at a seaport, to grant them the privilege of working steamboats to ports beyond sea, with the great advantage, as compared with their competitors, of unlimited liability.

Lord MONTEAGLE said, that he should much prefer that the House should consider the case with the evidence before them; and if therefore his noble Friend (the Earl of Wicklow) would move the postponement of the third reading until the evidence was printed and laid before them, he (Lord Monteagle) would withdraw his Amendment.

Amendment *moved*, to leave out ("now") and insert ("when the evidence taken before the Select Committee on the Bill shall have been laid on the table of the House.")

On Question, That ("now") stand part of the Motion,

Their Lordships *divided:*—Content 34; Not Content 10: Majority 24.

Resolved in the *Affirmative.*

Bill read 3ª accordingly, with the Amendment.

Amendments *moved* and *negatived.*

Bill *passed*, and sent to the Commons.

JUVENILE MENDICANCY (No. 2) BILL.

The Earl of SHAFTESBURY brought up the Report of Amendments on this Bill, and stated that it was proposed to confine the operation of the measure to children not exceeding ten years of age. He regretted to find that some remarks he had made on a former occasion with reference to the President of the Poor Law Board had been misunderstood. He was most anxious that no misconception should exist as to his intentions, for he would be sorry to say a word that could be considered disparaging of a Gentleman of such amiable disposition, and who had so satisfactorily discharged the duties of a most important office.

Lord CAMPBELL said, he had to suggest an Amendment for the consideration of their Lordships, with the view of meeting what he believed to be a deficiency in the Bill of the noble Lord. A practice was growing up in this metropolis of employing young children of both sexes under ten years of age, whose nominal business it was to sweep the crossings, but who were in fact beggars. They were generally young female children, about seven or eight years of age, or boys of the same age; the former of which generally became prostitutes, and the latter thieves. He considered it was most essential that in this most excellent measure a provision should be introduced for the purpose of remedying the evil to which he had alluded. It would be a question for his noble and learned Friend (the Lord Chancellor) whether a clause might not be introduced into the Bill, giving the power of taking up all young children so employed, and sending them to the workhouse—the only means which occurred to his mind of putting a stop to such a detestable practice as that to which he had referred. He would not, however, press on the noble author of this Bill anything which he might consider unnecessary, but merely threw out a suggestion for his consideration.

The Earl of SHAFTESBURY expressed himself desirous of meeting the views of the noble and learned Lord.

Amendment made; and Bill to be read 3^{a} *To-morrow.*

MANNING THE NAVY.

Lord COLCHESTER begged to ask, in consequence of measures which had been brought forward in the other House by the First Lord of the Admiralty with reference to the manning of the Navy and the formation of a body of naval volunteers, whether Her Majesty's Government would object to lay upon the table of the House such portions of the evidence taken by the Committee of naval officers appointed by the Board of Admiralty on the 6th of July, 1852, to inquire into the present system of manning the Navy, or of their Report as related to a system for the establishment of a coast militia, and to the training and subsequent employment of the boys educated in the schools of Greenwich Hospital? He thought it was very desirable that these portions of the evidence should be laid before the House; but if it would be inconvenient to the Government to produce them he would not press the matter.

The Earl of ABERDEEN believed that the Report of the Committee to which the noble Lord referred was considered to be of a confidential nature; but he would communicate on the subject with the First Lord of the Admiralty, and, if there should be no objection, the documents asked for by the noble Lord should be laid on the table. He must say, however, that he inclined to the opinion that the papers ought not to be produced.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 14, 1853.

Minutes.] New Member Sworn. — For Sligo, John Sadleir, Esq.

Public Bills. — 1° Land Tax Redemption: Betting Houses; Highway Rates; Turnpike Trusts Arrangements; Turnpike Acts Continuance, &c.: Metropolitan Sewers Acts Continuance; Sheep, &c. Contagious Diseases Prevention; Public Works Acts Amendment (Ireland).

2° Universities (Scotland); Incumbered Estates (Ireland) Act Continuance; Newspaper Stamp Duties.

3° Municipal Corporations Act Amendment; Courts of Common Law (Ireland); Coinage Offences (Colonies).

UNIVERSITIES (SCOTLAND) BILL.

Order for Second Reading read.

Lord ELCHO said, he would beg to move that this Bill be read a Second Time.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Sir ROBERT H. INGLIS :* Mr. Speaker, the noble Lord (Lord Elcho) has moved the Second Reading of this Bill, without one single word of argument, or even of explanation. Yet this Bill has undergone no previous discussion; and the present stage is the most important in its progress; since the success of the Motion before us decides the principle upon which our legislation on the subject is to be constructed.

Yet the measure thus thrown on the table, without ceremony, is one of the most important in itself and in its consequences which this House has ever decided.

It is national and imperial in its extent; and it involves the highest interests, not merely of the Established Church of Scotland, but of our common Christianity: and it not only affects these highest interests, which many other measures might impair or hazard, but in its direct operation it dissolves a solemn contract made between two independent nations, by which the security of these very interests was intended to be for ever maintained.

Am I not justified in this language by the express words of the preamble? Does not the preamble recite the Statute of the Scottish Parliament on which I rely? Does not that Statute provide that in all time to come no Principal or Professor shall be capable of bearing any office, in any University within the kingdom of Scotland, but such as shall profess the faith of the Church of Scotland, and shall conform to its worship, and shall submit to its discipline? Does not the Bill in your hands admit all this? and does it not, then, proceed to repeal it?

The noble Lord will not deny it: he glories in the fact.

The preamble proceeds to give the reasons on which my noble Friend has thus far been silent. They are briefly two: one, that the contract is not suited to the present condition of Scotland; the other, that it tends to the injury of Education in that country. These may be very good reasons for the dissolution of a partnership by mutual consent, but are no reasons at all for its dissolution at the will of one of the parties.

Who are the parties in the actual case; and what is the origin of the contract?

After the admission of the statutory right of the Church of Scotland—an admission distinctly set forth in the preamble—it is hardly necessary to reply, except very summarily, to these two questions.

The parties are the Church of Scotland represented by the Parliament of Scotland on the one hand; and the Parliament of England on the other hand. The origin of the contract was the apprehension that the Church of Scotland, the Church of the weaker kingdom, would suffer by the union of that kingdom with England.

When in the early years of the last century the people of both countries were considering the proposals for a legislative union, there was a strong excitement in Scotland on the probable danger to which the Church there established might be exposed by that measure. This excitement is found in the pamphlets of the day; but the apprehension in which it rose is embodied in the formal proceedings of the Parliament of Scotland. I hold in my hand one of those pamphlets, *The Insecurity of a printed Overture for an Act for the Church's Security.* It infers, that the Church of Scotland is in danger by the union; while, on the contrary, there is "a sufficient security provided for the Church of England and her Hierarchy, which as manifestly had no need thereof." The celebrated speech of Lord Belhaven, often reprinted at the time, is another exposition of the state of public feeling. To every literary man it is known by its own merits; to all it is known by the first Lord Melville's parody of it on the occasion of the union with Ireland: but it defies a parody in respect to the dangers which threatened the Church of Scotland. He says—

> "I think I see a National Church founded upon a rock, secured by a claim of right, hedged and fenced about by the strictest and pointedest legal sanction that Sovereignty could contrive, voluntarily descending into a plain upon an equal level with Jews, Papists, Socinians, Arminians, Anabaptists, and other Sectaries."

And again, at the close, he added—

> "And above all, my Lord, the security of our National Church and of all that is dear unto us must be previously established to us, if practicable, before we conclude the first article."

These, if you please, are the apprehensions of individuals; and may prove their own sincerity—their foresight, or their folly. But what did the Church itself, and what did the Parliament? Let it always be remembered that the Church of Scotland was not only recognised and established by the State, but its formulary of doctrine was incorporated in an Act of Parliament. Yet it was nevertheless contended, that the Claim of Right and the Act of 1690 placed the Church of Scotland on an insufficient foundation; since they placed it on the ground of the "inclinations of the people," or, rather, "on the inclinations of the generality of the people;" as if it were a mere question of expediency to be decided by a numerical majority, in other words, "by the generality of the people:" and therefore, and for this cause, a compact was made as between two corporations, without reference to merits, without reference to third parties, and without reference to anything but the competence of the two contracting parties to bind each other in the matter. Parliament, therefore, was not content in such a crisis with its own Acts, which, after all, constituted no more than an internal security: it was necessary to protect the Church against hazard from without—against an infringement of its rights from the influence of a too powerful neighbour—about to be its mate, or its mistress: and, therefore, before the Parliament of Scotland would send Commissioners to meet the Commissioners of England, for the purpose of considering the terms of any union, it specifically limited the powers of the Commissioners of Scotland, and restrained them from even treating of any thing connected with the state, condition, and doctrine of the Church. The Parliament—having adopted the Church of Scotland—as a corporation, if you will, taking it in its lowest sense—consented to negotiate with England about a union between the two nations; on the preliminary condition that the supremacy of the Church of Scotland within its own kingdom—its rights and its duties—might be for ever secured: and England, on the other hand, took Scotland, with its liabilities—if you like so to call them—its burthen or its blessing. There were not wanting then, and there have not been wanting since, on the south side of the Tweed, those who regarded the recognition of a Presbyterian establishment founded on the subversion of an episcopal form of worship and discipline as the legal adoption of error, and as checking the progress of the truths of the Church of England: there were not wanting those in Scotland who felt that the power and wealth and rank of the country would all pass over to the cause of episcopacy, whatever statutable rights might remain—provided and secured to the National Church. But the two contracting parties, the two nations, were competent to make the contract: they made it: and I contend that it is not a question of discretion with us now whether the bargain were right or wrong; it was signed and sealed with all the solemnity which can ever attach to treaties between two kingdoms; and we have no other duty but to observe its obligations.

"Cannot, then, this compact be ever broken, or its conditions altered or qualified?" "Yes," said my noble Friend not now present (Lord J. Russell), on another occasion; "yes, if it be for the advantage of both parties." Agreed: if both parties be consentient to the alteration, as they were to the original enactment. But can they ever be replaced in their first estate? Each has necessarily lost its own independent existence, and can no longer treat for the dissolution of a compact—in other words, for the abandonment of a condition which one of them specifically required before it would hear of any other proposal. Least of all, can the one party, which happens to be the strongest, say, that her strength is sufficient reason for the abrogation. That which would be unjust between individuals is unjust between nations.

My right hon. and learned Friend the Lord Advocate, the parent of the Bill, of which the noble Lord is the guardian, said that a national compact might be broken if it were for the advantage of both parties. But I would ask the learned Lord, if happily he were present, can any compact, public or private, be altered at the pleasure of one of the parties? He must answer, no: because if otherwise, there never was any compact in the world, in the only useful sense of the word and thing. A bargain must bind both parties, or neither. The Great Western Railway Company and the North Western may distribute (as they please, between themselves) all England to the west of the meridian of St. Paul's; and having united in the bargain may unite to dissolve it: but no one can contend that either at his own caprice, and still less on a view of his own interest, or what he might call the interest of the other, is at liberty to impose his own will on the rights of the other.

It is said, however, that, practically, if not formally and technically, both parties, the Scottish nation and the English, are united in a desire to abrogate the present and exclusive distinctions of the Established Church of Scotland; and it is said, secondly, that if the present measure be a violation of the Act of Union, that Act has been repeatedly violated before. I will at once notice this last argument, as, for courtesy's sake, I call it.

Independently of the moral objection to the argument, I deny the fact on which it is founded: that is, I deny that there is any analogy between the infractions or alterations of fiscal and commercial regulations, or the proportions of Parliamentary representation, as made by the Act of Union, on the one head, and this great and solemn provision for the security of the Church which the Parliament of Scotland required and insisted on, before it would take any other and minor matter into consideration. I am aware, that the authority of the Act of Union was invoked in the Parliament of Great Britain on the Church-Presentation-in-Scotland Bill. in 1712, when the House was moved, that the two Acts passed in the Parliament of Scotland, 1690 and 1695, be read, as *in verecundiam;* but I have yet to learn that, at all events, either of those Acts affected the rights of the Church of Scotland in its relation to the national education of the people, or to the maintenance of its doctrine and worship in the Universities of the land;—objects secured, as both Legislatures thought, from all doubt or hazard in 1706–7, and objects as distinctly affected, hazarded, destroyed by the proposed legislation of 1853.

But if the case were otherwise; if the Act of Union have been previously infringed, does such infringement justify any other? Do two wrongs make one right? I believe that there are few societies in England—I trust that the House of Commons is not an exception—in which such a proposition would not meet with an indignant negative. In fact, it is, in more polished and less familiar language, maintaining that a man having picked another's pocket yesterday, is therefore entitled to pick his pocket to-day.

To speak more seriously; the proof, if proof there were, of any former violation of the Act of Union, strengthens, rather than impairs, the obligation of honour to maintain what is still left in our own power as trustees, to preserve for those whose interests were confided to the care of our forefathers, and whose claims are now solemnly urged upon ourselves.

But, said the learned Lord—and I now revert to his first assumption—"the people of Scotland are in favour of my measure;" and I cannot conceal from myself, that many of those representatives of the people of Scotland, who in this House, on former occasions, have strenuously resisted measures founded on the same destructive principle which is embodied in the present Bill, have now so far withdrawn their opposition—I might too truly say, have now so far given their support to the learned Lord, as greatly to justify his statement. Yet the *onus probandi* is upon himself; and notwithstanding the admission which I have just made, I contend that the Lord Advocate has as yet failed to prove that the great body of the people of Scotland, above all, of the Church, and of the Universities, whose connexion with the Church was, by the Act of Union, declared to be perpetual and inviolable, are in favour of the mighty change which is involved in the present measure. No, Sir, I believe that the mind of the Church of Scotland is as strong and determined now, as it was one hundred and fifty years ago; and that the mind of the Universities is as united with the Church in principle and in affection as it was when their connexion was first formed. I do not deny, that those who call themselves the patrons and founders of one of those Universities are in favour of the dissolution of that connexion. I do not deny that some eminent men in other Universities would rejoice in severing them from the Church as an establishment. But the principle of the present Bill goes much farther, and separates the general teaching of the Universities of Scotland, not only from its Church, but alike from every and any form of religious belief.

But what is the legal and recognised exponent of the Church of Scotland? Is it not the General Assembly in its formal Session? Is it not the Presbyteries and the Synods throughout the land? Does the General Assembly waver in the maintenance of the claim of the Church to be the authorised instructress of the people? Do the Presbyteries palter with their obligation to maintain the claim of the National Church to be the national teacher of the people? The General Assembly in their petition presented by my hon. Friend the Member for the county of Lanark (Mr. Lockhart), states, that the Bill not only destroys the close connexion between the Church and the Universities (which the Legislature intended to secure for ever) but makes no provision for a profession of religion in any form, by lay instructors of youth; and that this close and ancient connexion—

> "and its continuance for ever without alteration, was guaranteed by the Act of Security which was passed by the Scottish Parliament, as a preliminary to even treating of an union with England, which was inserted in the Treaty of Union thereafter formed, and which thus became part of an international compact between two independent kingdoms."

And the General Assembly adds—

> "That the same treaty provided, that the successive Sovereigns of the United Kingdom should, each at his or her accession, solemnly swear to maintain the provisions of that Act in all their integrity."

And are the different Presbyteries of Scotland lukewarm in the defence of the common rights of the Church? Can the learned Lord point to any variation of opinion among the different Presbyteries of the Established Church? and here, since it has been insinuated to me—though privately and with all courtesy—that, when the Members from Scotland now sitting around me are in favour of the Bill, I ought not, as an English Member, to be the first to oppose it. I feel bound to reply, first, that I regard this as an imperial measure, and no local and private Bill with which an English Member may have little concern; and, secondly, that I have had for many years the honour of receiving the confidence of great bodies of the people of Scotland; that I presented, many years ago, the largest petition which, up to that time, had ever been signed in Edinburgh—it was against the fatal Bill of 1829—and that I have on the present occasion been entrusted with more petitions against the Bill than perhaps any other Member, whether representing an English or a Scottish constituency; and I feel bound, accordingly, to give such prominence as I can, not only to my own views, but to those of the different bodies who have entrusted their interests to my advocacy.

The petition from the Presbytery of Haddington, after reciting their rights under the Act of Queen Anne, cap. 6, 1707, proceeds to state that—

> "They cannot consider the said Act to stand on the same footing with Acts passed after the union of the two kingdoms. That it was especially provided, before the Estates of Scotland agreed to proceed with the Treaty of Union, that it should be held and observed in all time coming as a fundamental and essential condition of any treaty or union to be concluded between the two kingdoms, without any alteration thereof or any derogation thereto in any sort for ever."

The petitioners state that the connexion between the Church and the Universities of Scotland is as firmly secured by a long succession of Acts of the Scottish Parliament as is that between the Church of England and our English Universities; and without stopping to inquire whether there be any and what difference in the cases, I admit at once, that, so far as the arguments of the learned Lord are concerned, they might be applied by others to the dissolution of the connexion which is still firmly and strictly maintained in England.

The petition from the Presbytery of Weem, after reciting the legal position of the Universities and of the Church of Scotland, states—

> "That the Universities were placed in this position not only for the security of the Church, but also and more especially for the security of Education—that the education of youth might be entrusted to men of sound principles."

And they add—

> "That the Church of Scotland little deserves to be deprived of the superintendence of the education which she was the first to establish, and has ever been so zealous to promote—a result, also, which" [as they emphatically impress upon the House] "cannot be reached at but through the violating of national faith, and of rights which the Sovereign is solemnly sworn to uphold."

For many reasons, but especially because the different Presbyteries express their own views better than I could—I have wished the House to receive their own words. I will add only one other extract from their petitions. It is taken from that addressed to us on the 12th day of April last by the Moderator of the Presbytery of Dunoon. The petitioners state, as is not only patent in the Bill but admitted by its authors, that the

> "measure avowedly infringes the Act of Security by which an independent nation, in making a voluntary treaty with another nation for their joint interests, had expressed and absolutely reserved indefeasibly a right of its own"—

Namely, the maintenance of the integrity and the rights of its Church. The Presbytery further state that the superintendence exercised by the Church over the education of the youth of Scotland, "has not in the ages past been unproductive of the fruit of godliness and sound learning;" while the present Bill will leave "in most instances wholly defenceless"—"the religious opinions and principles of those who attend the Universities of Scotland." They complain of the utter insufficiency of the proposed declaration, which requires little, and forbids nothing but the exercise of the functions of a Professor "to the prejudice or subversion of the Church of Scotland as by law established;" and the petitioners proceed most conclusively to urge—

> "That by the terms of that declaration a wide scope is left to Professors who may be inimical to the Church of Scotland for undermining its interests and stability, without their exercising directly and openly the functions of their office to its prejudice or subversion; and that even in the cases in which such exercise of those functions might appear, the necessity, in order to check it, of a process at law before the Court of Session on the complaint or information to the Lord Advocate, of the Patrons of the Universities who may have no attachments to that Church, or of the Senatus Academicus, the great majority of the members of which would themselves be freed from having any connexion with it, or of students, least of all parties likely to promote such serious proceedings against their instructors, must render practically of no avail the only protection proposed by the Bill to the Church of Scotland in that most important particular—namely, the academical instruction of the people of which it is the Established National Church."

And they close the petition with their prayer that the House will refuse its assent to any part of that Bill now before us.

In that prayer I cordially concur; in the statement and in the reasonings which justify that prayer, I equally concur. The existing law of the land, founded and guaranteed more solemnly than any other statute on the books, requires, in relation to the Church and the Universities of Scotland that for securing the worship and discipline of that Church in all time coming, no Professor in St. Andrew's, Glasgow, Aberdeen, or Edinburgh, shall be allowed to exercise his functions without acknowledging, first, the principle of the civil government of the land, that is, the Protestant succession; and, secondly, the integrity of the established Church of the land, in its doctrine, worship, and discipline. These objects the Church of Scotland still values: these objects its General Assembly and its Presbyteries still pray the House to maintain; these objects the Bill violates, as its authors avow.

Yet this is the Bill which the silent eloquence of the noble Lord is to be sufficient to carry through the House!

Have the friends of the Bill proved the assent of the people of Scotland to their measure? or is it an axiom on which they rest, and which requires our assent as by instinct—"that whatever is, is wrong?" There are, I fear, some in this House who would hardly shrink from the adoption even of such an avowal; but my learned Friend the Lord Advocate cannot subscribe his honoured name to such a doctrine. The fact of an Establishment does not necessarily imply an abuse; and before he injures an establishment, or hazards it, he is bound to prove not only that it has no rights, but that it has no merits.

And here let me pause to remark, that the whole subject of the connexion of the Universities of Scotland with its Church was formally examined a few years ago by a Royal Commission; and that the continuance of this connexion is recommended as much by the judgment of those Commissioners, comparatively disinterested as they were, as it is asked and urged by the great body chiefly and immediately affected by the present measure, the Established Church of Scotland. The words of the Royal Commission are these: "Considering the importance of preserving the connexion which has hitherto subsisted between the Universities and the Church of Scotland;" and proceeding specially to refer to the theological chairs, they resolve, that further legislative provisions are necessary in order to give more stringent powers to the Established Church over such chairs; and they resolve, accordingly, that a law ought to be brought in for that purpose; though—

"Without compromising or abridging the powers, whatever they may be, of the Church to exercise superintendence over all Professors in any of the Universities under the existing laws of Scotland, in regard to the religious opinions which they may disseminate."

I have now shown you, Sir, how the measure placed in your hands dissatisfies the Church of Scotland. I have shown you how it must dissatisfy the eminent men—the Earl of Aberdeen among the number—who, a few years ago, devoted their time, under the authority of the Crown, to investigate the rights of that Church, the duties of the Universities, and the interests of both, and of the whole people of Scotland in the question. I ask my noble Friend opposite, who has adopted the charge of the present Bill, whether it satisfies any one else?

Does it satisfy the Synod of United Original Seceders? I hold in my hand their petition, addressed to us on the 29th April, 1853, as presented by my hon. Friend the Member for Perth (Hon. A. Kinnaird). Now, while, as might naturally be expected from their title and their origin, they, as seceders from the Church, consider as "highly objectionable" that clause of the Bill which forbids professors "to use their influence in any way to the prejudice or subversion of the Established Church;" and while with equal consistency, they pray that the existing law, which requires subscription to the formula of that Church ought, so far as the Bill goes, "to be rescinded;" they not less

"earnestly deprecate the repeal of that part of the law which makes subscription to the *Westminster Confession of Faith* imperative, more especially as said *Confession* is still the acknowledged subordinate standard of all the Presbyterian denominations in this country."

And, above all—

"that all who are entrusted with the responsible office of conducting our educational institutions, more especially Professors in our Universities, ought to be men not only of unblemished moral character, but of sound religious principles."

They regret the present measure, even though it goes no further than the non-theological professors, because—

"besides being a still further departure from the system established at the Reformation, it would have the effect of dissociating religion entirely from secular education, and of admitting parties to chairs in Universities, avowedly hostile to all religion, and whose influence on the morals of those under their tuition could not but be deeply injurious."

I will not stop to ask whether the Bill satisfies the Free Church. It might perhaps desire that the Established Church should not retain its exclusive privileges as secured to it by the existing law. It never can desire to separate religion from education.

Does the Bill satisfy the lay liberals in Scotland? When they were assembled in Edinburgh in August last year, it was for the purpose of effecting the abolition of all tests on admission to the Universities of Scotland. When they were assembled in March this year, they were summoned by a call specifically to support the learned Lord's measure:—"All favourable to this object are invited to attend." An account of their proceedings is in my hand. Mr. Greig, after contrasting their limited views now with the broad expanse before them in August, 1852, said, "he looked on the Bill, to say the least of it, as objectionable." What more could be said against it by one of its enemies I know not; I am content with this account of it, given by one of those who came to a public meeting invited to support it. Yes, something more can be said against the Bill, and it was said by the same gentleman. I find these words in Mr. Greig's speech in reference to the Declaration—which, after all, the Bill contains—that "it would be a snare to some men, and a stumbling-block to others." Mr. Peddie was less hostile: he had contrived to satisfy himself that the Declaration was no test: "at the same time he regarded it as a blot in the Bill, which he would far rather have seen away." [Mr. Cowan: Hear, hear!] I will soon reach the hon. Member for Edinburgh, who cheers me. It will be his turn very soon. Professor Fleming "earnestly hoped that the Bill would be passed, though he, too, admitted that it was not in all respects as he would have liked." And then at this meeting of the "friends of the Bill," rose the hon. Member for Edinburgh, and "confesssed that he was much of the opinion expressed by Mr. Peddie, that the Bill would have been better had the Declaration been omitted." He added, what I trust those hon. Gentlemen, who have felt themselves at liberty to withdraw their opposition to the principle of the Bill, will henceforth at least remember; they will see from it, that they lose the safeguard of centuries, without securing the continuance, even for a day, of the poor substitute which they have been content to accept. They abandon the national pledge which their ancestors required and obtained at the Union, and receive a piece of paper from the Lord Advocate, which the hon. Member for Edinburgh will tear in pieces to-morrow. I find by this same record before me, that Mr. Cowan is reported to have said, that he hoped "the Declaration would be omitted as the Bill went through Committee." What do you gain then, by conceding the principle? by refraining from opposing, as you have always hitherto done, measures of this kind? When you have descended from your own inexpugnable height, are you safe in your new position on the plain?

But what had Dr. Lees already said? He had told his meeting, that, in his judgment, "the Bill now proposed did away with the test completely." Dr. Candlish, on the other hand, it is true, instructed his hearers—in reference to the conduct of professors when the Bill should be passed—"that no honest man would use the functions of an office constituted for a different purpose altogether for another object different from that for which that office was constituted." But Dr. Lees had already said, that he understood the Declaration "to apply to a Professor when in his chair merely; but that under other circumstances, by this Bill he would have perfect freedom of speech." Thus the non-theological chairs at all events would have perfect freedom, not merely to attack the Church, not merely to undermine it as an Establishment, but to assail our common Christianity. Before entering his chair in the morning, and on leaving in the afternoon, Professor A. or Professor B. may—if Dr. Lees be right, one of the main supporters of the present Bill—engage in any and every measure hostile to the Church, and may carry the prestige of his name and office into any assembly convened for the overthrow of that Church, or may teach or print, with all the sanctions which his station in the University conveys, any doctrine at variance with the Gospel of our salvation.

"But these are unpremeditated expressions of individual opinion, even though delivered in a public meeting: they bind no one, not even the speakers." Well, but what are the opinions in respect to this Bill, as they are solemnly and deliberately pronounced and sealed by those who are pleased to call themselves not merely patrons but founders of the University of Edinburgh—the Lord Provost, Magistrates and Council of that city? How far do they approve of the Bill of the Lord Advocate? They say, that, while they "cordially approve" of the repeal of that security which the existing law gives to the Church of Scotland, they consider that the Declaration which is to be substituted for it (and on the faith of which my honourable Friends have given in their adhesion to the learned Lord's Bill), is "not only unnecessary, but very objectionable;" and they observe incidentally, that it would "be very unjust to honourable and distinguished men, many of whom have held office nearly a lifetime"—they must have been admitted very young—to require existing Professors to make this declaration.

Be this as it may, I am entitled to ask my honourable Friends near me, whether they feel quite satisfied in the compromise which they have made with my noble Friend opposite? But then they tell me—and the Lord Advocate himself intimated the same a short time ago—that, whereas, his first draft of a Declaration was, and is, rejected by the friends of his Bill in Scotland, he will, nevertheless, impose a far stronger Declaration upon them; and since I came into the House this day, the courtesy of my noble Friend opposite has placed in my hands a copy of the Bill as its author would desire it to appear when it shall leave the Committee, if, unhappily, the second reading shall be carried. It is true, that the Declaration to be proposed, is far more stringent in the new Bill, than in that before us, however objectionable the Bill itself may, after all, remain; and it is also true, that there is not in the Preamble that needless recital of the law and the fact which the learned Lord instantly proceeds to repeal and annul by the Bill as it stands. But the law and fact remain, whether the learned Lord quotes them, or ignores them. He may hide his head, and may say, that he does not see the Claim of Right, the Act of Security, and the Act of Union; but they remain, nevertheless, visible to all other men. And let me remind the House, that we are dealing, not with a Bill, as it may hereafter come forth from a Committee, but with the actual Bill, as printed, and as in our hands; and which we are required to pass thus hastily. [Lord DRUMLANRIG: Hastily?] I withdraw the word if the noble Lord objects to it; and substitute the words, without discussion: since, though the Bill has been four months before the House, it has hitherto undergone no discussion; and is now brought forward on this its important stage without a single word in its favour on the part of my noble Friend (Lord Elcho), as if he thought that it might be at once and easily decided.

Now, the Bill, as it stands, and even as

it may be amended by the Lord Advocate, distinctly separates the teaching in the Universities of Scotland, from all necessary connexion with any religion, those chairs only which are directly and exclusively devoted to theology, being of course and necessarily excepted. I have taken my present part in the matter, not because I am individually a member of the Established Church of Scotland. It is unnecessary for my argument to state, how much or how little I differ or agree with that Church: but I should be ashamed of myself, if I could so far compromise my sense of the blessings of our common Protestantism, as to be a party to any measure for weakening that bulwark of Protestantism which the Establishment in Scotland presents. I believe, further, that, whatever be its form of government, the Church of Scotland holds the great fundamental truths of our common Christianity: and I believe this the more confidently since the Free Church has not varied a hair's breadth from the doctrines of the Establishment. Irrespectively, however, of any such consideration, I oppose the present Bill, because it violates rights secured by the most solemn treaty between two nations: it does more;—it repeals by the mere might of the stronger, a compact made with a weaker power.

These considerations, powerful and irresistible as I regard them, are, however, as nothing compared with the principle on which the present Bill is founded, namely, that the general education of a nation may be conducted without any reference to God, or His Word, or His Will.

I believe that it is the duty of a nation to provide where it can, but, above all, to continue where it finds, some security for the religious education of the people. The object of those who oppose the Bill is not merely to secure the Church of Scotland in all its rights, but to provide some security that teaching generally should not be hostile to religion generally. I do not enter into the question of tests for the pupil; but this I say, that where there is no test for the pupil, it is still more important that there should be a test for the teacher: and it is not sufficient that there should be merely a negative test as provided by the present Bill, even in the proposed Amendment. That negative test is limited to not destroying: it says nothing about supporting; it is further limited only to the use to be made of the Professor's chair. Why, David Hume might have made such a declaration. Tory as he was, he might not have cared to destroy any establishment. And have we not had experience enough since the year 1829, to enable us to measure the value of a test about "not weakening or destroying," &c.? Does any one suppose that infidelity would be taught systematically and avowedly *ex cathedrâ* in the Universities of Scotland? It has been said that articles on direct religion are not always bad even in the French Encyclopædia: and unbelievers in the present day, if unhappily sincere, know their work too well to begin by any direct attacks on our faith. No: they will first discard what they call "Sectarian opinions," that is, any form of religion which refers all things to God and His word. Their pupils will be taught the power and the omnipotence of man's reason: they will be idolaters of talent: instead of being humble disciples of God's truth, and patient inquirers after knowledge—looking to Him as its source, and to His glory as the end—they will be materialists in fact if not in profession. Instead of raising science to the level of religion, they will lower religion to the level of science. I hold, that secular science ought to be taught with a direct reference to religious truth. There are few things which a man cannot do better in exact proportion to his acting on religious principle: there is nothing which he cannot teach better. Would any father send his child to be taught any thing by a sceptic rather than by a Christian? Would he have him learn astronomy from Laplace rather than from Newton? May not the Professor of Moral Philosophy teach that conscience is a fiction? May not Materialism be taught from the chair of Anatomy? May not the Professor of Geology deny the Mosaic account of the deluge? or maintain the eternity of matter—never beginning, never ending?

But it is said—admitting all this—what security against it do you provide by any test or any declaration?

A very imperfect security, I admit: but far better than none. You do not abolish oaths because an infidel may take them and break them. Afrer all, they are the best securities for civil government; and no nation has ever existed without them. And I say that the *Confession of Faith,* the *Larger Catechism* and the *Shorter Catechism,* as assumed to be adopted by every Professor in Scotland, even if he do not *ex animo* subscribe them, cannot but have a powerful influence upon his mind. If he do not conform his teaching to them, he cannot speak against the truths which they embody. For very shame's sake, he must be withheld from making his chair a pulpit of infidelity; and, if he be no more than a man of honour, he cannot make his office the means of inculcating doctrines the reverse of those which he has pledged himself to support.

But the Preamble states that the provision for the perpetual connexion of the Universities with the Established Church of Scotland, "is not suited to the present condition of Scotland; and tends to the injury of education in that country." If either were true, is there no other remedy than the violation of the most solemn of all compacts? Yes, there is. The learned Lord may establish another University for those who cannot conform to the principles of those already existing. Is this a new suggestion? Is it made by the supporters of the old institutions? On the contrary, I find it as the closing paragraph of a statement drawn up by the deputation appointed at a general meeting held in Edinburgh, April 3rd, 1845, to obtain the repeal of the actual law which connects the Universities of Scotland with its Church; and the second name subscribed to that statement, is that of one whom I feel an honour to be allowed to call my friend, Sir David Brewster, and whose wishes I most reluctantly oppose on the present occasion. After reviewing the case, into which I need not enter, inasmuch as the first sentence admits the full force of the present law, the memorialists add—

> "This state of things cannot much longer continue. If the existing restrictions are not removed, the various religious bodies who are aggrieved by the present system, will feel constrained, however reluctantly, to unite in the erection, on a broad and liberal basis, of a Scientific and Literary University, in which they shall be able to place unlimited confidence. We deprecate such a result. We are most anxious to strengthen and extend our National Seminaries of Education—not to impair their efficiency. We are fully alive to the great and manifold evils of sectarian instruction; and we therefore most earnestly desire that our Universities and Colleges should be adapted to the present state of Scotland, so that all sects may continue, as heretofore, to unite cordially in their support."

It is enough for me to contend that it is a less evil to establish a new University than to impair the Universities now in force by destroying their connexion with the Established Church, and by hazarding their connexion with our common Christianity.

Once more, let me remind the House, that the greater security of the Church of Scotland was the object of the Claim of Right: that the Claim of Right was incorporated in an Act of the Parliament of Scotland: that the Parliament of Scotland would not open a conference for an Union with England, except on the condition that the Commissioners should not have power even to treat of any other measure relating to the Church of Scotland: and that the two Parliaments are united in confirming the rights of that Church.

Has not the Church of Scotland another security which I have not yet mentioned? Even before the proclamation of the Accession of a Sovereign to the Throne of these realms, that Sovereign, as the first obligation of Royalty, takes an oath prescribed by the Act of Union, and subscribes a declaration for the security of the Church of Scotland.

I find in the *Gazette* of the 20th June, 1837, that—

> "Her Majesty at Her first coming into the Council, was this day pleased to declare, that, understanding that the law requires that She should at Her accession to the Crown, take and subscribe the oath relating to the security of the Church of Scotland, She was now ready to do it at this first opportunity, which Her Majesty was graciously pleased to do according to the forms used by the law of Scotland."

Among the Members of the Privy Council recorded as present on that occasion, are the Earl of Aberdeen, Lord John Russell, and Lord Palmerston.

Every year at the appointment by the Sign Manual of a Lord High Commissioner to represent the Queen at the General Assembly of the Church of Scotland, Her Majesty renews, through the great officer of State, the solemn guarantee of Security to the Church of Scotland.

I appeal to the sworn advisers of the Crown: I appeal to the learned Lord who has introduced this Bill: I appeal to every one who has read it, whether it be calculated to maintain the rights of the Church as secured by the Union, and confirmed by the oath of the Queen. On this issue I stand: and believing that the position is impregnable, I will not abandon it, and I will not despair.

I move that the Bill be read a Second Time this day three months.

Mr. W. LOCKHART seconded the Motion.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

COLONEL BLAIR said, he wished to ask the noble Lord opposite (Lord Elcho), for the satisfaction of several Scotch Members on his (Colonel Blair's) side of the House, whether the Bill, which had now been on the table of the House for the last three months, was only to be read a second time *pro formâ*, in order that an amended Bill might be brought forward before the House went into the Committee, as he expected that certain alterations were to have appeared in this Bill?

LORD ELCHO said, that there were some alterations in the present measure which had been laid fully before the House by his right hon. and learned Friend the Lord Advocate, and had been circulated throughout Scotland, where he believed they were perfectly known. He much regretted that it should have fallen to him, in the absence of his right hon. and learned Friend, to defend the principle of the measure before the House, and to oppose the Amendment of the hon. Baronet opposite. But that regret was much diminished when he reflected that the measure was in itself reasonable and just, and, he hoped he might be excused for saying it, that he considered the opposition of the hon. Baronet was both unreasonable and unjust. There was one circumstance, however, that gave him considerable pleasure, and that was, that there was one point on which he agreed with the hon. Baronet—he meant, in his desire to promote the interests of the Church of Scotland. From that desire it arose that he wished to see the present anomalous and unsatisfactory state of the law as regarded the tests in the Universities of Scotland altered. It was his opinion that the present state of the law with reference to tests, so far from being a security, was a snare and a danger to the Church, rather than that bulwark which the hon. Baronet would have the House to believe. It was a snare, inasmuch as it led the Church to look to legislative enactments for security rather than to its hold upon the feelings and affections of the people. It was a source of danger, inasmuch as it embittered sectarian differences, and united all not in its communion in hostility against it. That such was the case, every one conversant with the state of the law would readily admit. The subject was one which had often been discussed in that House. He would not, therefore, occupy any time by entering into an explanation of the law; but he might mention that the law, as laid down by the hon. Baronet, was, in substance, correct. It was undoubtedly true that the law of tests was originally passed in the year 1690, and by it Professors, readers, and schoolmasters, were compelled to sign the *Confession of Faith*, and to conform to the ceremonial of the Church of Scotland. The hon. Baronet had quoted history in support of his position; but history might be read in different lights according to the feelings of the person who read it; and he thought that the history of those times clearly proved that the law of tests was established as a security for the Presbyterian against the Episcopalian Church. The danger that was dreaded by the University at that time was an invasion of Episcopalian doctrines, and it was feared that at the time of the Union the Episcopalian form of worship might be imposed upon the people of Scotland; and it was to prevent that, and that alone, that the present system of tests was established. Such being the intention of the law on the subject, he would now look to what had been its actual practice. It was a notorious fact that the law had proved practically inoperative. Episcopalians, the very people whom the law especially intended to exclude, had been admitted to the professorial chairs of the Universities; and when the hon. Baronet spoke of the distinguished men who had been professors at Universities in Scotland, he would like to ask him how many of those men had signed the *Confession of Faith?* He believed he was correct in saying that when his right hon. and learned Friend the Lord Advocate brought in his Bill last year, he stated that fully one fourth had never signed the *Confession of Faith*. Such being the anomalous state of the law with reference to the admission of professors to Scotch Universities, the Lord Advocate had brought in this Bill to place them on a better and more satisfactory footing. The Bill proposed to do away with the tests for lay chairs, the theological chairs being excepted, and substituted a declaration, which he would now read to the House:—

> "I, A. B., do solemnly and severally, in the presence of God, profess, testify, and declare that, as Professor of , and in the discharge of the said office, I will not endeavour, directly or indirectly, to teach or inculcate anything opposed to the authority of Holy Scripture, or the decisions of the Westminster Assembly, or ratified by law in 1690, and that I will not exercise such office to the prejudice or subversion of the Church of Scotland as by law established, or the doctrines or privileges thereof."

That was the amended declaration which his right hon. and learned Friend stated it was his intention to introduce into the Bill. There would also be a power in the Lord Advocate to investigate complaints of the conduct of any of the professors, and, upon inquiry, to obtain the issue of a commission by the Crown, for the purpose of removing him from his chair. Such were the alterations proposed in the Bill, and it appeared to him to be a most reasonable measure—a reasonable solution of a very difficult question, which it was for the interests of all parties to adopt. The hon. Baronet opposed the measure as being opposed to the Act of Security, and contrary to the oath taken by the Sovereign. As far as the measure being opposed to the Act of Security went, it appeared to him that such was not the case, and he could refer hon. Members to a history, by Mr. Burton, of the period between 1688 and 1745, which had recently appeared; and he felt convinced that after perusing that work, few people would deny that the existing law, as regarded tests in the Scotch Universities, was originally passed solely to prevent the induction of Episcopalians into the professorial chair. The words of the Act itself clearly proved that such was its purport:—

> "That none of the subjects of this kingdom shall be liable to make any oath, test, or subscription whatever, contrary to, or inconsistent with, the Protestant religion of the Presbyterian Church of Scotland as by law established, and the same shall never be imposed or required of them."

Those words tended to show that the danger anticipated was that an Episcopalian majority should extend the Tests and Corporations Act to Scotland, and that to occupy the ground with counter-tests, those tests were introduced into the Act of Security. With regard to the argument of the hon. Baronet, that the proposed measure was contrary to the oath taken at the coronation by the Sovereign, he could not arrive at any such conclusion. The hon. Baronet had treated the question as if the Universities had been originally instituted as appendages to the Church, but such was not by any means the case. It was a doctrine to which he could not assent, and he would refer to the Report of the Commission of 1829 to confirm his impression?—

> "These Universities are not now of an ecclesiastical character, or, in the ordinary acceptation of the term, ecclesiastical bodies. They are intended for the general education of the country, and, in truth, possess scarcely any ecclesiastical feature except that they have a certain number of

> professors for the purpose of teaching theology in the same manner as other sciences are taught. Neither their constitutions, endowments, nor provisions for public instruction are founded on the principle that the Universities are appendages of the Church of Scotland."

That showed the opinion of the Commission as to the connexion between the Universities and the Church. There could, he thought, be no doubt that the operation of the existing law was not in accordance with the views of the framers of it, and if in addition to that it was also manifest that a change would be for the general interest of the people of Scotland, it was, he submitted, only consistent with sound policy that a measure like the present should have been introduced. He could appeal with confidence to any hon. Members who were well acquainted with the feelings of the people of Scotland on this subject to confirm him in the statement that the proposed measure was looked upon with favour by the majority of the people of that country, and that they were impressed with the necessity of some such change. When he used the expression "the majority of the people" of Scotland, he believed that, in reality, even the majority of churchmen of that country were in favour of some such measure, and they were, he would say, without intending any offence to the hon. Baronet, as sincere friends to the Church as he was. He would read to the House a declaration to which Lord Belhaven the Lord High Commissioner had assented, and which was subscribed to by some of the best friends of the Church of Scotland. It was a declaration couched in expressive language. It set forth that—

> "Being of opinion that the present operation of the law in regard to the tests exigible from persons appointed to professorships in the Universities of Scotland is calculated to prove injurious to the interests, not only of the Universities, but of the Established Church, we, as members of that Church, feel called upon to record our desire that some measure may be speedily adopted."

From that declaration, it was manifest that the members of the Church of Scotland themselves were desirous of a change; and if that were so, it could not, surely, be urged that change would be detrimental to the interests of that Church. He had endeavoured to show that the existing laws had been enacted originally with the view of preventing the induction of Episcopalians to the professorial chairs in the Scotch Universities; but there was another danger in the existence of the tests as at present prescribed, which was, that although, when it was considered expedient, persons had been placed in the professorial chair without taking the tests; yet there had been occasions when, after admission attempts had been made to bring the law of tests into operation. There was one case in point to which he would refer, where a gentleman, whose name was well known, who, in fact, had acquired a world-wide reputation, was concerned. When Sir David Brewster was Principal of the University of St. Andrews, an attempt was made to turn him out, and a libel and charge were preferred against him, calling upon

> "the Senatus to remove him, censure and banish him, *quam primum*, for the glory of God, the safety of the Church, and the prosperity of the University."

Whether the banishment would be for the safety of the Church, or to gratify setarian hostility, he would not say; but how it could be for the advantage of the University to banish a man like Sir David Brewster, he certainly was not able to understand. There was another point to which he would call the attention of the House, and that was, that the Church of Scotland had not the slightest control over the Universities. He would, in support of that position, refer the House to the opinion of counsel in the case of Mr. M'Dougall, who had been appointed by the Town Council Professor of Moral Philosophy in the University of Edinburgh, and in consequence of a dispute which had taken place on the subject of his appointment, and which now was awaiting the judgment of the House of Peers, the opinion of leading counsel had been taken, and he would read that opinion to the House:—

> "That the Church has no title, either through the Presbytery of the bounds, the General Assembly, or its commission, to enforce the provisions of the Acts of 1690 and 1707 as regards subscription to the *Confession of Faith*, and the formula, by the party said to have been recently admitted as Professor of Moral Philosophy in the University of Edinburgh."

From that opinion it was evident that the Universities were not, as he had already stated, appendages of the Church. He had endeavoured to answer the arguments which the hon. Baronet had urged against this Bill; and if he required a still stronger reason for accepting the present measure, it would be derived from the fact that the opposition to it had not proceeded from a Scotch Member, but from the hon. Baronet. The principle of the measure which was now before the House had been on previous occasions opposed by Scotch Members; but this was the first time—and he would appeal to his right hon. Friend the late Secretary of State for the Home Department (Sir G. Grey) to confirm the statement—that an Amendment of the nature of the one now before the House had been proposed by an English Member. He would frankly state to the House the reason. The fact was, that the present measure was a compromise, and while it was opposed by the hon. Baronet, who held extreme opinions on the one side, it was not entirely acceptable to those hon. Gentlemen who were desirous of a complete separation between Church and State, and who were opposed to the adoption of any test whatever. The proposed measure was, in fact, as he had already stated, a compromise; but it was, in his opinion, a reasonable compromise, and he must say that although he, and he had no doubt other Scotch Members, felt grateful to the hon. Baronet for the interest which he took in the affairs of Scotland, they would have felt more grateful if he had not offered any opposition to the measure of his right hon. and learned Friend. He could not but think, judging from some passages of ominous import in the Report of the Oxford Commission, that the hon. Baronet might some day have enough on his hands in endeavouring to keep some such measure from being passed with regard to the University of Oxford, which he represented. He had stated the grounds upon which he was anxious that the House should assent to the second reading of this Bill, which was conceived, as he thought, in the true spirit of the age, its object being to promote the spread of education by extending the field from which professors might be chosen, and to remove a disqualification to the appointment of able men to fill the office of Professor in the Scotch Universities. It was framed in a spirit which he thought was conspicuous in the Report of the Cambridge University Commission. There was a passage in that Report which bore so strongly on the question they were discussing, and which was so conspicuous for that spirit, that he should, with the permission of the House, read it to them. It stated that—

> "The University is a great national institution; it exercises a most extensive influence on the education of the higher and middle classes of the community, and consequently on the intellectual, moral, and social character of the nation. But its capacity of exercising this high prerogative, fully and completely, must depend on its keeping pace with the progress of enlightened opinion, and moving in sympathy and unison with the spirit of the age. It is one of the noblest characteristics of our times that the barriers which long excluded so many of our fellow-subjects from the equal enjoyment of civil rights on account of differences in religious opinions, have happily been removed by the prevalence of a generous and wise policy."

Such, he repeated, was the spirit in which the present measure was conceived, and he trusted that the House would withstand the opposition to it. He had himself no doubt that the measure would, at no distant period, pass into law. He had always looked upon the repeal of the Test and Corporations Act as one of the political achievements of the noble Lord the Member for London, upon which that noble Lord must look back with the greatest self-satisfaction; and that he had connected himself with a measure like the present, which would, he believed, advance the spread of education, and give increased stability to the Established Church, by removing the disqualification under which at present Dissenters laboured, would, in his opinion, prove to him an equal source of satisfaction. The Act of 1690, imposing tests, set forth in the preamble that tests were necessary for the advancement of learning, the good of the Church, and the peace and good government of the country; but the time had, he believed, arrived when to attain the three great ends therein mentioned, it had become necessary to make an alteration in the system then established. He trusted that the House would not assent to the Amendment of the hon. Baronet, but would allow the Bill to be read a second time.

Mr. FORBES said, he would not oppose the second reading of the Bill; not because they had confidence in its spirit as regarded the Church of Scotland, but lest the Ministerial majority might force it through in its present obnoxious state. As a compromise had been offered, they would not oppose the second reading therefore; but he held himself free to propose in Committee such amendments as should secure religion in the teaching of the Universities. He, for one, as a Scotch Member, thanked the hon. Baronet (Sir R. H. Inglis) for the support he had always given to religion, on this as on all other occasions.

Viscount DRUMLANRIG said, that in almost a single sentence he could express his feelings as regarded the Bill of the Lord Advocate. In the abstract he agreed to some of the objections which had been taken to the Bill; and if the House of Commons had been called upon to found for the first time a system for Scotch Universities, he, having no faith in the efficacy of tests, could have entered more fully into those objections. But the House of Commons was not convened for any such purpose. Their real object, taking into consideration the divided and somewhat difficult position in which Scotland found herself so far as ecclesiastical government was concerned, was to bring forward some Bill, the provisions of which, while they afforded no triumph to the enemies of the Established Kirk, would at the same time remedy existing grievances justly complained of both by the United Presbyterians and by the Free Churchmen of Scotland, who, although as good and as true Presbyterians as their neighbours, found themselves liable to a petty and irritating species of persecution, which our ancestors, when they framed the Act of Security, had never contemplated. Their sole object and desire, in fact, was to provide that Presbyterian Scotland should settle her own affairs without episcopalian interference. Now the Bill before the House, if not a perfect Bill, had this one great merit—that it offered an amicable settlement of a most vexatious and irritating controversy, and one which had been disturbing Scotland for years past. Every person who had the interests of Scotland at heart must wish to see some compromise effected which would encourage peace and harmony between rival sections of Presbyterians, who, after all, differed from one another on no vital doctrine, and whose united action was greatly needed in a common cause. The Scotch Universities were not ecclesiastical institutions: they were the common, the public property of the people of Scotland; and, since the people of Scotland were no longer in a body members of the Established Kirk, it was idle, it was puerile, it was perfectly suicidal for that Kirk to claim such exclusive privileges, which showed rather a Popish than a Presbyterian spirit. This Bill provided that no professor should exercise the functions of his office to the detriment of the Church of Scotland as by law established; and as a member of that Church he (Lord Drumlanrig) had no right to ask more. Entertaining these feelings, he should give his hearty support to the Bill, which, while it could not be looked upon as a triumph over the Kirk by the Dissenters, at the same time it put down impossible pretensions, and offered justice to all denominations of Presbyterians.

Sir **ARCHIBALD CAMPBELL** said, he would not oppose the second reading of the Bill, in consequence of the compromise that had been offered; but he considered that even after the proposed alterations in it should be made, it would still be disadvantageous to the Church of Scotland. He did not coincide with the noble Lord (Lord Elcho) in his interpretation of the intentions of the framers of the Act of Security—or in his views of history as regarded the proceedings of the Commissioners. The Scottish Universities, with the exception of the University of Edinburgh, were subservient to the Church from their foundation to the Reformation, and the *Book of Discipline*, drawn up by John Knox, substantially established the same connexion. In 1567 an Act was passed by the Parliament of Scotland confirming this relation, which Act was confirmed by subsequent Acts, passed in 1589 and 1592. One of the strongest clauses of the Act of Security was that proposed to be repealed by this Bill; and it should be remembered that this Act immediately followed the Claim of Right, upon which it was in reality founded. In fact, through all the vicissitudes described in the religious and political history of Scotland, the Universities had, as such, sunk and swum with the Church, whatever form of faith was for the time in the ascendant. But, under all the circumstances, he had no other course open to him than to vote in favour of the second reading of the Bill; and this course, he felt, was justified by the fact that a measure of this nature had been already four times before Parliament, on each of which occasions it had been rejected by very narrow majorities—in one case a majority of only one—and among these majorities were many members of the present Government, the opposition being conducted by the First Lord of the Admiralty (Sir J. Graham). It might be in the spirit of the age, but he was afraid, also, it was in the spirit of destruction. If the tests could be modified in the spirit of the Act of Security, he should not object to the change, but he was opposed to any violation of the compact that had been entered into with the Church and Parliament of Scotland. The Act was directed against the enemies of the Church of Scotland at the time it was passed; it now behoved Parliament to ascertain who were the enemies of that Church at the present period. These he believed to be Papists and latitudinarians, and in passing the Bill, the House was, therefore, bound to take the greatest care that the Church of Scotland should not be placed in jeopardy with either, and that the connexion with the Church should be maintained with the Universities of Scotland.

Mr. NEWDEGATE said, that as an English Member, he must complain that the intentions of the Government with respect to the Bill, had, without notice, been altered since its first introduction to the House. The question to be decided was not fairly represented by the Bill. He understood that some other Bill had been privately circulated among a few Members of the House by the Government. He had, since he reached the House, seen the frame of this other, which he was told was to be the real Bill, and yet the House was asked to pass the second reading of the Bill which was on the table. The question to be decided was assuredly not that contained in the Bill; and he contended that English Members had a right to know what they were voting on. The noble Lord (Lord Elcho) said the Bill was one for Scottish Universities, as if English Members had nothing to do but walk out of the House when any Bill relating to Scotland was under discussion; yet the noble Lord concluded by stating that the principle of this Bill would eventually be applied to the English Universities.

Lord ELCHO had only said, that the principle of the Bill was in accordance with the spirit of the age which dictated the inquiry into the English Universities.

Mr. NEWDEGATE: The noble Lord quoted a portion of the Report of the Commissioners appointed to inquire into the University of Cambridge; and he then argued that this Bill was based upon the principle embodied in that Report, and that the principle would be extended to the English Universities.

Lord ELCHO: I said nothing of the kind.

Mr. NEWDEGATE: Then the noble Lord's observations were wholly irrelevant. He (Mr. Newdegate) objected to the abolition of religious tests, especially required of the teachers of a University connected with the Church of Scotland; and he now called the attention of the House to the alterations proposed in the Bill to that effect by the Lord Advocate. The right hon. and learned Gentleman stated that the declarations were to be proposed for Professors—not of theology—and were to the effect that the individual should not teach anything contrary to the authority of the Holy Scriptures or the Westminster *Confession of Faith,* nor exercise the power he might possess to injure the Church of Scotland. No one could read that declaration, without at once perceiving from whence it was copied. That declaration was copied from the declaration which was contained in the Act of 1829, which was required from members of the Roman Catholic religion when they were sworn at the table before taking their seats in that House. Now, he wished to know whether there was anything connected with the observance of that dclaration to encourage the Protestant people of Scotland to believe that any negative test of the sort would give them better security for the religious and Protestant teaching of their children, than had been afforded to the Protestants of England by the negative test contained in the Act of 1829, by which all Roman Catholic Members swore that they would not use the powers committed to them, their position, or their influence, to weaken or disturb the Established Churches or the Protestant Government of this realm? Look at the assumption upon which the proposal of this test was founded. When a Roman Catholic made it, it was known that he was a member of a Church connected with a foreign head, holding peculiar and exclusive tenets, in antagonism to all other religions, and especially the Protestant religion of this country. It was under such circumstances that he declared he would not attack the Established Church. Following this analogy, by this Bill, the Government proposed expressly to provide, by the delaration, for the admission of Roman Catholics and infidels into the professorial chairs of the Scottish Universities: for none but avowed adversaries of Protestantism and Christianity could it be necessary to require such a test. It would be far better to abolish all tests than to propose a declaration which, by its nature, inferred that they were enacting that infidels and Roman Catholics should occupy the chairs of the Protestant Universities of Scotland, on conditions which had proved ineffectual to prevent Roman Catholics from attacking Protestant institutions in cases where they were under far more sense of publicity, and therefore, of responsibility. The noble Lord was seeking to support the policy which had broken down from one end to the other. There was as little reason for the people of Scotland to trust the declaration in this case, as the people of England had to trust to the analogous test in the case of the Roman Catholic Members.

Lord ELCHO: The declaration only applies to lay chairs.

Mr. NEWDEGATE could scarcely believe that the noble Lord himself had much confidence in the argument embodied in his observation. If the future Professors have the power of teaching, they will be able to instil their opinions into the minds of their pupils. The Roman Catholic priesthood knew this so well that they will not permit Protestants to teach history for instance, or several of the sciences in their universities. Infidelity could be taught from lay chairs as well as from theological chairs. The experiment of severing religion from instruction had been tried in Germany, and it had proved a notorious failure; for the infidel principles of their lay Professors had infected the whole body of their pupils, and had resulted in the revolutions of 1848, and the Socialist excesses of that period. [The hon. Member quoted the work of the Rev. Mr. Wright, just published by Messrs. Seeley, who had travelled much in Germany, and had many opportunities of knowing the mode of education in that country. Mr. Wright cited an instance of the irreligious character of the Prussian Professors, a large number of whom at a public dinner of over 100 teachers refused to allow grace to be said before the commencement of the meal, declaring that they were not children who prayed before they eat.] Mr. Wright quoted the confessions of M. Curtman, one of the ablest and most powerful supporters of the German irreligious system of education, who had had the courage and the honesty to avow the failure of his long-cherished system and opinions. M. Curtman wrote—

> "My former enthusiasm for schools and public instruction has now, through a thousand experiences, been sadly reduced; the revolution of 1848 has revealed to me and to others the ideal nature and imperfection of the medium through which we were wont to contemplate the school-world in Germany. This disenchantment exerted such a depressing influence on me that I was for a time inclined to consider my calling suicidal and vain."

And again, in the introduction to his work on the *Reform of the School*, he says—

> "Indeed the year 1848 and 1849, these providential and annihilating judgments on many a well-built human scheme, have removed the veil of imagined glory with which the German school was self-bedecked in mine eyes, and have left nothing but a withered apparition in its place.
>
> "It must be confessed, however painful, that the German school-system has had its day of visitation, and has been found wanting; to say the least, the expectations of its friends have been sadly disappointed. What is there that the advocates of the school have not promised on its behalf? Go to! it was said, you will empty the prison house, you will produce a moral and intelligent population, the teacher of the school will have the future in his hands, he will give refinement to humanity; and in these acclamations the author (M. Curtman) coincided. But alas! these paroxysms of admiration have been dispelled by the storm; the deformed reality is now before us, it betrays the errors of other days. With our hand upon our hearts, what, it may be asked, what has this much-praised and highly-nurtured school system, in these thirty years, worked out for Germany? Is the rising generation more prudent, less under the influence of passion, more virtuous than their uninstructed predecesors? Is a better spirit observable in the city than in the hamlets of the land less efficiently provided with public instruction? Have Baden, Wurtemberg, and Saxony, rich in schools, developed a more discreet, loyal and faithful people than Pomerania, Hanover, or even Tyrol? Has intellectual improvement contributed to make men more observant of the law, less disposed to crime? Has it done away with the immorality of a portion of the press, or improved upon the inflammatory tone of the addresses in popular debating clubs? No; the conclusive result is in disfavour of the great cities and the well-peopled, well-schooled provincial towns. The murderers of Auerswald and Licknowsky were educated men—a teacher of a school known in public conferences was amongst them. The cannoneers who ruthlessly sent the brand of fire into Ludwigshafen were no 'proletariers,' but, comparatively speaking, educated men. And what shall we say of the schoolmasters in particular—not that they were more completely carried away by the excitement of the times than other men; they partook of the intoxicating influence of the times in common with all youthful and excitable natures. But to their reproach it must be said that they were not able to extricate themselves from the ideal whirlwind —that they chimed in with the guilty doctrines of Socialism—that they became the tools of a selfish and tyrannical party. These are reproaches from which a large section of the order cannot exculpate themselves."

Yet that was the system sought to be established in Scotland by the Bill before the House. He (Mr. Newdegate) lamented that those Scottish Members who could not assent to the Bill had become parties to a compromise which was, in point of fact, no compromise at all, for the original intention of the Bill was carried out, and the apparent concession was a delusion. All reference was struck out in the preamble to the Act of Union; every approach was avoided to the great question of the oath of the Sovereign; and a declaration was framed which clearly implied the contemplation of admitting Infidels and Papists to the chairs in the Protestant Universities of Scotland; cloaked by a form of words, proved by long experience in this country to be ineffectual for restraining Roman Catholics, and in Germany incapable of excluding infidelity from the teaching of lay professors. For these reasons he was ready to divide with his hon. Friend (Sir R. H. Inglis); but he thought they had a right to have the Bill reprinted before the second reading, in order that it might be circulated, not among a few selected Members of that House, but among the whole people of Scotland, that they might see what was the intended compromise. If the Government meant to deal fairly with the House of Commons and the people of Scotland, why had they not printed the Amendments they intended to propose, instead of bringing Members down to announce some private arrangement or intrigue, which was to defeat the proceedings of the House? This was a strong type of the mode of dealing which was characteristic of the school to which the noble Lord (Lord Elcho) belonged. Intrigue out of the House, and arbitrary conduct in it, were the characteristics of that school of politicians—a school from which he (Mr. Newdegate) had separated; as an independent Member of the House he protested against these underhand proceedings; as a Tory he condemned these illustrations of the vices which had brought the once great Tory party into disgrace.

SIR GEORGE GREY said, he had, upon more than one occasion, expressed his approbation of the principles upon which this Bill was founded, and which he believed would be generally assented to by the people of Scotland. But he must say that the hon. Gentleman who had just sat down had paid but a bad compliment to the representatives of the people of Scotland—a people the most religious upon the face of the earth—when he said they were now combined to force upon that country a system, the inevitable result of which would be the promotion of infidelity—

MR. NEWDEGATE said, he must beg to explain: what he said was, that hon. Members who had left the House were no parties to it.

SIR GEORGE GREY said, that so far as he was aware, the hon. Members who had left the House, had left it with a declaration that they were prepared to withhold any opposition to the principle of the Bill. [MR. NEWDEGATE: No, no!] If the hon. Gentleman said "no," he could only appeal to the House. Two hon. Members not now in their places had stated—one of them having formerly opposed the Bill on principle, and the other, a new Member, being still opposed to it—that they were now prepared to withhold any opposition to the second reading. If, therefore, it was just to charge his noble Friend (Lord Elcho) and the other Members of the Government, with endeavouring to force upon Scotland a system, the inevitable result of which must be the promotion of infidelity, those Members for Scotland who assented to the principles of the Bill, must be held to partake in the charge. But he (Sir G. Grey) had mainly risen to notice an objection to the Bill, which appeared to him totally groundless. The hon. Member (Mr. Newdegate) said, they must altogether disregard the notice of any Amendments which had been given by the Lord Advocate. Taking the Bill as it was, he said he was opposed to it upon principle; but that by some low intrigue or private arrangement, Members had been induced not to oppose the Bill; just as if he, in common with every other Member, had not had the opportunity of ascertaining what the proposed Amendments were. He (Sir G. Grey) was prepared to support the Bill as it was originally, and with the declaration in it. But what was the secret intrigue or private arrangement which had settled the changes that had been made in the Bill? Why, his right hon. and learned Friend the Lord Advocate, some weeks ago, in moving that the Order of the Day for the second reading be postponed, stated distinctly the precise nature of the Amendments he was prepared to introduce in it; and those Amendments having been thus publicly stated, were published in the newspapers. Now, did those Amendments interfere with the principle of the Bill? Clearly not. They merely went to this—that whereas there was now a declaration in the Bill proposed to be applied to every lay Professor in the Universities, that they would not, by virtue of their office, do anything to undermine the Established Church, it was now proposed to add, that they would not teach anything contrary to the authority of the Holy Scriptures or the Westminster *Confession of Faith.* He (Sir G. Grey) took it, that the effect of this measure would be to admit men of the highest intellect, of the highest scientific attainment, and who were the greatest ornaments of their country, to this office, because they would readily undertake to say that they would teach nothing contrary to the doctrine of the Established Church, or prejudicial to its interests. The tests proposed to be abolished, where they had been brought into operation, had proved most mischievous, and, to his own knowledge, they had been taken by Episcopalians who were not members of the Established Church. Under these circumstances, he thought that they were removing a reproach from the Universities of Scotland by adopting the principles of this Bill; and he hoped, after the assent which had been given to it by the Scotch Members generally, that the House would by a large majority affirm that principle, and once for all set at rest the question in a manner which would prove satisfactory to the Church and the people of Scotland in general.

Mr. HENLEY said, he felt called upon to justify his hon. Friend the Member for North Warwickshire (Mr. Newdegate); for the noble Lord the Member for Haddingtonshire (Lord Elcho) had almost with a sneer intimated that the English Members had no right to interfere in the matter, though this country was equally a party to the Act of Union as Scotland. Carrying that principle out, how far would the doctrine apply to those Irish Members who would desire to get rid of that part of the Act of Union which affirmed the existence of the Established Church in that country? Straws showed the way in which the wind blew, and he was therefore bound to take notice of the observations of the noble Lord. When it was seen that the word "discipline," which was used in the Act of Security was omitted, and "doctrines" only retained, he considered it was going very close to the wind, and he could only conclude that the Bill was a violation of the compact which had been entered into. It might be denied that the University was not an appendage of the Church of Scotland, but no one could deny that the Bill affected the interest of that Church. English Members could only be guided on this point by the acts of the constituted body of the Scottish Church, and that body was against the measure. He, therefore, could not agree to the Bill; and if his hon. Friend the Member for the University of Oxford divided the House on the subject, he would divide with him. He had strong feelings that all these measures were steps in the direction of separating religion from education; and he was satisfied their promoters would find themselves in a difficult and dangerous position when it would be too late.

Lord ELCHO said, he wished to point out that the right hon. Gentleman who had just sat down had misunderstood him. The right hon. Gentleman had argued as if he (Lord Elcho) had said that, as the people of Scotland were favourable to the measure, the English Members ought not to resist it. That was not the meaning which he intended to convey. The fact was, that in arguing as to the opinion of the people of Scotland in reference to the change, he pointed out the striking fact that, whereas all previous measures had been opposed by Scotch Members, on this occasion they all assented to it as a reasonable compromise; and the duty of leading the opposition rested on the hon. Member opposite (Sir R. H. Inglis).

Mr. W. LOCKHART said, he must deny that the Scotch Members assented to the second reading of the Bill. He had himself presented a petition from the General Assembly against it. He had disunited himself from any compromise which he saw was proceeding with regard to this Bill, and felt bound to oppose it in its amended form as strongly as he should have done had it been brought forward in its original shape. The measure was calculated to uproot that admirable system of education which had raised Scotland to the position it held among the nations of the earth, and he could on no account assent to any measure which would separate the Universities from the Church, and which would thus place the Church of Scotland in a position dissimilar to that occupied by any other Church. If he could have any doubts whatever on the question, they would be at once settled by looking to the Act of Union and Act of Security, the terms of which were unmistakeable. It was certainly desirable that the question should be settled; but if the hon. Baronet went to a division, he should go out with him. The Bill was not, perhaps, addressed against the Church of Scotland, but it was addressed against the Protestantism of that country. He saw no reason, therefore, but the contrary, why Protestant tests should not be established. At no former period of Scottish history did the Universities of Scotland stand higher than at present; and, consequently, at no period was there less need of any change in the system under which they were governed.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 106; Noes 17: Majority 89.

Main Question put, and *agreed to*.

Bill read 2°, and *committed* for *To-morrow.*

PUBLIC BUSINESS.

MR. W. WILLIAMS said, he wished to call the attention of the noble Lord the Member for the City of London to the fact, that in this the eighth month of the Session, there were on the paper for to-night, notices for six new Bills to be brought in by the Government. He presumed these were to be brought in at two or three o'clock in the morning, and, as usual, were to be carried through the various stages at the same hour, with a crowded list of Orders of the Day. He wished to ask the noble Lord if he could give the House any information as to how many more Bills he intended to bring in at this late period of the Session?

LORD JOHN RUSSELL said, if the hon. Member had given him notice of his question, he should probably have been better able to answer him. It was usual at this period of the Session to bring in Bills, the object of which was simply to continue existing Acts of Parliament, and that was the nature of the Bills to which the hon. Member referred.

MR. MILNER GIBSON said, he understood that some of these Bills were not of that nature, but were new measures altogether. At a certain period of the Session it had been usual to perform a certain process of elimination, generally called "the Massacre of the Innocents," or some such title as that, when Bills were withdrawn which were really not intended to be proceeded with. It would be greatly for the convenience of the House if the noble Lord would state what measures it was really intended to proceed with. There was among others, the Registration of Assurances Bill, for instance, with regard to which he was perpetually receiving letters from the country, wishing to know when it would come on.

LORD JOHN RUSSELL said, it was generally the case that there were on the paper at this time of the year, a number of Bills which it was found totally impossible to carry through before the end of the Session; but he trusted that there were very few Bills of that nature before the House at the present time. He had purposely objected to the introduction of Bills by many hon. Members, on the ground that before the end of the Session there would probably not be time enough to proceed with them. At some future period he would certainly state what measures would, and what would not, be proceeded with; but he could not make any general statement of that kind at the present moment.

MR. HADFIELD wished to know what course was to be taken with respect to the Education Bill?

LORD JOHN MANNERS said, the noble Lord had already stated that, though he did not intend to ask the House to pass that Bill this Session, he should still ask them to consent to a second reading of it. Such a course, he thought, would be extremely inconvenient; and he would ask the noble Lord at once, whether he would not consent to spare the House the annoyance of discussing at this period of the year the principle of a Bill which it was not intended to pass?

LORD JOHN RUSSELL said, in asking the House to discuss the second reading of the Education Bill, his object had been to hear the various objections which might be made against the several clauses, with a view to introducing the Bill in the next Session of Parliament, after a full consideration of those objections. He must, however, reserve to himself the consideration whether or no he would proceed to that stage, with this view of hearing the objections, and of introducing the Bill next Session with a full knowledge of them.

MR. HUME said, he would beg to inquire what course the Government intended to take with respect to the Registration of Assurances Bill?

LORD JOHN RUSSELL said, that as the Bill had been referred to a Select Committee, it was impossible for him to answer the hon. Member's question, without communicating with some of the Members of that Committee.

SIR GEORGE GREY said, he thought that the progress of business would be very much facilitated if private Members who had Bills on the paper for Wednesdays, of little importance, or of too great importance to be discussed this Session, would give way to the Government Bills. With this view he begged to ask the noble Lord the Member for Colchester whether it was intended to proceed with the Factory Children's Bill, on the back of which he saw the noble Lord's name in conjuncton with that of the hon. Member for Oldham (Mr. Cobbett), and which, he might observe, had been introduced early in July.

LORD JOHN MANNERS said, he thought the question would have been much more conveniently put to the hon. Member for Oldham, in whose hands the Bill more immediately was placed. Having had no communication with that hon. Member, he could not answer the question.

RUSSIA AND THE PORTE.

MR. DISRAELI: Sir, it may be in the recollection of the House, that a few days since I put a question to the noble Lord the Member for London, relative to a circular despatch signed by Count Nesselrode, which had then just reached tho metropolis. To that question I now wish to refer. I think I mentioned that the despatch stated that the occupation of the Turkish waters by the combined fleets of England and France, was deemed by Russia a naval occupation analogous in its character to the military occupation of the principalities by the Russian armies. I also mentioned that in that despatch it was further stated that, when that complete satisfaction should be granted by the Porte to Russia, which was the due of the latter Power, and when the pressure alleged to have been exercised by the two maritime Powers in the port alluded to should have ceased, then the Emperor of Russia would withdraw his forces into his own limits. The noble Lord on that occasion very properly felt it his duty to question the truth of the first allegation to which I directed his attention, namely, that the presence of the combined fleets in the Turkish waters was a naval occupation of the Turkish dominions, and said, with respect to the second point, his impression was that I was not warranted in the interpretation I put upon the words of the despatch having reference to it. It has since been stated in another place by a Colleague of the noble Lord, that the latter observation of the noble Lord was made inadvertently —a circumstance which can readily be pardoned, since the document had been only just received, and I had had no opportunity until I entered the House of calling the noble Lord's attention to it. It is not, however, for the purpose of adverting to that slight mistake that I have now risen. But the Secretary of State for Foreign Affairs took the opportunity of publicly declaring the determination of Her Majesty's Ministers not to accede to the conditions which were expressed in so peremptory a manner by the Court of St. Petersburgh in the circular despatch, and not for a moment in their management of these important proceedings admit, as a primary condition, that the combined fleets of England and France should leave the port at which they are anchored. The question I wish to address to the noble Lord is this: assuming, as I do, that these negotiations are now only formally and not virtually pursued, and that they have arrived at what is called a dead lock, and believing that it would be of great advantage to the public interests that a discussion should take place on this important question in both Houses of Parliament, I wish to know whether the noble Lord has any objection to fix a day when the hon. Member for Aylesbury (Mr. Layard) can bring this subject under the consideration of the House of Commons?

LORD JOHN RUSSELL: I must, Sir, in the first instance, refer to the answer which I gave to the right hon. Gentleman on a former day. The right hon. Gentleman's question on that occasion referred to a circular despatch of the Russian Government, which had then only recently reached this country. I had only had the opportunity of reading it in a newspaper in a very cursory manner, and I certainly had not made myself completely master of its contents. I, therefore, answered that, in my opinion, the right hon. Gentleman had not put a correct interpretation on that part of the document which said that the Russian troops would be removed from the principalities when the pressure caused by the presence of the combined fleets in the Turkish waters should be taken off. I said, I could not believe that Russia intended to make that the condition of the evacuation of the principalities. I did so not only because I did not perceive that the proposition was quite distinctly laid down in the document, but also because I did not think it possible that two things so totally unlike and dissimilar in character could be compared with each other, or that the Russian Government could conceive itself justified in demanding that the English and French fleets should leave the Turkish waters before its troops should evacuate the principalities. I entertained this opinion because, in the one case, the English and French fleets were in the waters of an allied Power—were there not for the purpose of putting any pressure on that Power—not for the purpose of injuring it any way, but only in order that they might be ready in case of need—in case that Power should feel obliged to call for their assistance, and in case of the invasion of its territories. In the other case, the actual occupation of the principalities by the Russian troops, is an act which bears no similarity or comparison to the action of the combined fleets, and therefore I naturally supposed that a person of the experience and sagacity of Count Nesselrode would not have affixed his signature to a document declaring to all the world that the Russian Government made the removal of the combined fleets the condition of its evacuation of the principalities. That is my explanation of the answer which I gave to the right hon. Gentleman; but at the same time I must now admit that the words of the circular despatch bear on the face of them the interpretation which the right hon. Gentleman put on them. With respect to the question which the right hon. Gentleman has just asked me, I have to state that he is mistaken in supposing the negotiations on this subject have come to a dead lock. On the contrary, both the English and the French Governments have considered that there are propositions which might be acceded to both by Russia and Turkey, and which would be the means of obtaining a pacific termination of these unfortunate differences. Whether or not these hopes will be justified, we cannot know immediately. Some time must elapse before we can learn from St. Petersburgh what is the view taken by the Russian Government of any mode of settlement which either England, or France, or Austria may arrive at; and while matters are in this state of negotiation, I think it is not desirable that discussion on the subject should take place.

SUCCESSION DUTY BILL.

Order for considering the Amendments to this Bill read.

Report *brought up*.

MR. BARROW said, he wished to propose an Amendment, the object of which was to put money secured on land in Scotland on the same footing, by making it liable to the same amount of duty, as money secured on land in England and Ireland. He proposed in Clause 1, after the word "Ireland," to insert the words, "except money secured upon heritable property in Scotland."

MR. BASS said, he could not comprehend why Scotland should be relieved from this tax, and would therefore second the Amendment.

The CHANCELLOR OF THE EXCHEQUER said, the reason why the clause was framed in the manner in which it now stood with respect to heritable bonds, was this: the law of Scotland at this moment regarded them as real property, and, incidentally to that, heritable bonds in Scotland, being real property, paid no legacy duty; and further, they were liable to be charged for the purpose of rating to the poor. The third point was not so important in its bearing as might at first appear, because, although it was true that heritable bonds were liable to be rated to the poor, they were under that liability in common with other property—the law of Scotland being that of means and substance, under which every man was liable to be rated in respect of the property in his possession. Although that was the ancient law of Scotland, it was now dying out. There was a great deal to be said in favour of the Amendment proposed by the hon. Gentleman, and he had no objection to accede to it.

MR. W. LOCKHART said, he must protest against the Amendment.

Amendment *agreed to*.

MR. FRESHFIELD said, that the Motion of which he had given notice, was an Amendment by way of addition to Clause 2, which was an interpretation clause. His object was to declare the principle of the tax, and by express words to render that declaration operative in governing the construction of the Act, and leaving, therefore, as little as possible—indeed he hoped to leave nothing—open to doubt and misconstruction.

The Bill was necessarily complicated, becouse the purposes were numerous. He made no complaint of the terms in which those purposes were expressed; on the contrary, he tendered to the framer a respectful expression of his approval of the meritorious accuracy evinced in clothing provisions so various in the language of art; but he believed that the professional individual, scientific as he was, would have found his labour lessened, and his task more easy, if, in carrying out the instructions of the law officers of the Crown, and the suggestions of acute persons connected with the Inland Revenue, he had possessed the advantage of such a test as he (Mr. Freshfield) sought to establish by the Amendment he proposed. It was not his intention to trouble the House with any extensive criticism in proof of that opinion; but he might say, in passing, that hon. Members would find in Clause 17 an exemption of *post obits* given for a pecuniary consideration; but that exemption was qualified so as to raise an inquiry whether the money might not be subject to the Succession Tax under some other provisions of the Bill. Again, in another clause, a party liable to the Succession Tax was declared not to be liable to the Legacy Duty in respect to the same principal sum. No such cautions would be necessary if a simple but controlling definition of the principle of the tax was established; and such a definition was material in order to exclude, as far as possible, the conflicts which did so frequently arise upon the true construction of Acts of Parliament—conflicts sometimes to be found in the decisions of courts of competent jurisdiction upon matters of construction; and in that House he was entitled to say, that no graver subject could be offered for consideration than the consequences connected with the task so impartially, and generally so satisfactorily, performed by Judges in the construction of imperfect legislation; and the subject was important in proportion as it was doubtful how far, consistently with the constitutional law of Parliament, the exercise of the power should be permitted; and, on the other hand, how the necessity for such a power was to be avoided. It never could be contended that Judges should not read an Act of Parliament according to its plain import; and it was difficult to say that they should not declare that import according to their understanding of it. And then, where was to be found the rule to define the amount of doubt which should require them to stop and abstain from enunciating a meaning more or less obvious, in proportion as the mind of the individual was more or less critical?

It was agreed that the preamble cannot control the enacting words of an Act of Parliament. It had been said by way of explanation, but rather fancifully, that the Legislature might, in the first instance, have contemplated less than when it proceeded to determine by its enacting powers, which were, therefore, more ample, and must have full effect. In like manner, an extensive expression of intention in the preamble would not carry the powers of the Act further than was distinctly conferred; but it was held that if the Act was "obscure," it might receive light from the preamble. Still it must be remembered that those very rules of construction were not their rules, but the opinions of Judges and courts as to what they consider might or might not be done; and the great Parliamentary doctrine remained, that no power but that of the Legislature could alter the authority given by Parliament. Its intentions were unknown to any other body—it had a right to work out its own intentions—when it acted in the form of a Statute it exhausted the subject with which it dealt, and it could not, by construction, be made to say more than it had said. He (Mr. Freshfield) said, that a very direct illustration of this principle, and of the danger of allowing a latitude of construction, occurred in the early part of the reign of George IV. The Court of King's Bench, not a single Judge, but the whole Court, unanimously decided that the Statute for the Registration of Annuity Deeds required that the memorial should set forth not only the names but the description and addition of the witnesses to the deed; and for the want of those particulars, the Assurance objected to was invalid, and ordered to be set aside. The form of the proceedings admitted of no appeal; but the construction put by the Court, inferred what the Statute had not in terms required, and by an Act of Parliament, which commenced in the House of Lords, Parliament, without repealing the Act, so construed by the Court, declared that the Legislature in and by such a Statute reciting it, had not required the particulars which the Court of King's Bench had implied as the foundation of its judgment. From that authority he (Mr. Freshfield) said he maintained not only the desirableness of using the utmost care to render Acts of Parliament clear and free from the risk of erroneous construction, but also the importance of declaring the principle to be carried out; and while the preamble would not control the different parts of a Statute, he urged that words should be used to give to the declaration of principle a governing power over every provision of the Act. And if his view was generally right, it was especially so in a measure involving so many points of detail as were necessary to be dealt with under the Bill of his right hon. Friend; and he hoped that the form of his Amendment would secure the advantage for which he had framed it. He contended not for the form of words, which were open to any improvement—his aim was to secure the object; and, in conclusion, he would assure his right hon. Friend, that he had no intention to impede the measure or interfere with its productiveness. On the contrary, by the test he proposed, he meant to give efficiency to the Bill; and he conceded, in fact, more than some of the friends of the measure were prepared to admit—namely, that whatever came to a man, not by purchase, but fortuitously, should be deemed a Succession, and be subject to the tax, as if it had been a legacy. With this explanation he moved the following addition to the second clause.

Amendment proposed—

"In page 2, line 33, after the word 'derived,' to insert the words 'and for the purpose of governing and defining the several provisions in this Act contained, it is hereby declared and provided that the object and intention of the Legislature is to assess the Tax hereby imposed upon property to which any person shall succeed without pecuniary consideration under any settlement or other disposition, or by operation of Law, in such and the like manner as if the same property or interest had been acquired by Will or by way of distribution in case of intestacy.'"

The CHANCELLOR OF THE EXCHEQUER said, he had no difficulty in subscribing to the principle of the Amendment of his hon. Friend, that Acts of Parliament ought to be clear and plain to construe; but beyond that he could not go. He willingly gave his hon. Friend credit for having no desire to repeal or narrow the obligations of the Act; but he could not help thinking that such would be the effect of the Amendment he had now proposed. The object of the Amendment, if he understood it aright, was to affirm a principle, which principle was to be adopted as a general guide in the construction of the Act. Now, it would be impossible to take a more dangerous course than to legislate on such broad and general terms, without having in their view all the cases to which those terms would apply, or to adopt any words that tended to override the specific provisions which the House had made on these difficult questions. If he had considered aright the scope and tendency of the Amendment, that would be its effect, though he was sure his hon. Friend did not intend to carry it that length. Surely, it would be better to use plain words applicable to particular cases, than to employ language, the particular application of which it would be impossible for any one to know, and the effect of which would be to throw darkness and ambiguity over the whole operation of the Act. Coming to particulars, it appeared to him that in the first application of these words they would cut quite across the intentions of the House in some very important particulars. The hon. Gentleman would make the Legislature declare in these words that this tax was to be imposed on property only to which any persons should succeed "without pecuniary considerations under any settlement or disposition." But the House had at various times considered whether they would confine the Act to cases in which successions were taken without pecuniary considerations, and they had decided that the Act should not be so confined. Then, again, these words would provide that the Succession Duty should be imposed only on property "in such and like manner as if the same property or interest had been acquired by will or by way of disposition in cases of intestacy." Here it was quite obvious his hon. Friend led them into a most dangerous course by enunciating in large and broad terms a rule different from that which had been adopted by the Committee. They had made a provision of quite a different character with regard, for example, to *post obits*. Both on the general ground, therefore, that it was an unsafe course to enunciate these large propositions, which no one could foresee the effect of, and on the ground that in particular cases the Amendment would cut right across the intentions of the Statute, he hoped the House would reject the proposal of his hon. Friend, and abide by the decision of the Committee.

Question, "That those words be there inserted" put, and *negatived.*

MR. HEADLAM said, he would propose in Clause 20, to leave out the words "or of any lease falling within the operation of the 24th Section of this Act." The object of the proviso was, that no charge should be made on an owner of property held subjected to leases at rackrent for any additional value from the falling in of those leases. It was obvious the principle did not apply to other leases than those of rackrent, and he wished, therefore, to omit the words referred to.

MR. MULLINGS said, he thought the references to the 24th clause an error, and would therefore suggest that the reference should be altered to the 25th clause.

The CHANCELLOR OF THE EXCHEQUER said, he felt disposed to accede to the Amendment. If the words had any legitimate place in the Bill, it could only be to prevent the possibility of a double tax on the determination of certain leases. It certainly was not intended that the tax should be paid twice over. If the words were mere surplusage, he should not accede to the Motion for striking them out; but as they were likely in certain cases to produce a mischievous effect, and one not intended by the hon. Gentleman who had procured their insertion, he should consent to their omission.

Words *struck out.*

MR. MULLINGS said, he begged to propose an Amendment, which, if carried, would so alter the scale on which the rates of duty were to be calculated, as to tend to make the amount of duty considerably less than under the schedules in the present Bill. With reference to the 21st clause, providing that the interest of a successor in real property should be considered as an annuity, he would move that in the paragraph, "every such annuity, for the purposes of this Act, shall be valued according to the tables in the schedule annexed to this Act," the words "this Act" should be left out, for the purpose of inserting the words, "the Act of the 36th year of the reign of King George III., chap. 52." The right hon. Gentleman the Chancellor of the Exchequer had computed that this tax altogether would amount to only 2,000,000*l.*; but after the most careful calculation he could make, he found, beyond all doubt, that the total amount would be 3,000,000*l.*, and perhaps some 200,000*l.* to 400,000*l.* He was inclined to think the House would agree with his Amendment, because the effect of the Bill would undoubtedly be to increase the legacy duty, which was already sufficiently oppressive in amount. The only reason stated by the Chancellor of the Exchequer for altering the tables from those contained in the Legacy Duties Act was, that the duration of life was now much longer than it was at the time the Legacy Duties Act was framed; but it was quite clear that the rate of interest had had quite as much, if not more, to do with the raising of the scale than the duration of life. The truth was that the Chancellor of the Exchequer had made his calculations upon a 3 per cent table instead of a 5 per cent table. So it appeared from the schedules in the Bill. Three per cent was about thirty-three years' purchase; 4 per cent would be twenty-five years' purchase; 5 per cent twenty years' purchase; and 6 per cent sixteen and two-thirds. Now, in the third table of the Bill, he found that a lease for thirty-three years was worth 1,814*l.*, while it appeared from Table 1 that a life at birth, which they had a right to assume would be the commencement of the lease for thirty-three years, was worth about the same amount. That, he thought, was a conclusive proof that the Chancellor of the Exchequer had founded his calculations upon a 3 per cent table. Under these circumstances, therefore, he asked the House whether he did wrong in seeking to modify and mitigate some of the harsh features of the Bill? But there was another point to which he desired to advert. They had made leasehold property real estate, and declared it should pay succession duty in the same manner as freehold property. What were they going to do with leases for a term of years? According to the schedule in the Bill a person entitled to a lease for twenty years, supposing him to be sixty years of age, would be worth 1,359*l.*, while a life of fifty years of age would be worth 1,242*l.* Now what he desired to know was, whether they meant to charge that property under the leasehold schedule for a term of years, or whether they intended to charge it with reference to the life interest? He begged to call the attention of hon. Gentlemen opposite to this point. What would their constituents say when charged at the rate of some twenty-four years' purchase for leasehold property which probably might not be worth seven years' purchase? He knew that independent Members got little credit for any suggestions they might make; but nevertheless he appealed to the Chancellor of the Exchequer not to offend the country by altering the schedules of the Legacy Duties Act, and would earnestly recommend him to apply them in their integrity to the Succession Duty.

Amendment proposed, "In page 8, line 29, to leave out 'this Act,' in order to insert the words, 'the Act of the 36th year of the reign of King George Third, c. 52,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Bill."

The CHANCELLOR OF THE EXCHEQUER said, he hoped the hon. Gentleman did not think there had been any want of consideration or respect for the various suggestions which had been made during the discussion on this difficult and important subject. He did not hesitate to repeat what he had previously stated, that he felt greatly indebted to hon. Gentlemen on both sides of the House for the way in which they had applied their minds to master the difficulties of this question; and to none did that remark apply more strongly than it did to the hon. Member for Cirencester (Mr. Mullings). Now the hon. Member assured the House in the first place, that he (the Chancellor of the Exchequer) would obtain from the Succession Tax double the amount which he had anticipated. The present legacy duty, including the probate duty, yielded 2,500,000*l.*, and he anticipated an increase of 2,000,000*l.*, making in all 4,500,000*l.* Surely the hon. Gentleman did not mean to tell him that he should get 9,000,000*l.* ? To take, however, the most moderate interpretation which his words would admit of, the hon. Gentleman thought he (the Chancellor of the Exchequer would get 4,000,000*l.* from the Succession Duty. He heartily wished he could go along with him in that anticipation; but he was confident the hon. Gentleman was inaccurate in his calculations. It was true, the wealth of the country was increasing, and a good deal would no doubt depend upon the working of the law; but there were various elements of uncertainty in the matter; and, unless he was greatly mistaken, he thought he heard the hon. Gentleman state on a former occasion that the Succession Tax would not produce more than 3,000,000*l.* Now, he admitted a net benefit of 2,000,000*l.*, and he proceeded upon the assumption that so soon as the state of the revenue would admit of it, the House would reform the probate duty, which it could not do without losing a considerable sum. It was after deducting that loss that he calculated upon obtaining 2,000,000*l.* from the Succession Tax; and therefore, after all, he did not think there was much difference between the hon. Gentleman and himself. Since the Bill had been introduced he had instituted an investigation into the actual history of successions in the case of the peerage, where it was tested by actual record, and the result gave a rate of succession more nearly approaching his estimate than that of the hon. Gentleman. He could most truly say that he had endeavoured to give the House an estimate which should be at once both safe and *bonâ fide.* He had not understated what he expected from the tax. He did not say that it would not yield something more, but that was a matter of perfect uncertainty, and he did not think the House would act wisely in taking any step upon the assumption that the tax would produce more than 2,000,000*l.* The hon. Gentleman had referred to a supposed increase in the Legacy Duty. Some increase they might get from that source, but it would be extremely little. Tables had nothing to do with the chief portion of the Legacy Duty —that duty fell principally upon capital; and when they took a percentage upon capital, they had nothing to do with tables. It was simply in cases of life or terminable interests that tables came into operation, and therefore any increase derived from the Legacy Duty in consequence of an alteration of the tables, would affect only a small portion of the receipts under the Legacy Duty, and would have an insignificant result. Moreover, that result would be balanced by a change about to be made in the law with reference to leaseholds, taking them out of the Legacy Duty Act, and putting them on the footing of real property in deference to what the Government considered a principle of justice. The hon. Gentleman had asked what they intended to do with respect to leaseholds. They should compare the value of the lease with the value of the life of the person who succeeded to it, and if the value of the lease were a lesser interest than the value of the life, then of course the man would pay upon the entire value of his lease; but if, on the other hand, the value of the lease amounted to a greater number of years' purchase than the value of the life, the successor would then have to pay upon his life interest. The hon. Gentleman said that the effect of what they proposed would be to increase the value of life interests. Very true; and the reason why they increased the value of life interests was because the value of lives was increased. The hon. Gentleman was decidedly wrong in saying that the calculations of the Bill were founded upon a 3 per cent table. The truth was, they were founded upon a 4 per cent table, the same as that contained in the Act 36 *Geo.* III. After all, the question came to this, would they adopt antiquated tables, which had reference to an entirely different state of things; or would they avail themselves of recent experience, showing the actual value of human life at the present time, and lay their tax accordingly? He hoped the House would reject the proposition of the hon. Gentleman.

Amendment, by leave, *withdrawn.*

MR. W. WILLIAMS said, he would now move, in Clause 21, line 30, to leave out the words "by eight equal half-yearly instalments, the first of such instalments to be paid." The amount of this tax upon land in the first degree of consanguinity was only 5*l.* in every 1,000*l.*, and it was ridiculous to suppose that any gentleman on coming into possession of an estate would require four years and a half to pay that paltry sum. He could not understand why such a time should be allowed in the case of real property, while with regard to personalty payment must be made within a period of twenty-one days. There was a great inequality between the mode in which the tax on real property was to be payable, and the mode in which the tax on personal property was paid. He did not see how the duty could well be so greatly subdivided in the case of those very small properties which belonged to the shareholders in building societies and similar bodies. The right hon. Gentleman the Chancellor of the Exchequer had displayed more talent in defence of that Bill than he (Mr. Williams) had ever seen displayed by any other Finance Minister; but he believed that even the great ability of the right hon. Gentleman would not enable him to justify a measure which would allow the owners of land four years and a half to pay half the amount of the tax which the owners of personal property had to pay in twenty-one days.

Amendment proposed, in page 8, line 30, to leave out the words "by eight equal half-yearly instalments, the first of such instalments to be paid."

The CHANCELLOR OF THE EXCHEQUER said, the hon. Gentleman who had just resumed his seat had spoken of him in a way which he did not deserve. But he was at the same time bound to acknowledge the fairness and openness with which the hon. Gentleman had invariably stated his view on this question, the perseverance with which which he followed his object, and the justice of the general principle upon which he founded his propositions. He must, however, feel that he had great reason to be satisfied with the emphatic recognition which the justice of the principle had received during the discussion of this Bill from very large majorities in that House. But, concurring in the justice of the principle, and thinking that the hon. Gentleman deserved the acknowledgments of those in office for his efficient labours in procuring its general recognition, he (the Chancellor of the Exchequer) had never at all from the first moment of the introduction of the Bill attempted to keep back the anxious desire of the Government that their recognition of the principle should be so adjusted to the existing state of things, and so qualified by mitigating its provisions, that they should not be obtaining, under the form of a mere fiscal and taxing Act, an engine which would go to displace and alter extensively the possession of property in this country, and thereby produce effects upon the social system which they did not desire to see. The Amendment now under discussion, as the hon. Member well knew, went very much to the root of this question. It was an Amendment of an importance far beyond the apparent force of the terms in which it was conveyed. He regretted that, as he understood it, it did not purport to touch the broad distinction in the Bill as to the character and weight of the tax that was to be laid upon real property, on the one hand, and personalty upon the other; for the hon. Member was content with asking the House to cut off the particular provision which made an allowance of three years and a half out of the four years and a half which it allowed for the payment of the tax upon landed property. But he thought the hon. Member was not quite accurate in his reading of the powers of the Bill relating to personalty. It was not the fact that the tax on personalty would have to be paid in twenty-one days. The specified term of twenty-one days to which he referred had reference to the obligation to send in the account; and the liability to send in the account only accrued, not within twenty-one days after the succession had fallen in, but at the time of the first payment. There was the same time allowed for the payment of the duty upon personalty as upon realty. This was admitted upon all hands, and he was ready to defend it, though he did not think it required any apology, because it was a reasonable, just, and necessary part of the Bill. The effect of the Amendment would be obviously, in one important particular, highly unsatisfactory—even without discussing the fundamental principle—and he ventured to anticipate the assent of the hon. Mover to what he was going to say. In the case of life interests, he apprehended the hon. Gentleman would not propose to cut off the system of payment by instalments, because the party might have nothing else in the world but what he took as tenant for life. He had, therefore, no power of charging the property, or of alienating any part of it, yet a tax would be laid upon him, which might amount to so considerable a sum that he could not pay it out of income. How would that work? How did they stand in reference to life interests in land as compared with proprietors of fee simple? This was a question which must not be considered apart from the system and tenure of landed property in this country. We had large estates, as a general rule, held by tenants for life; and small estates, as a general rule, held in fee. The operation of the present proposal, if he was right in assuming that the hon. Gentleman would give to life interests in land the same benefit that he would to the party who succeeded to a life interest in personalty, of paying by instalments, would be to establish a system under which the great proprietors of entailed estates would enjoy a privilege that in effect would amount to a reduction of the tax, while that tax would fall without mitigation upon the small proprietors. He was sure the hon. Gentleman would admit that this was a great objection to the proposal. He admitted, however, that this was a subject which might deserve consideration when the Executive came to the practical arrangements for the working of the tax—that was, the mode of levying it for very small properties. It was quite true that fractions of the tax would fall in such cases in sums so insignificant that the division of such sums into eight several payments might be found very inconvenient to all parties, and that the cost of collection might swallow up the proceeds. This was a matter, however, on which he had not thought it necessary at this moment to make any proposal to Parliament, for it was obviously a question of very small importance, compared with the great purposes which this tax contemplated. His belief was that the discretion which the Commissioners of the Treasury had, he should say, constitutionally enjoyed from time immemorial, exercised in the relaxation, upon cause being shown, of minor provisions of this kind under fiscal Acts, would be sufficient to enable them to make some such arrangements as would enable this Act to work beneficially and conveniently to all parties. He did not hesitate to say that the system of paying by instalments lay near the root of the principle of the Bill. He fully admitted, it would not be possible, nor just, to maintain the present exemptions for any length of time; and, therefore, it became a most important question upon what principle they were to lay taxes upon property of this kind. He thought the hon. Member's Amendment, if adopted, would introduce an invidious and unjust distinction between the large and small proprietors, to the prejudice of the latter, and to the benefit of the former. It was plain it was unadvisable to compel men to charge their estates with debt. It was contrary to policy to force them to do that by law. He would not say it was contrary to policy exactly in the same sense, but it was contrary to feeling, and not according to sound policy, to force them to cut up their estates and sell portions for the purpose of paying duty. Rather let them take a natural course. He was delighted to see industrious Englishmen of the lower ranks investing their earnings in land—every man must contemplate that process with satisfaction; but it would be impolitic to compel men to charge their estates with mortgages, and it would be inexpedient to compel them to cut off morsels and bring them to sale. If these two principles were admitted, then it followed that a tax of this kind ought to be paid out of income. Such was the object of this clause; the Legislature had recognised it in the case of personalty, where there was only a life interest. In order that the successor might not destroy part of the personalty, he was allowed to pay the duty by yearly instalments. On the same principle, of not distressing parties, of not complicating proprietary arrangements, of not forcing changes in the ownership of land, he had been anxious to adjust the details of the Bill in such a way that the tax should be paid, not out of capital, but out of income. He admitted that, in many cases, the Bill would entail the necessity of effort to pay the tax out of income; but he must say frankly that there had been great exaggeration on the other side of the House as to the burden of the tax. In the case of direct succession, the tax would be one which no man ought to consider as a burdensome addition to his charges; but in the case of indirect succession, it would amount to a sum which would require some effort and foresight to enable it to be paid out of income. Such were his objections to the Motion of the hon. Gentleman. But there were two views of it. If the hon. Gentleman said the system of payment by instalments really meant so much deduction from the tax, he granted it; the deduction in fact would be equivalent to 10 or 12 per cent. This might be corrected by saying that interest should be charged upon the instalments. He, however, made no such proposal. But if the hon. Gentleman did not mean that this system was not a deduction from the tax, then it was an adjustment and distribution in such a form as that it might be paid out of annual income. As the Bill stood, it could be paid out of annual income. Under all these circumstances he must object to t e Amendment.

Mr. MULLINGS said, he had heard with much satisfaction the very powerful speech of the right hon. Gentleman against the whole Bill. He wished to disabuse the hon. Member for Lambeth (Mr. W. Williams) of the notion that a legacy of 20*l.* paid a probate of 2½ per cent, and 1 per cent for legacy duty. Probate duty had nothing to do with legacies. As to legacy duty being payable in twenty-one days, that was never the case, for an executor had six months to prove the will; and, in fact, a year was the ordinary period for paying legacy duty. He had heard with satisfaction the statement of the Chancellor of the Exchequer that it was not desirable to force parties to raise money upon their estates, or to sell small portions for the purpose of enabling them to pay the succession tax.

Mr. PHILIPPS said, he could not refrain from expressing his surprise at the assertion of the hon. Member for Lambeth, as to legacies paying probate duty; and he hoped if the hon. Gentleman had acted as an executor and had charged that duty, that he would ease his conscience by refunding it.

Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed to.*

Mr. MULLINGS said, he would now move to add to Clause 23 the proviso of which he had given notice.

Amendment proposed, in page 9, line 16, after the word "accordingly," to add the following Proviso:—

"Provided also, That in estimating the Duty either for charge of Duty or for assessment on commutation, no timber or wood shall be included which may have been disposed of by the Successor in exchange for timber used in rebuilding or repairs on the property comprised in the Succession, or for the protection thereof, and that allowance and deduction shall be made to the amount paid by the Successor for all timber or wood purchased for or used in such rebuildings or repairs."

The CHANCELLOR of the EXCHEQUER said, that although he did not think it necessary, he would accede to the proviso.

Mr. HENLEY said, the right hon. Gentleman had held out a hope that in this clause he would insert some minimum; would he state whether he intended to do so?

Mr. EVELYN DENISON said, it did not appear to him advisable to accept this proviso. The Bill provided for all necessary outgoings in the case of land; and "all necessary outgoings" of course included repairs. Any reasonable expense in repairs would, therefore, be allowed. But the hon. Gentleman (Mr. Mullings) proposed that in the event of any wood being cut down to effect repairs, an allowance should be made in respect to that wood. This would be allowing a second time for the same repairs. But the point to which he more particularly wished to call attention was this—the hon. Gentleman said, "If a certain amount of timber was cut, and then exchanged for other timber, a certain allowance was to be made;" but how? Suppose any person cut down 500 feet of timber of a worthless character, and exchanged it for foreign timber of a good quality—the foreign timber might cost just twice as much as the timber sold, and the allowance would be increased; but, to be fair, the deduction should be not upon the wood purchased, but on the wood sold.

Mr. MULLINGS said, that there were two considerations in the Amendment which he proposed: the one related to the exchange, and the other to the purchase of timber. In both cases he thought it fair that an allowance should be made.

Mr. RICE said, he was of opinion that the proposal of the hon. Gentleman would lead to great confusion in the collection of the tax.

The CHANCELLOR of the EXCHEQUER said, that his anxiety to save the time of the House had led him to give a rather hasty assent to the Amendment of the hon. Member; but, on more careful examination, he felt obliged to qualify his former opinion of it. It was proposed that no timber should be paid for which should be used for building or repairs. But if a proprietor should think fit to build new houses, and so increase the value of the land, there was no reason why timber employed for such a purpose should be exempt. Repairs were most justly exempted on the ground that they were necessary for the maintenance of the estate; but timber used for building went to increase the value of the property, and, therefore, stood on a totally different footing. He must, consequently, object to the words "rebuildings or" in the Amendment. Then, again, he thought that the words "or for the protection thereof" were not sufficiently clear. It would be better not to attempt such a specification, but rely on the words "necessary outgoings." The latter part of the Amendment, which provided that allowance and deductions should be made for all timber or wood purchased for building or repairs, would, in his opinion, be unfavourable to the successor, for whom it would be better that he should be allowed to form a full estimate of what he laid out in repairs, than that he should make a set-off of this kind. This proviso would also introduce great complexity into the operation of the Bill.

MR. CHRISTY said, he thought that they were going on a vicious principle in taxing timber at all, which had as much claim to exemption as growing crops.

The SOLICITOR GENERAL said, he saw no reason for the introduction of the first part of the proviso. With regard to the second part, it would be impossible to keep the account and to follow the timber into use and consumption. The only effect of the Amendment would be to introduce a doubt as to the meaning of the words "necessary outgoings." He recommended the withdrawal of the Amendment. With regard to the suggestion of the right hon. Member for Oxfordshire (Mr. Henley), he proposed to move that no duty should be payable on the net moneys received for the sale of timber in any one year, unless such net moneys should exceed the sum of 10*l.*

SIR WILLIAM JOLLIFFE said, he thought the Chancellor of the Exchequer had met the wishes of hon. Members on his side of the House with great fairness. He would suggest, however, that words should be inserted in the clause to make it more clear that "necessary outgoings" included all necessary repairs on the estate throughout the whole of the occupation. If those words were inserted, he thought the Amendment of his hon. Friend (Mr. Mullings) would be unnecessary.

LORD JOHN MANNERS wished to know, in cases of woodland tracts, where timber was occasionally felled, if it was intended to levy the tax on each timber tree as felled, in addition to the original succession duty originally paid?

The CHANCELLOR OF THE EXCHEQUER said, in reply, that they had nothing to do with the original value; the successor would be taxed on the annual value of the timber only.

SIR JOHN PAKINGTON should say that the reply of the right hon. Gentleman did not at all meet the question of his noble Friend, the object of which was to ascertain if a proprietor was to be taxed once or twice.

MR. CAYLEY would suggest that the limit to the duty payable on the net moneys received from the sale of timber in any one year should be 20*l.*, instead of 10*l.*, as suggested by the hon. and learned Solicitor General.

MR. MALINS said, the more he had heard of this discussion the more he regretted that the Chancellor of the Exchequer should have thought it necessary to make timber a special object of enactment at all. He would admit that the owners of timber had not succeeded in making out a case for special exemption; but, on the other hand, neither did he think that the right hon. Gentleman had succeeded in showing that there was any necessity for a special enactment. He thought it would have been far better to leave timber to take its chance as a portion of the general produce of the estate. If timber were not productive, it ought not to be taxed; but, if it were productive, the right hon. Gentleman had abundant means of getting his duty under the general provisions of the Bill. If it had been in order he should have moved at once that the clause, as regarded timber, be altogether omitted; but, as he believed a Motion of that nature would not be in order at present, he begged to give notice of his intention to move that Amendment at a future stage of the Bill.

MR. VANSITTART said, he thought that the question put by the noble Lord (Lord J. Manners) had not been sufficiently answered. In order, therefore, to give the Chancellor of the Exchequer an opportunity to reply more fully, he would move the adjournment of the House.

MR. SPEAKER intimated to the hon. Member that such a course, by permitting a Member to address the House several times upon the same question tended seriously to render the debate irregular.

Motion *withdrawn.*

MR. VERNON SMITH said, he thought the first part of the Amendment was unobjectionable; but he certainly could not approve of the latter portion of it.

Question put, "That the Proviso be there added."

The House *divided*:—Ayes 72; Noes 114: Majority 42.

The SOLICITOR GENERAL then moved the insertion of the following proviso at the end of the 23rd clause:—

"That no duty shall be payable on the net moneys received from the sale of timber, trees, or wood in any one year, unless such moneys shall exceed the sum of 10*l.*"

Proviso *agreed to.*

MR. KENDALL said, he would now beg to move the Amendment of which he had given notice. His reasons for so doing were, that the modes of assessment under Clause 26 were wholly inapplicable to Cornish mines. No time, in the first place, was specified for averages; and he could not see how any time could be fixed with propriety, and no principle was, or could be, laid down as regarded the prospective value of so fluctuating a property as this, with regard to the averages for deep and shallow mines. To approximate anything like a just calculation, a variation in the averages must be made; and, if once a variation was admitted, then confusion would follow. Therefore he felt the necessity of proposing the Amendment. The proviso was equally essential, as, unless there was some definition of what was a mine in succession, the most ruinous litigation would be the result, especially with so very determined a race as Cornishmen.

Amendment proposed—

"In p. 10, line 2, after the word 'value,' to insert the words, 'or if the Successor shall before the first payment of Duty on the Succession shall be due, require to pay the Duty otherwise than upon the calculations aforesaid, then as respects all or any of the mines comprised in such Succession, the Successor shall be chargeable with Duty upon his interest in the net monies which shall from time to time be derived from any such mines or mine to which such requirement shall extend, and shall account for and pay the same yearly: Provided that if any Successor shall after such requirement, and after any such annual payment of Duty, be desirous of commuting the Duty, and shall deliver to the Commissioner an estimate of the net monies obtainable by him from such mines as may in a prudent course of management of such mines be expected during his life, the Commissioner, if satisfied with such estimate, may accept the same, and assess the Duty accordingly: That nothing shall be deemed a mine on which Duty shall be chargeable, that has not been at work within twelve months immediately preceding the Succession."

The CHANCELLOR OF THE EXCHEQUER said, he regretted that the hon. Member had been prevented bringing his Amendment under the notice of the House at an earlier period, which had necessarily prevented him (the Chancellor of the Exchequer) giving it that full and deliberate consideration which he should at all times be glad to bestow out of respect to every hon. Member who brought forward an Amendment, but more especially on this occasion, considering the practical knowledge possessed by the hon. Member on this particular subject. He (the Chancellor of the Exchequer) had to answer the hon. Gentleman under the disadvantage of unpreparedness. The reason why he did not feel disposed to accede to the Amendment was, not that he had the least doubt that, as the enactment stood, it was an imperfect enactment, but because it had not been shown that, as the Bill was now worded, any person would unduly suffer. They had before them a choice of difficulties; and, for his part, he was content that those difficulties should be solved to the prejudice of the Crown. Had the Government sought to exact the tax with severity, it could not have been done without provisions which would have operated vexatiously, and have exposed persons, in some instances, to overcharges. But the Bill had been prepared in a different spirit, and he doubted whether any one could show that, under its provisions, any person could suffer wrong. No doubt, the hon. Gentleman was perfectly right in saying that in respect to mines recently opened, the Crown, under the provisions of the Bill, would obtain a very inadequate amount of the tax. But, notwithstanding that, he was not willing to make his calculations in regard to the amount of the annual receipts, unless some strong necessity existed. So far as regarded the interests of the Crown, he was content to abide by the Bill as it stood; and, so far as regarded Her Majesty's subjects, he saw no cause for believing that it would work in any way injuriously to them. The first successor had a choice of two modes by which to estimate the charge to which he would be subjected. He might either take the average of the proceeds of the mine for a certain number of years, preceding the succession; or he might take an estimate of the value of the property, and then calculate the annual value at the rate of 3*l.* per cent per annum. Either of those modes would defend the successor from any undue taxation, except under one single contingency, and that contingency did not apply to any mines in the whole country in the same degree as to the mines in Cornwall; he meant the contingency of a total and absolute failure of ore. Of course, in the case of all mines, whether of coal or of iron, there was the liability to loss in the amount of product, when the lessee or the proprietor, must suffer; but still a total cessation of produce was confined to Cornish mines only. He granted that that contingency required a special provision; but then they had got that special provision already in the Bill; for it was provided that it should be lawful (and they all knew that those words imposed an obligation) for the Commissioners, in the event of any circumstances which should tend to show that the succession duty was levied to the prejudice of the individual, and without due and sufficient grounds, to repay such duty to the parties. He must, therefore, say that, as the Bill now stood, no hardship could by possibility be inflicted on any party. With respect to the latter part of the Amendment, that nothing should be considered a mine which should not have been worked within twelve months, he (the Chancellor of the Exchequer) happened to know a case where a mine within four months had yielded a produce to the value of 9,000*l.*, but which had been shut up for the preceding two years. Now, if the succession to such a property had taken place during those two years, and had been regulated according to the proposed Amendment, it would have been almost a fraud upon the revenue, for the party would not have paid anything as a tax. Not to provide for such a case, therefore, would be a great failure in the operation of the law.

Question "That those words be there inserted," put, and *negatived.*

MR. MULLINGS then proposed, in page 15, line 5, after "property," to insert "within three calendar months after the happening of the Succession." The object of the Amendment was to make the meaning of the clause more defined, and its working less arbitrary.

The CHANCELLOR OF THE EXCHEQUER said, that the system contemplated by the hon. Gentleman was much less favourable to parties attaining to succession than that embodied in the Bill. He proposed to insert a particular defined period prior to which the inheritor could not be liable to pay the duty. Well, there could be no doubt, as far as the revenue is concerned, he (the Chancellor of the Exchequer) would have no reason to complain if the liability were to accrue at the end of such a period. But the Government proceeded upon a different principle; they did not define any precise period, but they said that the liability to render an account in respect of the accession would accrue not until the period when the accession, or at least the first portion of it, should be realised, and the advantage of that arrangement was, that the liability to pay accrued when the means to pay accrued; whereas, on the other hand, a long period might elapse before any portion of it was realised. That surely was a principle, if not so convenient to the Chancellor of the Exchequer, yet decidedly more favourable to the party inheriting than the one maintained in the Amendment of the hon. Gentleman.

Question, "That those words be there inserted," put, and *negatived.*

The CHANCELLOR OF THE EXCHEQUER then proposed as an Amendment on Clause 49, page 16, line 32, to leave out after "them" the words "or their officers," and in line 39, after "Commissioners," to leave out the words "or their officers." He had already stated in the discussion on this clause that it had never entered into the mind of the Government to subject the parties liable to the payment of this tax to have their deeds or documents inspected by local officers, who were generally persons of a subordinate position, and therefore he was willing, as, indeed, it had been always his intention, that any such examination should be reserved for persons who were competent from their rank for the discharge of such functions. Anxious, therefore, to go as far as possible to meet the very natural sensitiveness of hon. Gentlemen opposite upon this subject—a sensitiveness which he could neither wonder at nor blame, he had entered into communication with the Commissioners of Inland Revenue, who had evinced every disposition to meet the feeling exhibited by the House. In point of fact, the administration of the legacy duty did not form at present any part of the business of the Commissioners of Revenue. It was an important part of their office, for which they were responsible; but practically the duty was discharged by the officers of the legacy duty department, and by a very able public servant who was at the head of that branch. But the Commissioners were quite willing to undertake the duty of the examination of the documents by themselves alone. He wished it to be understood that, so far as the Government was concerned, they had no desire to exercise any arbitrary or discretionary power at all, but were perfectly willing to meet the views of hon. Members in order to adjust the assessment of the tax. He therefore proposed to strike out the words "or their officers" altogether, and to limit the power of inspection to the Commissioners themselves.

Sir JOHN BULLER said, there would be extreme difficulty, or at least inconvenience, to gentlemen resident in remote counties, such as Devon and Cornwall, having to send up their deeds to London.

The CHANCELLOR of the EXCHEQUER said, he must confess that, looking at matters practically, his view was that in ninety-nine out of every hundred cases the parties would be found making no objection to the inspection of their documents. In fact, it was quite obvious that the deeds need never pass out of the custody of the parties themselves or their solicitors.

Mr. MULLINGS said, he must assert that there was considerable force in the objection of his hon. Friend the Member for South Devonshire (Sir J. Buller)—namely, the great inconvenience to all persons non-resident in London of having to forward their deeds from a remote distance to the capital. And if the right hon. Gentleman would but consider the great expense that small proprietors would be put to—their great disinclination and unwillingness to part with their deeds, he did hope that he would consent to make an exception in favour of muniments of title. The right hon. Gentleman seemed to assume that all transactions under the Act would be confined to London. He trusted the right hon. Gentleman would yield to his suggestion; but the tenacity of Government on these points was really extraordinary.

Amendment proposed, in page 16, line 32, after the word "documents," to insert the words "except muniments of title."

The CHANCELLOR of the EXCHEQUER said, that nothing could induce him to consent to any such Amendment as that just now suggested; he would far rather drop the clause altogether. He believed that the operation of the law, in cases where parties were unwilling to produce their title deeds, would be very much aggravated by dropping the clause, or by so qualifying it as to render all investigation impossible. He could assure the hon. Gentleman that "muniments of title" were far too important words to be left out of the clause. Why, the muniments of title often affected the title itself, and he was advised that even the rental might be included among the muniments. He would beg to remind hon. Gentlemen opposite that it was personalty that must pay the bulk of the tax, and that, therefore, it would be perfectly impossible to assess the tax upon property of that description if the exception asked for was conceded.

Mr. MALINS said, if the right hon. Gentleman meant only that the tax should refer to settled property, Gentlemen on his (the Opposition) side of the House would rest perfectly content. And, doubtless, with regard to that kind of property, it would be quite necessary that all deeds and documents should be produced, otherwise there would be nothing visible or tangible. The words "muniments of title" could only refer to land, and the possession of land was better proof for the purposes of the tax than any settlement could be. The right hon. Gentleman had fallen into an error in supposing the trustees had possession of the settlements relating to the land. This was the first attempt that had been made to upset the doctrine that the owner of deeds had a right to maintain possession of them against the world. There had not been the smallest reason adduced for the demand. Neither the right hon. Chancellor of the Exchequer, nor the hon. and learned Solicitor General, with all their astuteness, had been able to give a single reason for the production of those "muniments of title." The party with whom he (Mr. Malins) had the honour to act, had no objection to the insertion of the words "title deeds relating to real estates." He hoped, therefore, that the right hon. Gentleman would see the necessity of giving up this extraordinary and unconstitutional power without a tittle of necessity for it.

Mr. J. G. PHILLIMORE said, he fully concurred in the observations made by the hon. and learned Gentleman (Mr Malins) the Member for Wallingford. He was afraid that the House was getting careless of the preservation of a principle which ought to be held sacred. He would strongly urge upon the hon. and learned Solicitor General the propriety of taking into his consideration the suggestions just made by the hon. and learned Gentleman.

The SOLICITOR GENERAL said, that unless this clause was adopted, there would be almost in every case where a dispute arose the necessity on the part of the Crown of applying to a Court of Law to compel the production of those papers, which would be attended with great inconvenience, expense, and delay to the individuals concerned. The clause was worded in a manner to produce the least possible inconvenience. As to the production of title deeds properly so called, the clause would not have the slightest effect. The only documents that would be required were those documents illustrating the relation in which the successor stood to the man making the settlement, and they only compelled the production of the instrument under which the successor came to the estate. In many cases it would be absolutely necessary, in order to enable the Commissioners to decide, that they should see the documents or attested copies.

Question put, "That those words be there inserted."

The House *divided*:—Ayes 100; Noes 132: Majority 32.

Clause *agreed to.*

The CHANCELLOR OF THE EXCHEQUER then moved the insertion of the following proviso, which was agreed to:—

> "Provided, that where the sum payable for duty on such assessment does not exceed fifty pounds, the accountable party may, having given notice of appeal, and delivered a statement of the grounds thereof as hereinbefore directed, appeal to the Judge of the County Court in England, the Sheriff Court in Scotland, or the Assistant Barrister's Court in Ireland, for the district, county, or division in which the appellant shall be resident, or the property be situate, and every such Judge shall have jurisdiction to hear and determine the matter of such last-mentioned appeal, with the like power and authority as are by this section given to a Judge of Her Majesty's Court of Exchequer."

Report, as amended, *agreed to.*

Bill to be read 3° on *Monday* next.

GOVERNMENT OF INDIA BILL.

Order for Committee read. House in Committee.

Clause 5.

MR. BRIGHT said, that he understood the right hon. Gentleman the President of the Board of Control to say that this Bill would not be proceeded with that night.

SIR CHARLES WOOD said, he proposed to go on with the next four or five clauses, in respect to which no Amendments were to be moved. He did not intend to go further to-night.

Clause *agreed to.*

Clause 6.

MR. W. S. FITZGERALD said, that this clause could not come under the category of unopposed clauses, as the noble Lord the Member for Lynn (Lord Jocelyn) had given notice of an Amendment to allow covenanted servants on the retired list, and persons who had been in office under the Crown in India, to vote at elections of Directors.

SIR CHARLES WOOD said, he understood that the noble Lord intended to propose his Amendment in the shape of a separate clause.

Clause *agreed to;* as were also Clauses 7 and 8.

Clause 9, (Six of the persons not elected by the Crown shall be persons who have served ten years in India).

MR. BRIGHT said, he wished to ask the right hon. Gentleman the President of the Board of Control whether he had any objection to alter this clause, so that persons who had been in India as merchants or as professional men might be included in it? The hon. Baronet the Member for Honiton (Sir J. Hogg), who was so great an authority on Indian affairs, was himself in the legal profession while in India, and might have had no connexion with the service of the Crown or of the Company, and yet no one would say that he was less proper on that account to be placed in the Court. The clause which had passed with regard to the six nominees of the Crown provided that they should be persons who had been ten years in the service either of the Crown or of the Company; and this clause proposed that at least six persons of the selected Directors should be of the same class. It appeared to him advisable, however, to extend the qualification to persons who had resided in India for that period, although not in the service of the Crown or of the Company. Many of the India merchants were men of great knowledge and experience—take the case, for instace, of Mr. Craufurd, who had been in Parliament a short time as Member for Harwich, or of the present Member, Mr. Bagshw, although he did not know how long the latter Gentleman had been in India. There were many merchants in this country who had resided in India, and who had as much information with regard to Indian matters as the great bulk of those who had been there in the service of the Crown and of the Company. It was contrary to all the principles of good policy to confine the office to persons who had been in India in either service, and to exclude all who had been there as merchants, or in the different professions; and he wished to know if the right hon. Gentleman had any objection so to alter either the clause or the Bill as to admit persons of this class among the nominated or elected Directors. It would give greater scope for the choice of good men for the office, and good men were not so numerous that we could afford to exclude them; and the alteration, so far from injuring the Bill, would without doubt improve it greatly.

Sir CHARLES WOOD said, that the clause did not exclude such persons as had heen referred to by the hon. Gentleman. The Board was to consist of eighteen members, six nominated and twelve elected, and of the twelve elected six were to be persons who had served ten years in India, so that they were six seats open to all the world. There was, therefore, no exclusion of that class of persons who had not been connected either by the service of the Company or of the Crown; but it had been thought desirable that the selection of six of the twelve elected Directors should be persons who had served in either one service or the other. Still, he repeated, there were six seats open to all the world, and there was no exclusion of men who had had experience of India, either in a mercantile or professional capacity.

Mr. BRIGHT said, he thought that the very fact of such a restriction having been proposed, was a conclusive proof of the truth of his proposition. There were many persons engaged in mercantile pursuits in Manchester, Liverpool, and, of course, in London, who had resided much longer than ten years in India, without having served either the Crown or the Company, and it was not desirable to preclude the proprietors from electing Directors from that class. Under the proposed arrangement, the proprietors would be at full liberty to choose six persons who had not been in India at all; and in all probability the selection would be made from the great houses in the City. What he complained of was the restriction of twelve of the Directors to persons who had been in the service of the Government or the Company. Unless the right hon. Gentleman undertook to alter the clause by the time when the Bill was again before the House, he should move that the Chairman do report progress.

Mr. VERNON SMITH said, he could see no solid objection to the suggestion of the hon. Member for Manchester; indeed, the hon. Member did not appear to have put his case so strongly as he might have done, for if he (Mr. V. Smith) were a proprietor of East India Stock, he should not only feel himself at liberty, but bound, to choose Directors from the class of persons mentioned by the hon. Member.

Sir JAMES W. HOGG said, he would suggest that the clause should be so modified as to meet to some extent the objection of the hon. Member for Manchester, or omitted altogether. For his part, he should desire on principle that the selection of the Crown should be wholly unrestricted; but if that selection were not restricted to men who had been in India for a certain period, a direct latitude would be given to the Minister of the day to nominate persons merely on political grounds.

Mr. BRIGHT said, he would rather have the clause altered than postponed. He would propose to amend the clause so that it should provide that, instead of the six Directors not appointed by the Crown being persons who should have been for ten years at the least in the service of the Crown or the Company in India, they should simply be persons who should have resided there for ten years at the least. Thus they would leave the Court of Proprietors at liberty to elect persons who had been in the service of the Crown or of the Company, or who had been engaged in mercantile or other occupations, or in no occupations at all.

Mr. ELLICE said, he not only agreed with the Amendment of the hon. Gentleman, but he could not understand why the choice of the Crown should be limited to the civil and military service, which might operate to the exclusion of gentlemen who, like the hon. Member for Honiton, had devoted themselves to a profession in India, and who might not choose to enter on a canvass for the other seats in the Direction.

Mr. HENLEY said, he entirely agreed with the Amendment of the hon. Member for Manchester (Mr. Bright), for it was manifest that when the subject was considered, persons in the legal or other professions had better opportunities of becoming acquainted with the feelings and habits of the natives of India, than persons in the service of the Crown or the Company; and that sort of knowledge was what it was very desirable to obtain.

Sir CHARLES WOOD said, he thought that with regard to the Directors appointed by the Crown, the case was different to that of those elected by the proprietors, and he could not give a decided answer on that point then. With regard to the other Directors, he was quite ready to adopt the suggestion of the hon. Member for Manchester; and as it involved only a slight alteration in the clause, it could be done at once. As respected the Directors appointed by the Crown, the object was to avoid all temptation for naming persons from a political bias.

MR. TUCKER SMITH said, he thought that it would be extremely inconvenient if persons who were engaged in carrying on mercantile operations in India, although they had returned to this country, should be appointed Directors while they were so engaged. He thought provision ought to be made that no person engaged in mercantile transactions connected with India for the time should be eligible.

LORD STANLEY said, he was glad the suggestion of the hon. Member for Manchester had been acceded to, but he thought it would be necessary to guard against the clause covering cases to which it was not intended to apply—as, for instance, the case of a child born in India, and not sent to this country until after the age of ten years. There was no limitation by the clause of the time of life at which a person was qualified to be elected.

SIR ROBERT H. INGLIS thought there should not be too large an infusion of Indian experience, to the exclusion of the English element in the administration of Indian affairs.

SIR HERBERT MADDOCK said, he had an Amendment hereafter to propose, the object of which was to limit the sphere of selection by the Crown, so as to prevent the nominations being used for political purposes. With regard to the other Directors, he had no objection to the Amendment of the hon. Member for Manchester. At the same time he thought it not desirable that the government of the affairs of India should be engrossed by mercantile men; and he would prefer that of the eighteen members two-thirds of them should be men who had been employed in India. He did not agree that legal and mercantile men had a greater knowledge of the natives of India than those who were in the service of the Company.

SIR JAMES W. HOGG said, that there was at present a by-law that precluded any person engaged in trade in India from being a Director; but that there was no law whatever excluding persons who were engaged in trade in England.

MR. ELLICE said, he was in favour of the entire abolition of the limitation, and of giving to the electors and the Government the power of choosing any person who had resided ten years in India.

Amendment *agreed to.*

Clause *agreed to.*

House resumed; Committee report progress.

ASSISTANT JUDGE (MIDDLESEX SESSIONS) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

SIR JOHN SHELLEY said, he did not think that any case had been made out for an increase of salary to the Assistant Judge. He said this out of no personal feeling in regard to the gentleman who now held that position. When an increase of salary was proposed, the Government was bound to make out a strong case for it, and to show not only that there was an increase of work, but also that the office could not be properly filled at a lower rate of payment. The object of the Bill was to increase the salary of the Assistant Judge from 1,200*l.* to 1,500*l.*; but he thought the first-named sum quite sufficient, especially when it was considered that he had an assistant who was paid 7*l.* a day. He should therefore move that the Bill be committed that day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. WALPOLE said, the question of increasing the salary of the Assistant Judge of the Middlesex Sessions was brought under his notice when he was at the Home Office, and from all he then learnt he thought it reasonable that additional salary should be given. The business of the Middlesex Sessions had been enormously increased by the transference of a particular species of business from the Central Criminal Court to the Sessions—so much so, that the Chairman could not get the ordinary vacation that all other Judges enjoyed. In these circumstances, application was made to him to give him occasional assistance, and that assistance was directed to be given, though not permanently. In the case of the County Court Judges, the House had decided last Session that they should have a salary of not less than 1,200*l.*, and not more than 1,500*l.* a year. Now, the duties which the Chairman of the Middlesex Sessions had to discharge were as great, if not greater, than those of the County Court Judges, and therefore it was reasonable that the same addition should be made to his salary. He would, therefore, support the Bill before the House. He wished to make an observation, however, with reference to the second clause. By that clause it was proposed to give a retiring salary. He was not aware that they had done that in the case of any of the Judges of the inferior courts; and, without giving a positive opinion on it, he would call the attention of the Government to the subject, as he considered that it was establishing a dangerous precedent. If they gave a retiring pension to the Chairman of the Middlesex Quarter Sessions, he did not see why they should not give the same to the Judges of all the inferior courts.

SIR GEORGE GREY would also say a few words in explanation, as the Bill for lessening the cost of prosecutions in certain cases was brought in while he was in office. That Bill threw a large portion of the criminal business upon the Middlesex Sessions which had formerly been conducted in the Central Criminal Court. Mr. Serjeant Adams, immediately upon the Bill passing, applied for an increase of salary, on the ground that the business would be greatly increased. He (Sir G. Grey), however, considered that it would be premature to propose any greater amount of salary until it was seen to what extent this increase of business took place. From the statement of the right hon. Gentleman opposite (Mr. Walpole) it appeared clear that such an increase had occurred, and hence he could not see any ground for opposing this Bill. He was opposed, however, to the clause relative to a retiring pension.

The ATTORNEY GENERAL said, he wished to correct an error into which his right hon. Friend (Mr. Walpole) had fallen in regard to the retiring pensions. The right hon. Gentleman had stated that no inferior Judge received retiring pensions. This was an error; several of the Judges of inferior courts were entitled to retiring allowances, and County Court Judges might have retiring pensions in certain cases.

SIR JOHN SHELLEY said, that after the explanations given on both sides of the House, he did not feel justified in persevering with his Motion.

Amendment, by leave, *withdrawn;* Main Question put, and *agreed to.*

House in Committee.

Mr. Walpole

Clause 1 *agreed to.*

Clause 2 (The Treasury may grant a retiring allowance to Assistant Judge on his resignation).

SIR JOHN SHELLEY said, he should move that the clause be struck out of the Bill. He certainly did think the pay of this gentleman was amply sufficient, while no reason whatever had been shown why he should have a retiring allowance.

Question put, "That the Clause, as amended, stand part of the Bill.

The Committee *divided:*—Ayes 81; Noes 53: Majority 28.—

Clause *agreed to.*

House resumed. Bill *reported.*

ENCUMBERED ESTATES (IRELAND) ACT CONTINUANCE BILL.

Order for Second Reading read.

MR. WHITESIDE said, he must appeal to the right hon. Gentleman the Secretary for Ireland not to proceed with a measure of so much importance at that late hour of the evening [*half-past twelve o'clock*]. He had no wish to obstruct the progress of business, and if the right hon. Gentleman would fix an early day for this Bill, he (Mr. Whiteside) would be perfectly willing to shorten the matter by discussing a Bill which he had on the paper, the Sale of Lands (Ireland) Bill, and the one now before the House both at the same time—[*Laughter*]—at least one after the other.

SIR JOHN YOUNG said, he thought that the Bill ought to be read a second time that evening. He (Sir J. Young) had a few days ago assented to the Bill, to which the hon. and learned Gentleman alluded, being read a second time, on the understanding that it was not to be further proceeded with; and if the hon. and learned Gentleman now placed that as a rival to the present Bill, he thought it was but fair that the latter should also receive a second reading. This Bill had been maturely considered in the other House, and he therefore proposed now to take the second reading, on the understanding that ample opportunity should be given for discussing it either on going into Committee or in Committee.

MR. WHITESIDE said, he must deny that he had ever had any communication with the right hon. Gentleman on the subject of the Bill to which he had alluded, or that he had ever given any pledge that it should not be proceeded with beyond the second reading. It was a Bill to which he had never heard any objection, and which had the sanction of the late Lord Chancellor of Ireland. He had no desire to obstruct the progress of law reform; but if a Government which had never introduced a single original measure on this subject—[*Loud cries of* "Order!" *amidst which the hon. and learned Gentleman resumed his seat*].

VISCOUNT PALMERSTON said, that without going into any angry discussion, he thought the hon. and learned Gentleman must see that the Government were entitled to ask him to allow this Bill to be now read a second time. The hon. and learned Gentleman had offered to discuss his Bill and the Bill of his right hon. Friend (Sir J. Young's) together; but how could that be done if the two Bills did not stand on the same footing? As the one Bill had been read a second time, he thought the other should be allowed to pass the same stage.

MR. WHITESIDE said, that he should have no objection to accede to the noble Lord's suggestion, if he was understood not to be precluded thereby from pressing at a future stage the strong objections which he entertained to the principle of this Bill, which was in many respects different from the former Encumbered Estates Act.

VISCOUNT PALMERSTON said, that of course the hon. and learned Gentleman would not be precluded from offering any opposition to the Bill at a future stage.

COLONEL DUNNE said, that the measure was one of the most unjust and unprecedented ever introduced into that House. He objected to the principle of the Bill, and hoped the hon. and learned Member for Enniskillen (Mr. Whiteside) would persist in his opposition. It was not fair to Ireland to press this Bill at so late an hour. He would observe also that the time when Irish Members were at the assizes was the time always chosen for bringing in or pushing forward obnoxious Bills. He should certainly move that the debate be adjourned.

MR. F. SCULLY hoped the hon. and gallant Colonel would not persist in his opposition. The measure, with that of the hon. and learned Gentleman opposite, would, he hoped, be discussed on an early day.

MR. WHITESIDE said, he would accede to this suggestion, but he warned the Government that the subject must be fully discussed.

Bill read 2°.

COURT OF COMMON LAW (IRELAND) BILL.

Order for Third Reading read.

Bill read 3°.

MR. WHITESIDE was about to move the insertion of some new clauses, when

The ATTORNEY GENERAL expressed a hope that they would be postponed, as they had only been printed that day, and he had not had time to look at them. Besides, clauses more likely to carry out the views of the hon. and learned Gentleman had just been introduced into a Bill in another place.

MR. WHITESIDE said, he wished the House to understand that this was a measure of law reform, and that Her Majesty's Attorney General was now objecting to clauses which had been unanimously approved of by the profession.

The ATTORNEY GENERAL said, it was all very well for the hon. and learned Gentleman to assume a tone of indignation mixed with that asperity which he always introduced on every subject. He did not think the position of the hon. and learned Gentleman, high as it undoubtedly was in point of talent, authorised him in assuming that tone towards those who, if not his equals in point of ability, were at least his equals in the manner in which they conducted the business of that House. He did not wish to throw any obstacles in the way of the hon. and learned Gentleman; but if he supposed these clauses had received the universal assent of the profession he was greatly mistaken. Those who had seen his clauses, and the clauses introduced into the Bill in the other House, were of opinion that the latter clauses went much further, and would be more effectual, than those of the hon. and learned Gentleman. All he wanted was an opportunity of considering them.

MR. NAPIER said, several of the clauses of his hon. and learned Friend had been discussed in Committee.

The ATTORNEY GENERAL said, that the clauses which he wished to consider were the equity clauses.

MR. WHITESIDE said, there was not an equity clause on the paper.

MR. BOUVERIE suggested that the better course would be to postpone the clauses till to-morrow.

Further proceeding on Third Reading *adjourned* till *To-morrow.*

THAMES EMBANKMENT BILL.

Order for Committee read.

Motion made, and Question proposed,

"That Mr. Speaker do now leave the Chair."

Mr. APSLEY PELLATT said, that some statement ought to be made to the House as to the probable cost of the works, and the parties under whose superintendence they were to be executed.

Sir WILLIAM MOLESWORTH said, this was a continuance of a scheme which had been several years in contemplation, and it was to be conducted under the direction of the Board of Works.

Mr. LOCKE said, the House had not been put into possession of a single estimate as to the probable cost, or as to any points of detail. The same remark applied to other public works, and particularly to Westminster-bridge. When private works were brought before Parliament, the promoters were required to produce estimates of the cost, and he did not see why a similar course should not be taken with reference to Bills of this description. He thought it was incumbent on the House to press for the estimate before they consented to vote away the public money. He should, therefore, move that the Committee be postponed for three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Amendment, by leave, *withdrawn.*

Question again proposed, "That Mr. Speaker do now leave the Chair."

Motion, by leave, *withdrawn.*

Committee *deferred* till *Monday* next.

GENERAL BOARD OF HEALTH (No. 3) BILL.

Bill, as amended, *considered.*

Mr. HALSEY said, he was aware of very improper practices with relation to the proceedings of the Board of Health, the engineers being often the contractors. He should, therefore, beg to move an Amendment, which he hoped would rectify such anomalous proceedings.

Clause—

"That it shall not be lawful for the General Board of Health, after the first day of September 1853, to nominate or appoint any person as Superintending Inspector, otherwise than at a fixed yearly salary: Provided always, That any such person so appointed, shall be removeable at any time by the said Board, upon three calendar months' notice; and that it shall not be lawful for any person so appointed, to receive any money, emolument, fee or reward, directly or indirectly, from any party, except from the said Board, for or in respect of any work or plans of works executed or to be executed under the authority of the said Board."

Brought up, and read 1°.

Sir WILLIAM MOLESWORTH said, the object of the Bill was simply to confirm provisional orders of the Board of Health, more particularly in the application of the Health of Towns Act to certain towns. He objected to this clause because it did not come within the title and intention of the Bill. Nevertheless he agreed in the general principle of the clause. The inspectors were not salaried officers of the Board, but were employed, as it were, by the job, and they were, therefore, at liberty to get employment elsewhere. It appeared to him that they should be salaried officers, and not be at liberty to take employment elsewhere. The matter had been under consideration, and when the general subject of the Board of Health was brought forward next year, it was the intention of Government to make a change similar to that proposed by the hon. Gentleman.

Sir GEORGE PECHELL said, he should support the clause. These inspectors went to towns, and a tenth of the inhabitants having declared themselves in favour of introducing the Health of Towns Act, the inspectors made work for themselves. He thought the Board of Health ought to be reconstituted.

Mr. LOCKE said, the proceedings of the Board of Health were antagonistic to the municipal feeling of the country. Whether the clause was brought up or not, he trusted there would be an alteration in the Health of Towns Act.

Motion made and Question, "That the said Clause be now read a Second Time," put, and *negatived.*

Mr. BARROW said, he would now move the Proviso of which he had given notice, Section 2.

Amendment proposed—

"In page 2, line 25, after 'Act,' to add the following Proviso:—'Provided, that it shall not be lawful for the Local Board of Health of the district of Hertford to construct or use, or suffer or permit to be constructed or used, any sewers or drains by means of which the sewage of the said district, or any part thereof, shall be carried into the River Lee at or above the point of the said river in the parish of St. John, Hertford, where the balance engine of the Governor and Company of the New River brought from Chadwell and Amwell to London is erected, by means of which the said Governor and Company of the New

River derive their supply of water from the said River Lee for the supply of the Metropolis."

MR. COWPER said, the corporation of Hertford were engaged in negotiations which might have the effect of securing the object contemplated in the proviso. As the representative of Hertford, he felt bound to oppose the Amendment.

Question put, "That the Proviso be there added."

The House *divided* :—Ayes 23; Noes 47 : Majority 24.

SIR GEORGE PECHELL said, he wished to move a Proviso relating to the Provisional Orders of the Board of Health.

Amendment proposed—

"In page 2, line 85, after 'Act,' to add the following Proviso :—'that it shall not be lawful for the General Board of Health to put in force any of the provisional orders, unless upon the petition of a majority of the inhabitants rated to the relief of the poor of any such places referred to in the said Schedule.'"

MR. BASS said, he regretted that such a Bill should have been introduced at so late an hour, and that the Government should have postponed the amendment of the Board of Health until next Session. He apprehended that the right hon. Baronet had sufficient influence with the Board virtually to carry out the object.

SIR WILLIAM MOLESWORTH said, he had before stated that he was opposed to the application of the powers of the Board of Health to any town where it was objected to by the majority of the inhabitants; but he must oppose the clause as not coming within the scope of the Bill.

Motion made, and Question, "That the Proviso be there added," put, and *negatived.*

NEWSPAPER STAMP DUTIES BILL.

Order for Second Reading read.

The ATTORNEY GENERAL, in moving the Second Reading of this Bill said, that the stamp duties upon newspapers were regulated by the Act 6 & 7 *Will.* IV., c. 76. This Statute contained two sections, one of which defined newspapers as publications containing news, intelligence, and information; and the other defined a newspaper to be a publication containing news, intelligence, or information, provided it were published at intervals within twenty-six days, that it did not exceed certain dimensions, and that it was sold for a price not exceeding 6*d.* It was always supposed, until the recent decision of the Court of Exchequer, that these provisions embraced every species of paper, at whatever period they might be issued, and at whatever price. The Court of Exchequer, however, put a construction upon the Statute which had somewhat surprised the profession. They held that the second section, which was known to be intended to make the meshes of the net still narrower, and to embrace every newspaper not contemplated in the first, was restrictive of the first section. The decision of the Court arose upon the question of a publication published at intervals exceeding twenty-six days, as to whether it came within the meaning of the Act. The opinion of the law officers of the Crown was taken on this decision as to the propriety of an appeal; and if it had been thought expedient, there would no doubt have been an appeal against that decision. But Her Majesty's Government had thought it not desirable to go against the decision of the Court of Exchequer, or to attempt to enforce stamps upon newspapers not published within periods of twenty-six days. From the words of the two conditions embraced in the second section of the Act, there arose this difficulty—if that section was intended to be restrictive upon the more general section, then, any newspaper, not ofh e dimensions referred to in the Act, that a s, exceeding the dimensions stated, which was sold at a price exceeding sixpence, would become exempt. Therefore the larger newspapers which were sold at a larger price, would be exempt from duty under this state of things, while a smaller newspaper which was sold at a lower price would remain liable to it. This would have been a great injustice to the smaller-priced newspapers. For instance, such papers as the *Examiner* and the *Observer*, which were sold at 6*d.*, would pay the duty, while the *Spectator*, the price of which was 9*d.*, would be exempt. The object, then, of this Bill was to establish the law, and to make it uniform with regard to all classes of newspapers whether large or small. Without going into the question of the stamp on newspapers, it was quite clear that so long as the stamp was maintained, they should all be put on equal principles. Under these circumstances he begged to move the second reading of this Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. MILNER GIBSON said, there were two Bills before the House relating to this one subject of newspaper stamps

—one, the Bill to which the hon. and learned Attorney General had just called attention, which defined what was a newspaper chargeable to duty; but in order to ascertain what the duty was to be, they had to go to the other Bill, which was called the Stamp Duties Bill. Now, he submitted that the definition of what was held to be a newspaper chargeable to a duty, should be found in the same Bill that contained the duty. Formerly they took the trouble to consolidate the law in reference to newspaper stamps; clauses defining what should be considered a newspaper were inserted either in or at the end of the Act. But the House was now undoing altogether what the Legislature had done some years ago, and they were redistributing the law in reference to newspapers into different Acts of Parliament. Inconveniences arose from this practice, and he suggested to the Chancellor of the Exchequer and the Attorney General that they should put their proposal relative to the duty upon supplements to newspapers into this Bill, by an instruction if it should not come within the title, in order that there should be, in one and the same measure, a definition of what a newspaper was, as well as the duties applicable to it. Although the Goverment had not been asked or induced to pay attention to this proposal, they ought to attend to it. He was only sorry it had not been thought of before parties had been put to considerable expense in defending themselves before courts of justice against the imposition of the stamp. This Bill was, in fact, a Bill for the protection of the *Household Narrative;* but Mr. Dickens had already protected himself through the Court of Exchequer. But after he had got his verdict, and the Judges said he was not liable, then the Government came down with a measure to exempt monthly publications from the stamp. It was very well to do so, but he did not think proprietors of monthly publications had to thank the Government for any favours, for they fought their own battles in the courts of justice; they had paid their own expenses, and, now they had established their position, the Government came forward and told them that they were to be exempted by Act of Parliament. He would now ask the right hon. Chancellor of the Exheqeer whether the costs to which the parties had been put in defending themselves against this prosecution would be paid to them, because it was but fair that they shonld not bear them?

The CHANCELLOR OF THE EXCHEQUER said. his hon. and learned Friend the Attorney General had stated that, in the view of the Government, there was great reason to question the decision at which the Court of Exchequer had arrived. It would have been quite open, if it had been considered a matter tending to settle the public mind upon the question, to have that decision questioned. Under these circumstances the right hon. Gentleman would see that it would be a very anomalous course, on the part of the Government, to propose to pay the costs of the parties. At the same time, he might say that the question with regard to costs had never been put before him with the arguments which the parties might think they had. With regard to the right hon. Gentleman's suggestion, that the definition of a newspaper should be in the same Bill as the charge of the duty, there might be convenience in it; at any rate it should be considered; but if it were to be done at all the better way would be to import this enactment into the Stamp Duties Bill than to take any enactment out of the Stamp Duties Bill into this.

MR. MILNER GIBSON said, all he wanted was to have a clear, distinct, and well-defined description of the law.

Bill read 2°

The House adjourned at Two o'clock.

HOUSE OF LORDS,

Friday, July 15, 1853.

MINUTES.] *Sat First in Parliament.*—The Lord Meldrum, after the death of his Father.

PUBLIC BILLS. — 1ª Belfast Municipal Boundaries; Municipal Corporations Act Amendment; Coinage Offences (Colonies).

2ª Petty Sessions (Ireland); Summary Jurisdiction (Ireland).

3ª Juvenile Mendicancy (No. 2).

EVIDENCE AMENDMENT BILL.

LORD BROUGHAM had a question to put to his noble Friend on the woolsack relative to a very important matter. He thought their Lordships had a right to complain—his noble and learned Friend on the woolsack had a right to complain—his noble and learned Friend the Lord Chief Justice had a right to complain—and, lastly, he himself had a right to complain—of the treatment which had been given elsewhere to a most important Bill which had been sent down by their Lordships' House to the other House of Parliament. It would be in the recollection of their Lordships that at a very early period of the Session—namely, in November last—he had laid upon their Lordships' table a Bill in reference to the law of evidence and procedure, to which they were pleased to give a second reading upon the 10th of March. It was then found that there was no difference of opinion whatever between his noble and learned Friend on the woolsack and himself, or between his noble and learned Friend the Lord Chief Justice and himself, relative to one portion of that Bill—a portion of very great importance—he meant the supplement to the Act of 1851, enabling parties to be examined as witnesses in the cause in all the courts, and, on the other hand, compelling them to be examined, as the case might be. And on the great benefits derived from that Act, it was needless for him to enlarge, because testimony had been unanimously and cheerfully borne as to them by all the Judges who had assisted in administering the law under it. But there was one most important omission in that Act—that which regarded the evidence of husband and wife. His noble and learned Friend on the woolsack and he differed on that subject two years ago, when the Act passed; but he (Lord Brougham) then yielded his opinions upon the point at issue, and in consequence the Act was passed with that very important defect. However, his noble and learned Friend, with his wonted candour, admitted that he had since changed his opinions upon the subject, and that he was now clearly in favour of the Bill for supplying the defects in the Act of 1851. Accordingly, that part of the Bill had acquired the entire concurrence of his noble and learned Friend, as well as that of his noble and learned Friend the Lord Chief Justice. But finding that they did not agree upon other points, and particularly as to the requirement of deeds and documents, he (Lord Brougham) thought that it would be expedient to divide the Bill into two portions, and to pass forthwith the part upon which no difference of opinion whatever existed, especially considering that as the Act of 1851 had passed, it had become of essential importance for the administration of the law. Accordingly, the alteration of the law with respect to the evidence of husband and wife formed the sole subject of one of these Bills, which had passed through their Lordships' House. The other Bill, which related to procedure, had yet to receive their Lordships' sanction. But when did the other Bill pass their Lordships' House? Why, upon the 5th or 6th of June; and at that time he (Lord Brougham) was assured that there could ensue no difficulty whatever to prevent its receiving the sanction of the other House; and that, consequently, it would immediately pass into law. Yet, what had happened? Why, the Bill had slept ever since, although they had now arrived at the 15th of July. And what was the consequence? That the circuits had begun—that all the circuits were being holden, or would be holden during the next six weeks, without the great and necessary benefit of that change in the law. But there was still another consequence to which he begged to call their Lordships' attention. When he said that there was no doubt whatever of its receiving the assent of the other House, he had every reason to form such an expectation, because he found that on the 19th April a Bill received the Royal Assent extending to Scotland the provisions of the very Bill which he had the honour of obtaining their Lordships' assent to for England. The provision which he wished to see established in the law of England was at this moment the law of Scotland, and the courts there were acting under it. So that here they had not only the inconvenience of delay—all the inconvenience of administering the Act of 1851, with its own peculiar anomalies—but there was the further anomaly that they had one law for Scotland, and another law for England, and that the Scotch courts were now examining husbands and wives under precisely the same powers and precisely the same qualification and guards that were to be found in the Bill which their Lordships had sent down upon the 6th of June, to be consigned to its long rest for a period of seven weeks in the other House. He really thought that if any one had a right to complain of the remissness shown in the furthering the passing of the Bill, it was his noble and learned Friend opposite (Lord Campbell), and he, therefore, hoped that some explanation would be rendered on the subject. He would only say, in conclusion, that if, when he consented to the division of his Bill, he had had the least suspicion of what was to have occurred, that he would have undoubtedly, no matter at what inconvenience, have pressed the passing of the Bill as a whole. Without, then, attempting to affix the blame in any particular quarter, he must be allowed to express his regret at the delay which had taken place.

The LORD CHANCELLOR said, he could assure his noble and learned Friend that he could not regret more than he did the delay which had taken place in reference to the passing of that very useful measure which had passed their Lordships' House some seven weeks ago. Of course, as their Lordships were well aware, it was not in the power of any Member of their Lordships' House to control the proceedings of the other House of Parliament—

LORD BROUGHAM: Nor of any Member of the other House.

The LORD CHANCELLOR: Certainly, nor of any individual Member of the other House; but he would state, by way of explanation, in what way the matter stood, and he would show to his noble and learned Friend (Lord Brougham) that no disrespect whatever had been intended towards him. As his noble and learned Friend had truly stated, he (Lord Brougham) introduced a Bill for the improvement of evidence and procedure in November last. Their Lordships, however, were all aware that the Commission appointed to inquire into the state of the common law courts made a very useful report, suggesting matters which led to the first Act for the amendment of the common law, which received the Royal Assent last Session; and the Commissioners were engaged during the last winter, up to an advanced period in the spring, in further investigating the proper course as to evidence and procedure. In that state of things he had expressed to his noble and learned Friend a wish that he should not press his Bill in reference to this same subject until it was seen a little more clearly what the Commissioners were about to suggest. But as it appeared to him (the Lord Chancellor) that the Bill of his noble and learned Friend could be divided into two portions, and that that portion which contained that most valuable, useful, and short amendment of the law, to the effect that the husbands and wives might henceforth give evidence in cases where one or both were concerned, might be separated from the other portion of the Bill. It struck him that there could be no difficulty in passing such a measure, as he understood that both in their Lordships' House, as well as elsewhere, the measure was one which was regarded with an almost unanimous concurrence of opinion. Concurring in that view his noble and learned Friend took the course he suggested, and that portion of the Bill which related to the admissibility of the evidence of husband and wife, was formed into one Bill, was assented to by their Lordships, and sent down to the other House, and would, it was expected, have very shortly received the Royal Assent. It appeared, however, that the Common Law Commissioners having been engaged in a very laborious inquiry, had made a very elaborate report on the 30th of April, all the recommendations of which report they proceeded to embody in a Bill; and in that Bill they had incorporated, almost *totidem verbis*, the enactment of his noble and learned Friend, in regard to the evidence of husband and wife. When the Bill they had thus framed first met his eye—which it did yesterday, when a draught was placed in his hands—he communicated a copy immediately to his noble and learned Friends (Lords Brougham and Campbell) and other law Lords; and he at once came to the conclusion that it would be discreditable to any Government to pretend to introduce honestly such a measure without having a great deal more time to examine into it than they could have had. Perhaps he might here mention to their Lordships, that he was in the habit of receiving anonymous letters, telling him that he was obstructing the progress of law reform. He trusted, however, that he should be able to receive such imputations unmoved, or he should not be worthy the place he had the honour to hold. His intention was to devote himself with all his energy to mastering every part of that Bill, and he felt quite sure that when they had the leisure to do so that he would be aided by his noble and learned Friends with regard to it. As with regard to the former Bill, not alone in Committee of their Lordships' House, but night after night at their own private residences they would go through its clauses one by one in a way perfectly impossible in Parliamentary Committees; and the result of that process, as applied to the former Bill, had been that though it consisted of more than 200 clauses, there was never an Act which had worked so smoothly. This was all he could say at present. However, he could mention that he had seen his learned Friend the Attorney General in reference to the Bill of his noble and learned Friend, and he had promised him to use his best endeavours to pass it through the House of Commons. He believed the Bill had very few defects; and he trusted therefore that before very long it would become the law of the land; and, he would say at the same time, that he very much regretted that his attention had not been earlier awakened to the delay which had occurred.

Lord CAMPBELL said, the urgency of the Bill was very great, and there was a universal desire in the profession and among the public that the existing defect with regard to the evidence of husband and wife should be remedied. He could bear the testimony of his own experience, that on several occasions the want of the Bill had been most severely felt; truth had been excluded, and there had been a danger of justice being perverted. He hoped this defect might be immediately supplied; and, that being done, he hoped that for the present Session of Parliament, as far as evidence and proceedure were concerned, they should rest satisfied. A great deal had been done already, and he thought that his noble and learned Friend on the woolsack deserved the thanks of the public for having given the subject so much attention. If there were any obloquy as to delay in the work of law reform, founded on the second report of the Common Law Commissioners, he (Lord Campbell) was most ready to take his share of that obloquy, for he thought it inexpedient to push forward immaturely any measure on the subject. In the next Session of Parliament the reform of the ecclesiastical courts would be under consideration, and he hoped that we were now in a most beneficial and praiseworthy state of progress towards amending the whole of the law of England. Let them proceed steadily and perseveringly in this great work, but let them proceed also cautiously; and this in the end would give more satisfaction than the introduction of measures which were immature and crude.

Lord BROUGHAM remarked, that the Bill which extended the Act of 1851 to Scotland, with regard to evidence, had been passed through all its stages without one single word of opposition to any one of its provisions.

LANDS IMPROVEMENT COMPANY (No. 2) BILL.

The Duke of ARGYLL, in moving the Third Reading of this Bill, said, the main object of it was to enable the company to raise money on debentures, transferable by endorsement, for the improvement of land. Since the discussion which had taken place in respect to it a few nights ago, several important alterations had been made in the Bill, with a view of meeting the objections that were then raised against it. The main objection which had been urged by the noble Chairman of Committees on the former occasion was, that one of the provisions of the Bill was at variance with a clause in the General Companies' Clauses Consolidation Act—namely, that which provided that the transfer of interest in the land should be made by deed duly stamped, upon which the consideration given for such transfer should be stated. By an omission in the present Bill, as it was originally framed, it was not provided that such deed should be stamped; but that omission had since been rectified, so that there was no danger whatever of the revenue being defrauded. The machinery provided in the Bill was the same as that which had been provided in the many Enclosure Acts which had passed. The Government were of opinion that it would be of advantage to give every facility possible for the improvement of the land; and with that view he now moved the third reading of the Bill.

Lord REDESDALE said, that the objections, which were only those of detail, having been removed by the alterations that were made in the Bill, he, of course, did not mean to oppose it further.

After a short conversation, in which Lord St. Leonards, Lord Campbell, the Duke of Buccleuch, and the Marquess of Salisbury took part,

Bill read 3ª, with the Amendments; and *passed*, and sent to the Commons.

THE INDIAN ARMY.

The Earl of ELLENBOROUGH said, that as he apprehended that there would be no objection to the production of the papers which, according to notice, it was his intention to move for, and feeling, therefore very unwilling to make any observations on the subject matter to which those papers referred, he should confine himself to one topic only, namely, the proposed increase of the Indian army. He would touch upon that one topic now, because he apprehended that if he were not to express what he felt at the present moment, he could not do so at any other time with advantage, inasmuch as when once the Clause in the Bill now before the House of Commons, for the increase of the European troops in the army of the East India Company, came up to their Lordships, though they might reject it, they could not make any substitution of another for it. However little, therefore, he might hope to succeed in making any impression on the Government, he thought it right to state, at the present moment, his objections to the proposed mode of increasing the military force of that country. He would have taken that opportunity of going into several points of detail which had occurred to him since he addressed their Lordships four or five weeks ago, and he would have done that under the impression that any amendments consequent upon any changes of opinion produced in the minds of Her Majesty's Government, could be more conveniently made in the House of Commons than in that House at a later period of the Session; but he abstained from that course in the confident expectation that when the Bill did come to their Lordships' House, Her Majesty's Government would be disposed to take into their favourable consideration any reasonable objections that might be urged by him to those matters of detail to which it was his intention to direct their Lordships' attention, his whole object being to make the Bill as perfect as he could by the suggestions it might be in his power to offer. In the course of the past week he had introduced a Bill into their Lordships' House which consisted of that clause in the Government Bill now before the House of Commons, which had reference to the increase of the Company's European troops, though he admitted that he was indisposed to receive that clause. When he proposed to introduce that Bill, he said he did not approve of that mode of increasing the military force, but he did not think that anything he could urge would induce Parliament to adopt a different mode, and therefore he acquiesced in that measure, and thought it would be well to save time, and place at once at the disposal of the Government the additional force that would be provided by that Bill. The events that had come to their knowledge within the last few days, had not induced him to consider it less important to increase the military force of the country, and he was ready to increase that force in any manner, so urgent did he conceive the necessity for doing so. Yesterday a circumstance had come to their knowledge, on the arrival of the mail from India, which might make, on the minds of many of their Lordships, an impression that more force was now required in India than probably they might have thought to have been required there at an earlier period of the year. The change of opinion that might on that point have taken place in their Lordships' minds had not been produced upon his, because their Lordships would recollect that from the commencement of the war in Ava he had deprecated it, and had stated his opinion of its great importance, and the great embarrassment it would produce. He had never entertained the slightest expectation that the Burmese Government would consent to the cession of the province which had been appropriated by the Indian Government, and, therefore, there was no disappointment whatever to him in the news that had been just received. He now only took the same view of their position in Ava that he had always taken. He regretted to say that in the commencement of that war, in its conception, and in its conduct, he could not anywhere perceive the impress of the mind of a statesman, or of a general. They had advanced beyond the point which was the best possible one to occupy, and had taken as their frontier the very worst they could by any possibility have taken. They had placed themselves in a position in which they could neither stand firm with safety, nor advance with advantage. It was a peculiarity in this war that the greater the success the greater the embarrassment; and if they were to advance to Ava, and drive from Ava the king of that country, their difficulty would only be greater than it was at present. At that moment no reasonable man could look forward to the termination of that war with the same degree of confidence that he might have entertained at its commencement. That was a serious state of things, and he was certainly most deeply impressed with the conviction, that on account of their position there, irrespective of the effect which the events that were taking place in the East of Europe must have on their position everywhere, and especially in India, an increased military force was absolutely required for their security in that country. But he must say, he could not approve of the manner in which that increase was proposed to be made. In the first place, he must state with great regret that he could not but see in this proposal some indication of an apparent intention, not of decreasing the European military force in India, but of substituting for Her Majesty's troops an equal number of the Company's European troops. He would deprecate that change, as most injurious to Her Majesty's service, and to the interests of India and of England. The advantage to Her Majesty's troops of the experience they acquired in India, was infinite, even when they were not engaged in actual hostilities. The very marching through the country was in itself instructive; and there being, at the large stations, cavalry, infantry, and artillery, in considerable numbers, there was not one of those stations in which Her Majesty's troops might not learn, and ought not to learn, as much as they could now learn in the camp at Chobham, by the continual movement of large masses of men, and its display of the mode in which the operations of war are carried on. He recollected well that the Duke of Wellington once told him that the British troops in India came nearer to his idea of what the Roman legions must have been, than any troops he had ever seen. They should think that it was a very great advantage to this country to have the opportunity of sending their regiments to India, which, when brought to England in succession, formed the nucleus of an army, being practically acquainted, in all their details, with the operations of war. There was another advantage in using Her Majesty's troops instead of the forces of the East India Company, namely, that Her Majesty's troops were constantly removed, whereas the troops of the latter were not; and it should be a constant principle of their policy, in the treatment of Indian affairs, to make all persons sent from hence to that country, look homeward, and have England in view rather than India—to look forward to their promotion in Her Majesty's service as the end of their exertion, rather than in the local service. But an Indian force was in the nature of a colonial force, and though individuals might come home, a regiment never came home. With a view, therefore, to keep up the connexion between this country and India, it was necessary that a large force belonging to Her Majesty's troops should be employed there. He was not speaking with the slightest disrespect of the troops of the Indian Government. He had seen them himself, and he must say, that better disposed men there could not be—there could not be men by whom officers could more desire to be followed into action; but there were circumstances connected with the formation of these regiments which must make them inferior to Her Majesty's regiments, and which caused new regiments to be considerably inferior for a long time after they were formed. They must be considerably inferior to Her Majesty's on this account—that the Company's European regiments had to furnish non-commissioned officers, not only to their own regiments, but to Native regiments, and to furnish persons to fill various civil and military offices. It was therefore impossible, without a miracle, that the non-commissioned officers could be equal, on all occasions, to the non-commissioned officers in Her Majesty's regiments, who had only their own regiments to provide for; and they must be all aware how much the efficiency and discipline of a regiment depended upon the efficiency of the non-commissioned officers. They should also consider in what manner new regiments were officered. The appointments were made in the Company's regiments according to seniority of service, and all those regiments must be officered by the senior officers of each grade in the service. There were only two European regiments on the Bengal establishment, and seventy-six Native regiments, and each of those European regiments would take forty-eight officers, and as the officers would all be drawn from different regiments, the new regiments must be officered by men, no two of whom had ever probably seen each other before, and all of whom might be ignorant of the European troops and service, and acquainted only with the Sepoys. They must, moreover, draw their non-commissioned officers from the European regiments, already weakened by detaching non-commissioned officers to the Native regiments. Under these circumstances it was impossible that these regiments could be so effective for a length of time as any of the regiments now in Her Majesty's service. After the lapse of years, no doubt, they might be possessed of the same efficiency as the European regiments, but for a number of years they must be comparatively inefficient. He recollected that when he was at the Board of Control, about twenty-five years ago, he looked into the statistics of Her Majesty's regiments and of the Company's regiments, and he found at that time that the Company's regiments were renewed once in eight years, and Her Majesty's regiments were renewed once in twelve years—a most decided proof that there must be some internal defect in the organisation of the Company's regiments, which led to a greater amount of casualties and invaliding than prevailed in Her Majesty's service. There was a circumstance that had come under his observation which might have led to that unfortunate result. He was particularly struck on seeing one of those regiments now at Ava, and one of the most distinguished there—the 1st European—by the extreme youth of the soldiers, and questioned an officer on the subject; and he was assured by him that the men sent out for the Company's service were so young that they were more liable than other men to take the malaria, which nearly destroyed them, and they hardly ever attained European strength, or became what European soldiers ought to be, in consequence of being exposed to the climate at such early years. He (the Earl of Ellenborough) wrote home in most earnest terms, suggesting that the custom should be abandoned—that the recruits should be kept in this country for two or three years more, and that they should only be sent out when they were capable of performing the service that was required of them, and when they would be less exposed to the necessary consequences of the climate. Whether anything had been done in consequence of his representations he did not know; but certainly, nothing was done while he was in India. On these grounds he objected to the mode of the increase proposed; but he could hardly venture, unacquainted as he was with the details of Her Majesty's service, to propose any other mode of increasing that force. It would be objectionable to take one soldier from this country under present circumstances, and it was absolutely necessary that the army in India should be increased. He knew no other mode in which it could be done, except that which was usually adopted, namely, by forming second battalions. Within a short time sixteen or eighteen regiments had returned from India, and every one of those regiments, having distinguished themselves, fairly deserved any marks of favour that could be shown to them. Every one of them had at their disposal non-commissioned officers acquainted with the country; who might be sent out as non-commissioned officers to the second battalions. There must be at Her Majesty's disposal an ample number of officers acquainted with the country, who might also be placed in those second battalions; and the advantage to the troops of having men acquainted with the climate and habits of the country as officers and non-commissioned officers, it was impossible to overestimate. He knew to what extent the health of a regiment, when it first arrived in India, was affected by the circumstance of there being in it any one who knew anything about the climate. There was but one other point to which he must entreat their Lordships' attention for one moment, though it did not refer, undoubtedly, to any of the returns which he desired to have placed upon the table by the Motion he intended to make. There was a provision in the India Bill now before the House of Commons, to which he earnestly desired to call the attention of their Lordships, because he thought it went to destroy the efficiency of the system Government proposed to adopt. He alluded to the provision by which the Directors to be appointed by the Crown, were permitted to sit in Parliament. He considered that provision to be in the last degree pernicious; especially when taken in conjunction with an alteration very recently made in a provision of the Bill, whereby any person who had been in India for ten years, whether he was in the service of the Government or not, might be appointed a Director. That would be most pernicious in its operation, because what all of them must desire was to separate the Government of India in England from the influence of the politics of the day, and to keep it as much as possible distinct from any connexion with them. The result of this provision would be, that a young man, on returning from India, would, by spending a little money, get a seat in the House of Commons; and being in the House of Commons, and eligible to fill the office, would naturally recommend himself to the Government, whatever that Government might be, and would be placed in the Direction instead of a better man. By this means there would not only be placed in the Direction the nominees of the Government, who were placed there not on account of their fitness for office, but those persons would introduce into the Court a political bias, which must be most injurious to the transactions of Indian business. The average life of man might be increasing and improving, but the average life of Government was undoubtedly becoming much shorter and much worse. They might have, consequently, amongst the Government nominees in the Direction, two or three strong Conservatives, and two or three strong Whigs, Members of the House of Commons, and placed there, not on account of their fitness, but on account of their politics. They would carry into the Court the animosities that divided them in the House of Commons; and, what was infinitely worse, they would carry into the House of Commons the divisions that separated them in the Court, and angry discussions on Indian questions in the House of Commons would arise from political Directors being placed there. It might be said that the same objection would equally apply to the elected portion of the Directors. He admitted it, and he thought the Government would act most wisely if they excluded both the elected and the nominated Directors from Parliament, for he believed as much mischief would be done by allowing the Directors who were elected by the proprietors to be Members of Parliament, as by suffering those nominated by the Government to hold seats in the House of Commons. Men acquired a sort of factitious importance by becoming Members of Parliament, and to attain such a fancied pre-eminence they would, if Directors, not scruple to use their patronage in order to obtain their seats, and, once having obtained them, use it to keep themselves in them. The lawyers and other persons of note in the places those Directors represented, would naturally obtain an influence over such Members, and the probability was that that patronage which in justice ought to be bestowed for public purposes, would, in many instances, be applied to promote the private views of the Directors, to the great detriment and disadvantage of the general interests of India. He knew nothing more unseemly than that which might arise under the working of the new system which was to be established—when an Indian Minister might make his statement on the part of Government, and might be replied to by a Director on the other side of the House who entertained different opinions. Such a system would do more than any other system that could be conceived to humiliate the Government in the eyes of the people of India; and he did therefore most earnestly entreat Her Majesty's Government to reconsider that provision of the Bill before the House of Commons, and to see whether they would not forego any advantage they might derive from having the power to place Members of the House of Commons who had been ten years in India upon the Direction, and whether they would not, on the other hand, deprive the Directors hereafter to be elected by the proprietors of the power of becoming Members of the House of Commons. The noble Earl concluded by moving for Returns relating to the Court of Directors of the East India Company; and to the Army of the Company.

Earl GRANVILLE said, although it was inconvenient to discuss a Bill which had not yet come before their Lordships, yet he must say, as an individual Member of Her Majesty's Government, that, with regard to this question, considering the spirit which the noble Earl had shown in treating of it, and also bearing in mind the degree of knowledge and useful information which the noble Earl could have afforded respecting it, he rather regretted than otherwise that the noble Earl had not entered more fully into the details of the subject. At all events, as regarded the final decision of their Lordships upon this question, when it should come before them, he hoped that the example of the House of Commons would be followed, and that the second reading of the India Bill would be sanctioned by an equally large majority of their Lordships' House, as that which had been given in its favour by the other House of Parliament. That it would receive the most deliberate and impartial consideration of their Lordships, he was quite assured; for the question was one of far too great importance to admit of anything like party spirit entering for a moment into its discussion. With regard to the observations of the noble Earl respecting the war in Ava, he (Earl Granville) could assure the noble Earl that when that question should be brought before their Lordships in a more regular manner, Her Majesty's Government would not shrink from stating their reasons for the course they had taken respecting that war, and that they would be able to bring before their Lordships sound and good reasons for their policy, and would show that the conduct they had adopted, had not been marked by the least want of statesmanship or generalship. With regard to the clause which the noble Earl had taken from the Bill in the Commons, and had embodied in a separate Bill, and which Her Majesty's Government had rejected, he (Earl Granville) could only say that it had been rejected because the Government did not think that any such emergency as that contemplated by the noble Earl was at all pressing upon the Government of India at this time. With regard to the observations the noble Earl has made, as to the mode of increasing the army in India—by increasing the Company's troops instead of increasing the Queen's troops, by filling up the places of the former by an increase of the latter—the consideration which the noble Earl had adduced upon that point, had not escaped the attention of Her Majesty's Government. No doubt there was much to be said on behalf of the plan which the noble Earl had himself proposed; though he must confess that some of the arguments which the noble Earl had advanced, were quite new to him. While he believed that the experience of war, such as had taken place in India, must have very much improved the army that was sent there, yet he doubted whether it was an improvement to Her Majesty's troops that they should remain for any lengthened period in India during a peace; because, notwithstanding the advantage of congregating together troops in large masses, he felt there were counteracting circumstances in making such marches as the noble Earl had described—circumstances which rarely admitted of regiments being sent home in as efficient a state as when they left this country. But this was a question which must be always dependent upon circumstances. In answer to the authority of the noble Earl upon the subject of the mode of increasing the troops, he (Earl Granville) would offer the opinion which had been given by Lord Dalhousie against the noble Earl's proposition; the real and weighty opinion, however, which had convinced Her Majesty's Government upon this point was that of Lord Hardinge, whose opinion was one to which the Government could not, in justice to themselves, overlook, considering his experience of India, and the professional position which he now held in this country. With regard to another question—that of allowing persons nominated or elected to the Court of Directors to have seats in Parliament—he admitted that it was one of considerable difficulty. No doubt there was great delicacy connected with the question. It was, however, hardly necessary for him to repeat what had been so often stated, that the object of the proposed system of nomination on the part of the Crown, was not for the purpose of obtaining patronage or Parliamentary support; but it was to obviate an evil clearly proved before the Committee of the House of Commons—namely, that there were some most eminent persons who were Indians by residence, knowledge, and experience, but who were excluded from the Directory, simply because of their aversion to the labour of canvassing, which often obliged persons to be candidates for five or six years after their return, and when of course their knowledge of India became comparatively stale. His (Earl Granville's) own belief was, that better men would be appointed to the Directorship by the proposed plan, than by an election and a veto by the Crown. It was obviously of very great importance that the nominated members of the Court of Directors should be put upon the same ground of equality, in every respect, with the elected members. Of course, if they were placed on an inequality with respect to their being able to sit in Parliament, they would occupy an inferior position to that of their brother Directors. There was another question connected with this part of the subject—he meant as to the jealousy that might be entertained with regard to the influence of the Crown over the votes of Members of Parliament who might be Directors. The noble Earl had alluded to that point on a former occasion; but he (Earl Granville) thought, whatever evil there might have been in other days for Government to have it in their power to exercise such influence, there was not much to be dreaded now. It appeared to be mere pedantry to imagine that this influence would be dangerously increased because once or twice in a Session some two or three votes might be gained on some important division in order to propitiate a Government that had the power to nominate to the Board of Directors. It must be assumed, that, if the system of nomination were admitted at all, Her Majesty's Government, whatever party might be in power, would be sure, under the pressure of public opinion, to select and nominate the very fittest men for the government of India, wholly irrespective of their political opinions; and if they were so chosen, he thought that, so far from thinking it necessary to guard against any collusion between the Directors and the President of the Board of Control, it was a much more important consideration not to weaken the House of Commons when questions of this kind were discussed—discussed as they had been now, and as he hoped they ever would be so long as the government of India formed a subject for the deliberation of the Parliament of this empire—by the exclusion of those very persons who were most qualified to discuss them. He quite admitted that there were two views of this question to be taken, and he thought that Her Majesty's Government had come to a safe and sound conclusion—namely, that those members of the Court of Directors who were nominated by the Crown should enjoy the same privileges as those who were elected by the proprietors.

The Earl of ELLENBOROUGH wished just to add, that one of his objections to the proposed mode of increasing the troops in India, arose from the patronage that would be thus created. Their Lordships could hardly be aware that, in consequence of the creation of eight new regiments in India, there would in this one year be to be distributed among the Court of Directors no less than 384 cadetships, which, with vacancies in other regiments, would amount to 500 cadetships; being at the rate of 25 cadetships for every Director. Considering that those gentlemen had not a very long time to live, and considering the manner in which they usually bestowed their patronage, he thought that to give them 13 cadetships each to be disposed of more than they ever had before, and free from the restrictions imposed by this Bill, was an act of great imprudence, and that it had the appearance of an enormous job. He was not surprised that this should be the only part of the measure which had not oozed out to the public, or at the favour with which it was regarded in certain quarters.

On Question, Motion *agreed to.*

POLLING AT ELECTIONS AMENDMENT BILL.

Order of the Day for the Second Reading read.

The EARL of SHAFTESBURY, in moving that this Bill be now read the Second Time, said, the Bill, though large in its professed effects, was so very simple that it required no explanation beyond what was given when it was first introduced. Its principles might be considered to be—first, that the expenses of an election, though defrayed by the candidate, were to be conducted by a public and responsible officer; and, secondly, that the votes of the constituency were no longer to be taken *vivâ voce,* and in polling booths, but written on slips of paper, and collected from house to house by legal and authorised persons. The advantages of this system would be, as he stated before, that it would take away all pretext for bribery and corruption under the show of travelling expenses, necessary refreshments, and compensation for loss of time; it would simplify the process of elections, greatly abridge expense, and prevent riots, confusion, and in many respects intimidation; it would enable many more person to vote, especially the weak and timid, who shrank with terror from the turmoil and excitement of a contested election. If their Lordships admitted these results, and thought them desirable, they had only to look at the machinery whereby the Act was to be carried into operation. Now the Bill, if examined in Committee, would be found, he thought, to have whatever was required. He knew that under the poor-law system this mode of collecting votes had, in some instances, proved a failure; but the causes were obvious; no great interest prevailed on the election of poor-law guardians. No one was disposed to incur any expense. The agents, therefore, were underpaid, very little watched, and hardly any accounts were demanded of them; but by this Bill they secured an agency far better paid—persons duly appointed to watch both the collection and examination of papers, and heavy penalties, both personal and pecuniary, for any misconduct. He wished to propose it for a second reading, and should be glad to pass it through Committee, because he felt assured of its good results.

The EARL of ABERDEEN assured his noble Friend that it was not from any indifference to the object which he had in view, or from any hostility to the measure itself, that he opposed the second reading of the Bill. But, as his noble Friend did not propose to carry the measure further in the course of the present Session, he (the Earl of Aberdeen) was unwilling to commit the House or Her Majesty's Government to it at this stage, more especially as his noble Friend knew that Her Majesty's Government were pledged to bring forward a measure of Parliamentary reform early in the next Session of Parliament, and that the subject of the present Bill must come under consideration in connexion with any plan of Parliamentary reform that might be introduced. In consequence of this representation in the other House of Parliament, several partial measures of Parliamentary reform had been suspended with a view to that course which Her Majesty's Government were prepared to take. He could assure his noble Friend that the subject of the Bill now on the table would be brought forward and fully considered; and, as his noble Friend would have had the advantage of having his own views on the subject circulated throughout the country, he thought his noble Friend had obtained all the advantage he could propose to himself in bringing it forward. He would repeat his assurance to his noble Friend, that not only would the subject meet with due consideration from the Government, but, as he was at present advised, with the most favourable consideration. He had, therefore, to ask his noble Friend not to press the measure further at this time, as he could venture to assure him that by not doing so he would forward the object he had in view.

The EARL of HARDWICKE said, that it must be confessed that our present system had failed to secure purity of election in boroughs. Now he believed that the adoption of the system proposed by this Bill—the same as that now followed in the election of boards of guardians—would not only effect a great improvement in this respect, but that it would also induce many men of great repectability and stake in the country to vote who now abstained from doing so; and that it would thus tend to give us a much more real representation of the opinion of the country than we had at present.

LORD WHARNCLIFFE believed, that of all the modes proposed for securing a real representation of the opinions of the constituencies, that contained in the present Bill was most likely to be succesful. He was glad to hear that it was to be carefully considered by Her Majesty's Government, in connexion with the whole question of the representation of the people; for he thought it was infinitely preferable that legislation on such subjects as this should take place on the responsibility of Government, than at the instance of private Members of the Legislature. He hoped that when the Government next year brought forward their plan of representative reform, they would be able to devise some plan, which, if it did not extinguish bribery and intimidation, would at least reduce them to a minimum, and give us a reasonable chance of obtaining a true expression of the feelings of the constituencies.

EARL FORTESCUE said, he could not refrain from adding his humble tribute of gratitude to the noble Earl for bringing the subject before the House. He thought that any scheme of reform of the representation in which extensive alterations for the purpose of improving the manner of taking the votes, did not form a part, would prove utterly futile for preventing those corrupt practices and disgraceful scenes which were the blots and by-words of our earlier system. Though he was not prepared to say that this measure as to all its details was the best that could be devised, yet he must own that he was not prepared to suggest any plan which, upon the whole, seemed likely to work better. The mode of election for Members of Parliament proposed by this Bill had been found eminently successful when applied to the election of boards of guardians in England; and, though it was said not to have worked equally well in Ireland, he did not see why it should not by proper arrangements be made to do so. He trusted, therefore, that some measure of the kind would form part of the Reform Bill about to be brought forward next year.

The MARQUESS of LANSDOWNE thought that neither the noble Earl who had introduced the Bill, nor other noble Lords who had followed him, had any right to complain of the absence of encouragement to this measure on the part of Her Majesty's Government. On the contrary, no other course could have been taken, unless Her Majesty's Government had been prepared to enter at once in a detached form upon this most important branch—in his mind perhaps the most important—of what was called Parliamentary reform, and unless their Lordships had been prepared to decide how votes should be taken, without considering if any alterations, and what alterations, should be made in the quality and numbers of those on behalf of whom they were legislating, and for the appearance, or rather non-appearance, of whom at the hustings they were endeavouring to make sufficient provision. Entirely agreeing with his noble Friend near him (the Earl of Aberdeen) that they could not take the subject into their consideration at the present time, he was quite prepared to say that it had derived additional importance and additional advantage from the present discussion having elicited opinions from various quarters of the greatest weight, all concurring in the importance of considering, if not this Session, at least at some future period, some measure for absolutely putting an end to what he would call corrupt intimidation. Place the power in what class they pleased, place it with the few or with the many, unless they gave encouragement and protection to those to whom they gave a vote, they would not accomplish the object in view. They could not have a stronger proof of this than when they heard his noble Friends on the cross benches (Earl Fortescue and Lord Wharncliffe), both of whom had had the advantage and honour of being returned to the other House of Parliament by large bodies of the constituency; and of obtaining what might be called the greatest constitutional triumphs that this country could afford, nevertheless compelled to admit, in the very moment of triumph, that in the course of those transactions they had seen prevailing among the voters an amount of intimidation and interference calculated to prevent a great portion even of that very constituency whom they represented from duly recording their votes, and thereby, as far as they were excluded, annulling the effect of that free election. No stronger testimony could be given; the very circumstance of its having been so stated from such high authority, even if the noble Earl opposite had not given his attention to the subject, was sufficient to call to it the attention of Parliament, if not of the whole country at large.

EARL GREY quite concurred with the noble Marquess, that the noble Earl who had introduced this Bill had no reason to be dissatisfied with the reception which it had met with. On the contrary, he thought the manner in which the Bill had been received ought to be highly gratifying to his noble Friend. He also concurred with the noble Marquess in thinking that it would not be expedient for the Government and the House at once to pledge themselves to the principle of this Bill. His own impression, however, was very strongly in favour of the measure. He believed that in balancing the advantages and disadvantages which would arise from the measure, the advantages greatly preponderated; but he could not, however, shut his eyes to the fact that it would be attended with very serious drawbacks and dangers, which would require to be carefully guarded against. For instance, the adoption of this system of election in a small constituency would be open to this objection, that it would be in the power of one or two persons to sell the borough with tho most perfect certainty to the highest bidder, simply by buying up the majority of the voting papers signed in blank. That was a danger which might very well exist under such a system of voting, unless carefully guarded against; and he mentioned it to show how inconvenient it would bet o pledge the House to the principle of the Bill without having the details fully before them. With reference to the elections of boards of guardians, so far as his experience went, they had been conducted generally in a most satisfactory manner. He was himself a ratepayer of one of the metropolitan parishes, in which a most severe contest had taken place, and he believed it had been conducted in a manner highly creditable to all parties. Certainly, in the metropolitan parishes the polling papers were distributed and collected by the police; and the noble Earl proposed also to have the polling papers, under his new system, distributed and collected in a most efficient manner. Undoubtedly, he thought there was nothing in poor-law experience which ought to discourage the introduction of this system; on the contrary, he believed it to be a fact that a much larger number of persons entitled to vote had voted at elections in metropolitan unions, than had voted at the elections for Members of Parliament. It was well known that large numbers of the constituents were deterred from coming forward at elections for Members of Parliament by the tumult and confusion which prevailed at the poll, and to which they were not inclined to expose themselves; and the worst of it was, that these were precisely the persons whom it was for the public interest to induce to vote. They were generally sensible, quiet people, not violently excited on either side, whose opinion as to the persons to be chosen it was most desirable to obtain. He quite agreed that some system of the sort ought to be adopted hereafter; but it was not desirable that the House should pledge itself to the Bill until they had learnt how it was to be carried into effect. He hoped, however, if the Bill were brought in again, with a view of its ultimately passing into a law, that it would be extended to counties, where, in his opinion, it was much more needed than in boroughs. In no county election with which he had ever been acquainted, had there been a return which would not have been declared void, and the Members unseated, if the law had been rigidly enforced, because it was utterly impossible that voters scattered about as they were in county constituencies could be brought up to vote without having their actual expenses provided. At the elections in which he had been concerned, there had never been anything like real substantial corruption, but there had been a general agreement between the candidates that both parties should pay at the same rate for travelling expenses, so that there should be no inducement to vote for one side more than another on that score. He did not think there was any real corruption in that arrangement; but still it was contrary to the clear letter of the law, and, if it were proved in evidence, an Election Committee could not help unseating a candidate who had been concerned in such a practice. On that account, therefore, he thought it highly desirable that some means should be devised for taking votes in the counties in this manner, relieving the voter from expense, and enabling him to exercise his franchise without any interruption to his business. He thought the thanks of the House were due to the noble Earl for having brought this subject before their Lordships, and he hoped at some future period to see the principle of his Bill carried into effect.

The EARL of DONOUGHMORE hoped, if the Government intended to adopt the principle of this Bill at some future time, they would take care that it was not extended to Ireland. It appeared to be well suited to remedy the great evils of English elections, which were bribery and corruption; but the great evils of Irish elections were violence and intimidation, and these it would not touch at all. He trusted, however, if the Government intended to include Ireland in any such system as this, they would take care to read the report of the sub-inspector of police with respect to the election of guardians for the union of Castle Coote, in August last. Certainly, helmets ought to be provided for the collectors of the votes to prevent their heads being broken, and a sufficient force of military and police to protect their lives, otherwise they might rely on it that far more fearful scenes would be witnessed at Irish elections than had ever yet been enacted.

After a few words from Lord WALDEGRAVE, which were inaudible,

LORD REDESDALE pointed out several defects in the machinery of the Bill which would greatly stand in the way of its efficient working. For instance, it ought to be maturely considered whether or not the voter should be required to deliver the vote himself. If he were not, that might lead to the withholding of the vote altogether, if the man's wife or the person intrusted to deliver the paper could be bribed; and, on the other hand, if he were required to deliver it himself, and if he had any employment, he would be obliged to remain at home all day from nine to four, or until the collectors called upon him for that purpose. Again, there was no proper provision made for checking the delivery of the papers, and in case of any violence on the part of the mob, such as happened at the last election at Hereford, the election must be void altogether. These were points which must be considered with great care before any measure on the subject could pass.

The EARL of SHAFTESBURY said, that after what had fallen from Her Majesty's Government, it would be useless for him to attempt to push this Bill further at the present time. He wished to observe, however, that he had expressed no dissatisfaction at the manner in which the Bill had been received; on the contrary, he was extremely grateful to their Lordships and to the Government for the kind reception they had given to it. He hoped the noble Earl would have no objection to the circulation of the Bill during the recess, in order that it might be considered in the country. He had no doubt many improvements might be introduced into the details of it, and a certain amount of experience of its working would be required before its machinery could be perfected; but he believed when carried out it would go further than almost anything else to put an end to the present system of bribery and corruption. He had no objection to withdraw the Bill.

Order for Second Reading *discharged.*

PETTY SESSIONS (IRELAND) BILL—SUMMARY JURISDICTION (IRELAND) BILL.

On the Motion for the Second Reading of the Petty Sessions (Ireland) Bill,

The MARQUESS of CLANRICARDE said, that these Bills, which were Bills to continue existing enactments, were so intimately connected in their subject and scope that any remarks he might apply to the one applied equally to the other. With regard to the first, it had long been found to work satisfactorily, and the only alteration which he proposed to introduce into it was the extension of the jurisdiction of a single magistrate. The only other important point of alteration in the first Bill which he proposed to make, was to extend the right of appeal. He thought it was highly desirable that it should be extended to cases which were dismissed. The second Bill which he proposed to re-enact was the Summary Jurisdiction Bill. This Bill had been found to work most usefully and conveniently for the magistrates of Ireland. The main principle it contained was, that of giving to the magistrates the power of dealing summarily with larceny, and preventing thereby the expense of drawing an indictment in petty cases in which the value of the theft was less than the costs would amount to. A power of this kind was most advisable. The other important feature of the Bill enabled magistrates to dispose summarily of rent cases, and of ejecting defaulters without any other process. This he regarded, indeed, as the most important point in the Bill, for he believed that it would prove of incalculable advantage in stimulating the landlords to provide better habitations for the labouring classes in Ireland. The noble Marquess concluded by moving the second reading of the Bill.

LORD MONTEAGLE expressed his approval of the course pursued by the noble Marquess in moving the Bills, in the principles of which he entirely concurred. He was, however, slightly afraid of the great powers which would be given by the first Bill to one magistrate. Petty Sessions, in the usual acceptation of the term, meant more than one magistrate; but by the Bill a single magistrate would be placed in possession of the most extensive powers. It was true that there were some parts of Ireland in which there was a difficulty in procuring the attendance of more than one magistrate; but for these, the exceptions, he contended that it would be better to give the Lord Chancellor of Ireland the power of authorising the conduct of the petty sessions by one magistrate, rather than extend the principle to the whole of Ireland. The Summary Jurisdiction Bill he considered a most important measure, and he highly approved of the power given by it to magistrates to take possession of smaller tenements without the ordinary process of ejectment. Singular as it might seem, he believed that that power would prove most advantageous to the small tenantry and to the labouring population of Ireland by improving their dwellings. The law at present was most absurd and anomalous when compared with that of England. There was one set of laws for the market towns of Ireland, and another for the rest of the country. The noble Marquess had the credit of the proposition for consolidating and assimilating these laws, and he should support him in his attempt, though he might feel called upon to propose several amendments when the Bills should be in Committee.

The DUKE of NEWCASTLE agreed with the objects and the terms of both Bills, and believed them worthy of the support of their Lordships. For the benefit of the justices in remote parts of the country it was highly desirable that the law should be simplified and consolidated. These Bills introduced most important alterations in the law. The Petty Sessions Bill provided that cases which had heretofore been tried before a bench of magistrates, might in future be decided by a single magistrate. The Summary Jurisdiction Bill contained an important provision, extending the summary jurisdiction of magistrates to the collection of the rents of small holdings. With regard to the first, he was very much inclined to think that it would be necessary to provide some additional safeguards to prevent its misuse; and with regard to the 15th clause of the Summary Jurisdiction Bill, he was most anxious that it should be submitted to the Irish Government, for the purpose of ascertaining the exact working of the law in the different parts of Ireland. Nothing could be more desirable than the object which his noble Friend had in view. Anything which would tend to improve the dwellings of the lower orders in Ireland, was most deserving of attention. He entirely concurred in the views of his noble Friend, but begged that he would postpone the Committee on both Bills until Thursday next, in order that they might be considered by the law advisers of the Crown in Ireland.

The MARQUESS of CLANRICARDE having acquiesced,

Bills read 2^a, and *committed* to a Committee of the whole House on *Friday* next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 15, 1853.

MINUTES.] PUBLIC BILLS. — 1° Consolidated Annuities (Ireland); Poor Relief Act Continuance.

2° Entry of Seamen; Naval Coast Volunteers; Dublin Carriage.

3° General Board of Health (No. 3); Elections.

EASTERN UNION RAILWAY BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read a Third Time."

MR. RICE said, that he was anxious to learn from the hon Member for Sandwich (Mr. J. Macgregor), who was chairman of the South Eastern Railway Company, whether that company had given an undertaking to the Chairman of the Committee of the House of Lords with respect to the course which the South Eastern Company would take, in the event of a Bill being introduced in a future Session for extending the East Kent Railway from Canterbury to Dovor. If the hon. Member for Sandwich would state in his place in Parliament the facts of the case, he (Mr. Rice), acting on behalf of his hon. Friend the Member for East Kent (Sir E. Dering) would consent not to press the Motion of which he had given notice for postponing the consideration of the Lords' Amendments.

Mr. JAMES MACGREGOR said, that all the Amendments which had been introduced during the passage of the Bill through the House of Lords were merely verbal and literal, with the exception of those which had been introduced at the instance of the company which was represented by the hon. Baronet the Member for East Kent—and this being the case, he was unable to understand what object the hon. Member could have in proposing that the Amendments should be postponed. In reply to the question put by the hon. Member for Dovor, all he had to say was, that an undertaking, under the common seal of the South Eastern Railway Company, had been deposited in the Private Bill Office of the House of Lords, by which that company bound themselves not to oppose any efforts that might hereafter be made by any parties to promote a Bill for extending a line of railway direct from Canterbury to Dovor.

Sir GEORGE PECHELL said, he should move as an Amendment, that the Bill be read the third time this day three months, on the ground of the injury it would do to the property of the preferential shareholders.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Mr. CORRY, as a Member of the Select Committee to whom the Bill had been referred, said he must defend the Bill, and would urge the House to assent to the third reading. He did not believe that the Bill would prove prejudicial to the interests of the preferential shareholders; on the contrary, they had themselves, at a meeting held at the George and Vulture Tavern, approved it, and had presented a petition to Parliament to that effect. He further contended that they were the best terms they could hope to receive; and if any alteration were made in them by the House, a guarantee given by Mr. Brassey would be completely nullified.

Mr. JOHN M'GREGOR said, he should support the Amendment, for if the Bill was passed as it stood, many of the preference shareholders would be involved in irretrievable ruin.

Mr. LUCAS denied that Mr. Brassey had given his consent to the arrangement said to have been made with him; he contended that no case had been made out to justify the House in assenting to the Bill. What had taken place at any private meetings of the preferential shareholders could not be placed in opposition to their appearance before the Select Committee.

Mr. BOUVERIE said, he wished to know if the Committee were supplied with any evidence of the proportion of the preferential shareholders who had assented to the measure?

Mr. CORRIE replied in the negative.

Mr. BOUVERIE would submit, under these circumstances, that the House ought not to pass the Bill. The preferential shareholders, by an Act of Parliament which was passed last Session, were guaranteed six per cent upon their stock, and now it was proposed to reduce that guarantee to four per cent, which would be a most unfair proceeding, unless the preferential shareholders were consenting parties to it. When a large proportion of shareholders had a Parliamentary bargain, and Parliament was asked to alter the terms of that arrangement, it became the House of Commons to be cautious how they assented to such a measure. Looking at the preamble and clauses of the Bill, he must say that unless he heard stronger arguments in its favour than had been yet adduced, he should vote against the third reading.

Mr. CAYLEY said, that as one of the directors of the company, he should support the measure, and would remind the House that the preferential stock having been issued in the first instance without the proviso, registration was illegal; but the directors, for the sake of securing the line from the creditors, whose claims amounted to between 300,000*l.* and 400,000*l.*, consented to legalise the stock by the Act which was passed last Session. For precisely the same reason, the majority of the preferential shareholders had since elected to exchange the six per cent for a four per cent guarantee, with a power of redemption at the rate of 100*l.* for every 100*l.* stock; and he considered that the House would act unwisely if they rejected this Bill.

Mr. WILSON PATTEN said, he wished to know whether the meeting of preferential shareholders referred to by the right hon. Gentleman opposite, had been convened by public advertisement, so that all might have an opportunity of being present, or whether it was a private meeting?

MR. CORRY said, the meeting was convened by public advertisement to petition the House of Lords to throw out the Bill; but instead of that a counter-proposition was carried to support the Bill.

MR. CARDWELL said, the question was an important one. On the one hand, Parliament was asked to annul a contract between two parties; and, on the other, there was a unanimous Report from the Select Committee stating that the preference shareholders had received such particular advantages as rendered this proposition a just one. The position of the House was this:—Having taken extreme regard of the interests of preferential shareholders, it was provided by a Standing Order that changes with regard to them should never be made, except upon a special Report from the Committee alleging the reasons on which their decision had been founded. He had carefully perused the Report of the Committee, and he did not find such a statement of concurrence on the part of those concerned as he thought was desirable. He regretted to suggest anything like delay at this period of the Session; but they were compelled to judge of the decision of the Committee before they sanctioned it. He was of opinion that sufficient doubt had been cast over this case to render it impossible for the House to pass the third reading at this time. If, therefore, an arrangement could be made for printing the evidence in a short time, so that the House could ascertain for themselves whether the Committee had had sufficient evidence before them of the advantage gained by the preferential shareholders, he thought that delay for that purpose would be desirable.

MR. HILDYARD said, that this case showed how careful they ought to be before they allowed parties to issue these preference shares, because when the preference shares were taken up by the public, and the concern was really bankrupt, these parties might turn round on the preference shareholders, and say, If you don't agree to such and such conditions you will lose your money. He had no interest whatever in the present question; but, although he might not think that the arrangement would be so prejudicial to the preference shareholders as they themselves supposed, he did not think that a sufficient case had been made out for violating the contract.

MR. BASS said, that he was instructed to say on the part of Mr. Wason, that so far from repudiating the bargain, he was anxious to carry it out, and did not desire to oppose the third reading, if certain clauses were inserted in the Bill, so as to carry it out equitably. He understood also that four-fifths of the shareholders had declared their opposition to the measure, and, under these circumstances he appealed to the House whether they could sanction the arrangement. It had been said that Mr. Brassey was ready to give a guarantee, but there was no such guarantee in the Bill.

MR. GOOLD said, the question before the Committee turned upon whether the shares were preferential or guaranteed. The highest legal authorities had, however, decided that they were preferential, and he thought the Committee had decided justly in giving them a bonus of 9*l.*, as they would not, in their position of preferential shareholders, be entitled to any continuous dividend, in the same manner as guaranteed shares.

MR. VERNON SMITH said, he could not quite agree with the proposal of the right hon. the President of the Board of Trade, as it would lead to what should be avoided—namely, throwing over the decision of the Committee. He suggested, therefore, that the order for the third reading should be discharged, and that the Bill should be recommitted to the same Committee, with directions for the Committee to make a special Report. The House would then be in a situation to judge of the expediency of passing the Bill, without impugning the decision of the Committee.

MR. COBBOLD said, he was persuaded that the preference shareholders would be most benefited by the Bill, and that if there was any repudiation it was on the part of the preference shareholders, who withdrew from an arrangement on the faith of which the creditors of the company had agreed to suspend their rights. Most of the preferential shares had been purchased at a discount, and although they had risen lately, that rise was to be attributed to an offer on the part of Mr. Brassey to purchase them at 9*l.* premium. As Chairman of the Committee he could assure the House that the directors had no desire to press the third reading now, if the House thought they could not put confidence in the Report of their Committee without further information.

MR. BECKETT DENISON said, he concurred in thinking the Bill should be recommitted, and the Committee could then inquire into the proceedings of the meeting to which allusion had been made. With that view he would move that the order for the third reading be discharged.

MR. SPEAKER said, that Motion could not be made unless both the Amendment and the original Motion were withdrawn.

SIR GEORGE PECHELL said, he must refuse to withdraw his Amendment.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 82; Noes 26: Majority 56.

Original Question again proposed, and, by leave, *withdrawn.*

Order for Third Reading *discharged;* Bill *re-committed* to the former Committee.

MERCHANT SHIPPING BILL.

Order for Committee read. House in Committee.

Clause 38 (Steps to be taken when salvage services have been performed by Her Majesty's ships abroad).

SIR GEORGE PECHELL said, he wished to know what principle was to guide the House in dealing with officers of the Navy in cases of salvage? Provision was taken in the estimates for the wear and tear of Her Majesty's ships, and he hoped that the days of high salvage were past. The squabbles which occasionally occurred between the owners of merchant vessels and captains of the Royal Navy on account of salvage, were perfectly scandalous, and he trusted that we should hear no more of them. He had no objection to allow salvage in cases where life had been risked, but there were other cases in which he was strongly of opinion that none should be allowed. He thought assistance ought to be given by Her Majesty's ships without any charge at all. They were ships of the public, and when any services were required by the public, they ought to be gratuitously rendered. There could be no objection to provision by merchants and shipowners making good any damage to the clothing of seamen, who were always ready to risk their lives in aiding the distressed; but that a captain of a merchant vessel should have to sell his cargo to meet the demands of the captain of one of Her Majesty's ships, as had been the case, ought no longer to be tolerated by that House.

MR. INGHAM said, he had an Amendment to move on this clause, the effect of which would be to release shipowners from any claim for salvage in regard to services rendered by Her Majesty's ships. There was a great distinction between the claim of a private merchant ship to be recompensed for such services, and that of a Queen's ship. He did not mean to undervalue the services rendered in the matter of salvage by Her Majesty's ships, but he considered that such services came within the legitimate range of their duties, and ought to be compensated, not by the merchant whose ship was benefited by their assistance, but rather by the authorities of the Admiralty. Persons employed in the service of the State owed their labour to the State, and stood in a different position from private shipowners. He contended that while merchant vessels were entitled to salvage for services which they rendered, a similar *honorarium* should not be awarded to Queen's vessels, because, in the lucid language of Sir John Nichol, persons employed in the public service had a particular duty cast upon them to render aid—they sacrificed no time, because their time was paid for by the public, and they risked no property, because their property was paid for by the public. But this was not only the opinion of Sir John Nichol, for, although the Court had always felt itself bound to decide in accordance with precedent, that opinion had been concurred in by Lord Stowell, Sir Christopher Rawlinson, and Dr. Lushington. He believed that the Amendment which he proposed would be regarded as a great boon by the shipping interest, and that it would be so received by them. The present salvage arrangements had long been the subject of complaint from the shipowners of this country, and were repulsive to the sense of justice of the great trading community of Great Britain. It was worthy of remark that in no other country except England was the principle sanctioned of allowing special remuneration to the Navy of the State for the efforts made in the cause of humanity and benevolence. In this respect there was no analogy between the practice which obtained amongst the land and sea forces. It was notorious that in the case of a fire, or any great public calamity on shore, the Queen's troops were frequently called out to protect order, and even to work the fire-engines; but no attempt had ever been made to found upon their exertions in that respect a claim for additional remuneration. He did not mean to disparage the claims of the Navy, or to deny its services in the cause of humanity, on occasions of public distress and calamity. Neither did he mean to deny that their exertions ought to be compensated; but what he maintained was, that their labours should be remunerated, not by specific pecuniary rewards, granted by the parties benefited, but by honours, pensions, and promotions, to be awarded at the discretion of the Lords of the Admiralty. With these views, he trusted the House would concur in the Amendment of which he had given notice.

Amendment proposed, in p. 15, line 10, to leave out from the word "rendered," to the end of the clause.

SIR JAMES GRAHAM said, he was disposed to think that it might save the time of the Committee if he at once stated the views which Her Majesty's Government were inclined to take of this question. He admitted distinctly at the outset of his observations that it was a question of very grave importance, involving a consideration of national policy, since it not only materially affected the interests of sailors serving on board Her Majesty's ships, but, according to the view he took, also materially affected the safety of life and property embarked upon the seas. He would briefly state how the matter stood. The right involved in the law of salvage was the common-law right of every British subject. It was a right which had not originated in Statute, although it had been regulated by Statute and by the judicial decisions of the highest legal tribunals. From the earliest period every British subject who contributed his aid at the risk of his own life to the saving of the lives and property of others exposed to danger on the high seas, had a right, an inherent right, to reward for those services. What the House was now asked to do for the first time was, by means of a restriction, to bar the sailor from his common-law right, which had been enjoyed by him from the earliest time, and had been recognised and regulated by Statute and by the authority of the highest decisions. He contended—and he had stated it upon a former occasion as strongly as he could—that, considering the competition to which the trade and commerce of this country were now exposed, every needless incumbrance in the race of competition should be removed from the British shipowner. At the same time, however, they must take care that in so relaxing those restrictions they did not do an act of flagrant injustice to any portion of the seamen employed either in the merchant service or in the Queen's service. Reference had been made by the hon. Member who moved the Amendment to cases and decisions, and the judgment of Sir John Nichol had been quoted, he thought, in the case of the *Clifton.* But in the very book from which his hon. Friend had quoted, there was a decision by the same Judge in the case of the *Lustre,* immediately following, where the principle was laid down by Sir John Nichol himself in the clearest possible manner, in these terms:—

> "The public force of the country is not to be employed gratuitously in the salvage of property of private persons to save them from expense. Government steamers are kept for the public service, and the officers in command cannot employ them in the service of individuals, and thus risk the public property, without authority or an indemnity for all expense and damage, nor are they then to hazard their lives or undergo labour without reward, though they are entitled to a lower rate of remuneration than private salvors."

That was the principle which had been laid down by the Court of Admiralty from the earliest time; had been sanctioned by the highest authority, and was now strictly enforced. Until lately, the claim for salvage had been twofold in its character. First, there was a claim on the part of the ship for tackle and boats attached to her, or for any loss or wear and tear which they might have sustained in the rescue; and, next, there was a claim on account of the services of the officers and men employed in it. He had given notice of a clause, however, which would bar the right of the Crown to make any claim for salvage or indemnity under the former of these heads. The words of that clause were—

> "In cases where salvage services are rendered by any ship belonging to Her Majesty, or by the commander or crew thereof, no claim shall be made or allowed for any loss, damage, or risk, thereby caused to such ship, or to the stores, tackle, or furniture thereof, or for the use of any stores or other articles belonging to Her Majesty, supplied in order to effect the salvage service, or for any other expense or loss sustained by Her Majesty by reason of such services."

With regard to the first branch of the claim, there was, therefore, a bar as extensive and conclusive as the shipowners could possibly desire. There remained, then, only the latter portion, which involved the claim on the part of the seamen for risk incurred in effecting the salvage. He must say that it appeared to him this question was deserving the most serious attention of the House. He did not think that it would be their wish to act with harshness, with injustice, or want of generosity, to a body of men remarkable for their own generosity, gallantry, and fidelity. He remembered that during the war there was an expression used common to both services which conveyed a very wide distinction in its meaning—there were the "come along" officers, and the "go along" officers. The "come along" officers were men of great daring, of great spirit, ruling the hearts of those who served under them, and never scarcely failing in any exploit which they undertook. The "go along officers" were more cold, more prudent, more calculating, but not equally successful. Let the Committee reflect upon the difference between these two characters when a ship was in danger or difficulty. In the one case, the "come along" officer exclaimed, "Now, then, volunteers, let's rescue that ship." Whatever the extent of that danger, however great its imminence, whatever the perils to the lives of the men, wherever that volunteering took place on board a Queen's ship, the chances of a rescue were great. In the other case, the officer who commanded would naturally hesitate long before he gave the order to man a boat, when he knew that the sailors serving in Her Majesty's ship, whatever might be the danger they encountered, and that some might even lose their lives, would receive no reward. That was the "go along" order, and by it undoubtedly the merchant service in the end would suffer. But what would the insurers say to this—what would they say to it at Lloyd's? Was it really in favour of the interests of life and property engaged in the merchant service that this Amendment should be agreed to? He was quite convinced that they could not do a more ungenerous or a more impolitic thing. How did the matter stand? Were these salvage claims lightly raised? Were there no restrictions? If the salvors, being in the Queen's service, went into a Court, the rule was distinctly laid down that they were not to be deprived of all reward; but that, considering the peculiar circumstances of the sailors serving in Her Majesty's ships, they were to have a somewhat less reward than others. His predecessor at the Admiralty, foreseeing that there might be some abuse, notwithstanding that rigid rule in the Court, passed a general order, dated the 30th of January, 1852, which was now in force; and upon this point it said—

> "When such services have been rendered, the commanding officer of the ship is to transmit a full report of the whole circumstances of the case, with a copy of the ship's log, to the commander-in-chief or senior naval officer of the station, whose written approval shall be requisite before any officer under his command can raise a claim for salvage, and such approval is not to be given, unless really important service, or service accompanied with hazard, has been rendered."

Was that a vain regulation? Clearly not. Let the House observe the restrictions in the first place. No officer in Her Majesty's ships could raise a claim for salvage until he had presented all the circumstances of the case to the commander-in-chief or senior naval officer of the station. If it were not entertained by that officer, the institution of the claim was not permitted. Then, when investigated and recommended by him, there was a further check, for the case was brought under the review of the Board of Admiralty, and they took into their consideration all the circumstances so sanctioned by the commanding officer, and decided whether they would permit the claim to be instituted in the courts or not. Now, let him show how the Board of Admiralty exercised that discretion thus placed in their hands. Without wishing to trouble the Committee at any length, he would just read the facts of a case which had only occurred last month. The officer commanding a Royal steamer was going from Liverpool on the 10th of June of the present year, and he thus described a case of salvage in which he had been concerned:—

> "I have the honour to report to you, for the information of their Lordships, that yesterday morning, while lying in Douglas Bay, Isle of Man, and being about to sail for Loch Fyne, in compliance with instructions from the Board of Fisheries, I received intelligence of an American ship having gone on shore the previous night, about eleven o'clock, some six or eight miles to the southward of Douglas, and that she was in want of immediate assistance. I took the responsibility on myself, deeming it a case of great moment, to divert my vessel from the duties I was ordered upon, and went to her assistance. The weather was calm, but so thick a fog prevailed that it was attended with some risk my feeling my way by the lead alongshore. I came up to the stranded vessel about 8.50. a.m., and took up a position to heave her off. She proved to be the American ship *Squantum*, of Boston, which left Liverpool on the 7th of June, 1853, bound for Boston. It was

then half flood, her bows were high up on the rocks on the shore, and her passengers, 250 in number, were all safe on shore. At a little before high water I succeeded in heaving her off safely without removing any of the cargo, and, finding that she would float, I towed her into Douglas Bay, and anchored her there in safety at 2. 15. p.m. A consultation was then held in my cabin by the High Bailiff of Douglas, the agent for Lloyd's, and the master of the *Squantum*, the result of which was the accompanying letter, and, the master having represented to me the extreme urgency of the case, and the great value of his cargo, I immediately decided on complying with the master's wish in towing her across channel at once to Liverpool, where she could be docked and repaired."

That officer asked the Board of Admiralty to recognise his claim to salvage. The effect of the regulation which he had read, and the value of cargo being considered, it was deemed fitting to act upon the strict rule, and the Admiralty refused permission to that officer to institute any claim whatever. The salvage was effected in the manner that he had detailed to the Committee. The vessel was towed into Liverpool, and no claim whatever from a British ship of war, even to a foreigner, was permitted to be made by the Admiralty. He produced that as an illustration of the spirit in which these cases were dealt with by the Admiralty. He had now stated what the alteration of the law was which he proposed to introduce. He had stated the principle on which the tribunals of justice adjudicated on salvage questions, and the restrictions which they placed upon Queen's vessels, that they should receive somewhat less, than, under similar circumstances, should be given to others. He had shown, that, by the existing regulations, except where there had been danger to life incurred, the Board of Admiralty would not permit a claim to be instituted at all; and he had read a clause which he proposed to introduce barring all claim to salvage on account of boats and tackle belonging to the Queen. The question was, would they allow sailors on board the Queen's ships, when they risked their lives for salvage, that reward to which, according to the common-law right of every British subject, they were entitled? Until the House of Commons came to such a decision, he could not believe, for one moment, that such a proceeding would be adopted. He was sure that a more fatal thing to the feelings of the seamen, when they had gallantly risked their lives for the preservation of others, could not be had recourse to. He was quite sure that it would prove most injurious with regard to the safety of life and property generally; he was equally sure that the service now voluntarily undertaken would not be undertaken in future with the same spirit. They must remember that the feelings of men were of a mixed character, and that seamen who were animated by the utmost daring and generosity, looked not only to their pay, but they also kept an eye upon pecuniary rewards. He was satisfied, if this claim on the part of the Navy were to be disallowed, that officers would be slow —very slow—to give orders for dangerous and hazardous enterprises; which, as the law now stood, they not merely sanctioned, but encouraged, in every way in their power. He would not detain the Committee longer, but, with the strongest desire to concede everything reasonable to the shipping interest which could be demanded, he most earnestly entreated the Committee not to accept the Amendment of his hon. Friend the Member for South Shields.

Mr. HORSFALL repudiated, on the part of the shipowners of the country, the imputations thrown out by the hon. and gallant Member for Brighton (Sir G. Pechell), that they wished to obtain the assistance of the officers of Her Majesty's Navy without any remuneration. He was sure he was speaking the sentiments of his constituents when he said they were most anxious that Her Majesty's officers should be placed upon precisely the same footing as any other party claiming salvage; that they should not be debarred the right of salvage which the right hon. Baronet (Sir J. Graham) had said they might claim under the common law. He dissented altogether from the observations which had fallen from the hon. Member for South Shields (Mr. Ingham), that ships had a right to claim the assistance of Her Majesty's officers in rescuing property, without being bound to tender remuneration. They had a right to claim their assistance in the protection of life and property from a foreign enemy, because they paid their share of the public taxes for that purpose; but they had no right and no wish to claim the services of the Navy without returning fit and proper remuneration. Were it otherwise the system would be unjust and contrary to sound policy.

Mr. DIGBY SEYMOUR said, that until he heard the observations of the hon. Member for Liverpool (Mr. Horsfall) he could not have deemed it possible that any body of shipowners in the kingdom could have refused their assent to the Amendment of the hon. Member for South Shields. No hon. Member, he believed, was prepared to contend that the services of the seamen in the Navy for salvage should not be rewarded; but the question was not whether they were to be rewarded or not, but who were to pay them? The mercantile navy had a claim upon the country in this respect. As to the officers, he submitted that their reward should be either by promotion or by increased pay.

Mr. MITCHELL said, he had heard but one opinion among the shipowners of London on this subject, and their opinion was that the claims for salvage on the part of the Royal Navy ought to be entirely abandoned. It was, therefore, with some surprise that he had heard the observations of the hon. Member for Liverpool. The instructions to which the right hon. Baronet the First Lord of the Admiralty had referred were prepared by the right hon. Member for Portsmouth (Sir F. Baring) when First Lord of the Admiralty, in consequence of the strong opinion of the shipowners of London that the claims, as then made by the Royal Navy, were unjust and exorbitant. But since these instructions had been issued, a case had occurred which deserved the serious notice of the House. He alluded to the salvage of the barque *Rosalie*, by Her Majesty's steamer, *Locust*, in the River Plate. [The hon. Member read a narrative of this case, dated Liverpool, October 6, 1852, from which it appears that a fire broke out in the hold of the *Rosalie*. The captain procured the assistance of the captain of the *Locust;* but the *Locust* towed the *Rosalie* upon rocks from which they were got off by Admiral Grenfell of the Brazilian navy. For this service Admiral Grenfell made no claim upon the *Rosalie;* but when she got to Monte Video the commander of the *Locust* took possession of her, and would not release her until the captain had given a bond for 3,000*l.*; but after this the captain was served with an Admiralty writ for 6,000*l.*] He considered this case a disgrace to the Royal Navy. He could not conceive why Her Majesty's officers wanted salvage for having merely done their duty to a vessel in distress. The proper recompense for the officers should be increased pay or promotion, and the seamen might have a moderate sum allowed in case of absolute risk of life, or injury of person or property. On this ground he entreated the House to sanction the principle asserted by the hon. Member for South Shields. He might add that the last Government were so perfectly satisfied of the justice of the claim, that the late Chancellor of the Exchequer intended to propose its entire abolition.

Sir JAMES GRAHAM said, that though it might have been the intention of the late Government to go the whole length of proposing the abolition of salvage, he should by no means have despaired of shaking their resolution if they had submitted their proposition to the House. He must say, however, that he could find no record at the Admiralty of any such intention. By the common-law right the ship salved, became, as it were, the property of the salvor. What was the proposition which the Government now made? It implied a very great abridgment of that power. They proposed that bonds should be taken, and that all right of lien should be suspended on receipt of that bond. All these clauses which they were now discussing had been framed by his right hon. Friend the Judge of the Admiralty Court, and that, he thought, might be taken as a strong guarantee for their practical efficiency. His hon. Friend the Member for Bridport (Mr. Mitchell) had referred to the case of the *Rosalie*. He would take that case in illustration of the mode of action adopted by the Admiralty. The late Board of Admiralty did not allow the claim against the *Rosalie* without a reference to the admiral commanding at the station; and the report of the admiral—Admiral Henderson—had been received since he (Sir J. Graham) had been at the Board. According to the statement of the hon. Member himself, it appeared that a man-of-war in attempting to save the *Rosalie* had placed herself in imminent danger, and had been for some time stranded, together with the ship which she salved—

Mr. MITCHELL: No. The *Locust* got upon the rocks in a clear night, entering the harbour. If she chose to do that, it was the fault of her commander.

Sir JAMES GRAHAM: At all events, had not the *Locust* been engaged in this service, she could not have been placed in that hazardous position. His hon. Friend stated that Queen's ships were the property of the public. He admitted that; but there was something that was not the property of the public, and that was the lives of the officers and men on board those ships, when exposed in matters which did not form a portion of their duty. It was not a portion of their duty, and it never had been, to risk their lives in a service of the nature involved in salvage, without a just expectation of that reward which, as he had before said, was the common and inherent right of every British subject. With respect to the *Rosalie*, however, he would read to the Committee the precise correspondence in that case, and then they would see what there really was in it which had been so much relied upon by his hon. Friend the Member for Bridport. It was by the merest chance that he had these documents with him. Writing from Buenos Ayres to the Admiralty, Admiral Henderson said—

> "Lieutenant George F. Day, commanding Her Majesty's steam-vessel *Locust*, having represented to me that the salvage claim made for assistance rendered by that vessel to the British bark *Rosalie* in March, 1852, is in abeyance until the receipt of my written approval as the commander-in-chief, I beg to state for their Lordships' information that when I reported the particulars of the case in my letter, No. 36, of the 12th of April, 1852, I considered it unnecessary, for the reasons therein stated, to do more than forward a full report of the circumstances, together with a copy of the ship's log, because Lieutenant Day, in ignorance of the Admiralty circular, which had not then reached this station, had already raised his claim for salvage, and received a bond for 3,500*l.* as security. I refer to this circumstance as a reason for recording my approval after the lapse of twelve months; but I believe it to be due to Lieutenant Day, the officers, and ship's company of the *Locust*, to state my opinion that the services rendered to the bark *Rosalie* were not only really important, but accompanied with hazard to the persons employed, as may be seen from the enclosed copy of a letter from the assistant surgeon in charge. The services rendered did not cease upon their towing the vessel to Montevideo, as relays of men were employed for many days to remove the cargo, which was in a burning state. In acknowledging the receipt of Lieutenant Day's report, I approved his proceedings at the time, and I have no hesitation in stating now that as both officers and men sustained much loss in clothes, &c., while rendering the said service, I consider the claim raised is deserving of consideration."

The nature of the services rendered was verified by Mr. Clarke, the assistant surgeon in charge, who thus wrote to Lieutenant Day:—

> "Bajada, Parana, Her Majesty's steam-vessel *Locust*, March 23, 1853.
>
> "Sir—In reply to your letter of this day, I beg leave to state that, on reference to my journal, I find that Mr. Whitehouse, second-master in charge, and William Mason, able seaman, were of necessity placed on the sick list, suffering with illness produced, in my opinion, from over exposure in the hold of the bark *Rosalie*. I also recollect that, when the crew were employed clearing her for the first two days, I had to be on board of her in frequent attendance on several of the men brought up from the holds in a state of asphyxia, produced by the inhalation of carbonic acid, phosphuretted hydrogen, and ammoniacal vapour abundantly generated in the hold from the combustion of the hides, hair, bones and tallow therein stowed, and, the combustion still existing, I considered (as at that time I informed you) the duty imposed on the men to be attended with imminent peril from that cause."

That was the case to which the hon. Gentleman had referred as an illustration of his charge of the exorbitant and unjustifiable claims for salvage which were made by vessels in the service of the Crown. A weaker case, he ventured to say, never had been submitted to Parliament.

ADMIRAL WALCOT said, he thought it was only consistent with common justice that, in cases where the British sailors exposed their lives to imminent danger in their attempts to rescue vessels in distress, a reward should be granted to them in proportion to the risk they had encountered, and the value of the property saved. It was said that the French navy performed salvage services without remuneration; but the fact was that there was a fund in that country to support the widows and orphans of men who periled their lives, not in the strict performance of their duty. A pecuniary consideration would probably never either deter or incite the British sailor to do that which, from the generosity of his nature, he was ever ready to do, bravely to risk his own life in an effort to save that of his fellow-creature; but to rescue a crew from shipwreck was one thing, and to save mere merchandise from destruction was another, and the last of these services ought most undoubtedly to be compensated.

CAPTAIN SCOBELL said, the Bill was a Shipowners' Bill. The operation of the 29th clause would be to increase the risk of merchant vessels; therefore, the sailor of the Royal Navy had an additional claim upon the mercantile interest in the nature of salvage. He had no doubt if all right to remuneration were withdrawn to-morrow, that the sailors would perform their duty as honestly and courageously as they did at present. But it should be remembered that it was not for saving lives but for saving property that these claims were made. There was in the breast of every man an inherent love of gain, otherwise what was it that made the merchant send his ship to sea, and what made the Parliament sanction the payment of prize money?

MR. LIDDELL said, he fully concurred in the observations of the right hon. Baronet (Sir J. Graham). In a letter from the Secretary of the Shipowners' Society in Liverpool, there was a paragraph in favour of the clause, on the ground that it would be detrimental to the merchants' interests if the right of the British sailor to salvage were called in question.

Mr. JOHN MACGREGOR said, that unless additional inducement in the shape of salvage was given to the British seamen, no such risks would be incurred as were incurred by them for that purpose. He trusted, however, that the proportion of the property saved to go to the salvor would be determined by the Bill. At present this was entirely at the mercy of the commander.

Mr. G. THOMPSON said, he approved of the clause, and was convinced if the principles which had been laid down by the right hon. Baronet were adhered to by the Admiralty, there would be no fear of exorbitant overcharges. For his own part, speaking as a shipowner, he was perfectly ready to acquiesce in these salvage clauses.

Mr. HENLEY said, he doubted the view which the right hon. Gentleman (Sir J. Graham) had taken of the common-law right to salvage inherent in the British sailor. The seaman could not go to render these salvage services except under the command of his officer; but directly a man suspended his own free action and acted under the command of another, it appeared to him that his common-law right was gone, and that he ceased to be a free agent. This matter had undergone very great consideration at various times, and the proof of it was, that the persons whose rights they were discussing had been treated upon a different principle from the ordinary class of the Queen's subjects. The right hon. Baronet, in his happy way, had introduced the subject of the "go along" and the "come along" officer; but that anecdote was as applicable to other services of honour and danger which Her Majesty's Navy were in the habit of rendering to the country as to salvage. It appeared to him, however, that the view of the Government, to use an illustration as common as that of the right hon. Gentleman was, that "money made the mare to go." If he understood the nature of the Amendment of the hon. Gentleman (Mr. Ingram), it was not that officers and seamen performing these services, in which danger or the risk of life was concerned, should not be rewarded, but that that reward ought to be of a different class from that received by other portions of Her Majesty's subjects. The hon. Member did not say, nor should he (Mr. Henley), say, that persons performing such services should do so without reward. He regarded these salvage services as extra duty, and thought, therefore, that the seamen of the Royal Navy should not be called upon to perform them without an adequate reward, in the shape either of an honorary or pecuniary reward, as the case might be. Then, the only question was, what that reward ought to be? So far as he had had an opportunity of forming an opinion upon the matter, he believed that the complaint upon the part of the shipping interest had always been directed to the oppressive and arbitrary manner in which it was endeavoured to enforce these claims. They had to contest their claims in a Court which was not highly popular, owing to the expensive nature of its proceedings; and then, if they chose to appeal, the case was carried to the Committee of Privy Council, where, even if successful, the appeal cost more, perhaps, than the whole amount of the original sum claimed. The shipping interest, he believed, were quite prepared to pay something for services actually rendered, if they could only see some way of obtaining a settlement of the case which would be less environed with difficulties than that at present in existence. No doubt, some steps had been taken by the Government in the direction in which this Amendment tended. There used to be paid some time ago what was called head-money in cases of piracy and the like; but that had been done away with. He considered this to be a case strongly analogous to that. This was a public service rendered by persons in the service of the public, and they ought to receive their reward, whether pecuniary or honorary, at the hands of the public. He admitted that these clauses contained an amelioration, to a certain extent, of the present law; but they did not go far, and he did not know that the clause about to be introduced by the right hon. Baronet would make any very great difference in the charge which parties had to pay for salvage. The regulations proposed might prevent fictitious and unfounded charges being made, but would not secure a more speedy and inexpensive means of bringing cases to trial. It certainly was an aggravation to men who had just suffered a loss to find heavy charges made by Her Majesty's ships, when the ships of other countries rendered those services gratuitously. The long peace had brought that anomaly more clearly to light, and the general feeling seemed to be that the reward, whether pecuniary or honorary, should be received at the hands of the public. The great evil which the shipping interest had to complain of, was the mode in which the claims against them were enforced. He did not think that that subject would be much mended by the present Bill, and he doubted, even, whether they would not lay the foundation for a more aggravated state of things than at present existed.

MR. CARDWELL said, he did not think that the remark of his right hon. Friend (Sir James Graham) with regard to the common-law right of the sailor had been properly understood. No doubt, sailors in the Navy were bound to obey the orders of their officers; but when they were exposed to dangers not in the discharge of their regular duties, though under orders, the common law secured them the right to compensation for the risk incurred. Would they say, therefore, that his object was reward, not glory, and that "money made the mare to go?" No such thing. The appeal was to glory, and to feeling rather than reward; and now, for the first time, they proposed, by the carrying of this Amendment, not only to injure the sailor in his pocket, but to hurt him in his feelings. It had been said that he should be paid out of the public money voted by Parliament; but how much more just and true had been the language of the hon. Member for Aberdeen (Mr. G. Thompson), one of the largest shipowners in the country, who had drawn a distinction between general services due to the country, and special services rendered to individual shipowners! It had also been said that the inconvenience of the present process was not mitigated by this measure. Not mitigated! Why, what was the present process? The fact was, they had an absolute lien—a positive transfer of the ship to the salvor, and the necessity of selling her, perhaps, to liquidate his claim. Such a right was now entirely abandoned, and the lien was destroyed. For the risk and danger which the Queen's ship had encountered, the shipowner had to pay nothing whatever. There was no demand except for personal service rendered. The Board of Admiralty, exercising their control over the servants of the Crown, would not allow an extravagant claim even to go into the Court; or, if they were so forgetful of their duty as to permit it, the Court of Admiralty could repudiate that demand. How could it be said, then, the defective process had not been remedied, when the lien was absolutely and entirely abolished, the claim for damages to the Queen's ship also entirely abolished, and nothing remained but the reasonable reward for hazardous personal services, which, to their honour, the shipowners of this country had always been ready to recognise? He was glad that the hon. Members for Liverpool had spoken upon this question, and he rejoiced that the Members for Glasgow, for Belfast, and for Aberdeen had honoured the Committee with their opinions. Seeing that the feelings of the representatives of the shipping ports were what they were, and considering that the underwriters had the deepest interest to make it the desire of the British Navy to do their utmost, both from a spirit of glory and of reward, to save every vessel in distress, he trusted, if they should divide, the Committee would affirm by a large majority the principle of the clause which they were discussing.

MR. HENLEY said, he must deny that the Bill did away with all lien on the ship. The salvor had the power of holding the ship in pledge until a bond to the amount fixed by the consular officer was given—a bond which bound the shipowner and his heirs for ever, even if the ship should never get home; and that was what was termed doing away with the lien.

MR. CARDWELL said, a lien signified security by the possession of a thing. Now, as it was proposed that salvors should give up the possession of the ship and take only personal security, he did call that doing away with the lien.

MR. HUDSON said, he should support the Bill, being convinced that it was a great improvement upon the existing state of things. Although the shipowners, as a body, would, of course, be glad to be relieved by the State from any charge upon them, they would much prefer to pay for salvage services than to run the risk of not having them rendered.

MR. INGRAM, in reply, said that the shipowners of the port which he represented were unanimous in their support of the Amendment which he had proposed.

Question put, "That the words 'and the salvor shall add to his statement,' stand part of the clause."

The Committee *divided:*—Ayes 131; Noes 20: Majority 111.

House resumed. Bill *reported* as amended.

PARLIAMENTARY OATHS.

SIR GEORGE GREY said, he wished to put a question to his noble Friend the Member for the City of London on a subject of considerable importance, and which had occupied a large share of the attention of that House. A Bill had been introduced during the course of the present Session to remove the restrictions which prevented Jews from sitting in that House, and, after receiving the sanction of that House, had been rejected by the House of Lords. A Bill had also been introduced into the other House of Parliament by a noble and learned Lord of great weight and authority, having for its object to substitute for the oaths of allegiance, supremacy, and abjuration, one form of oath which was thought better suited to the circumstances of the times; and that had also been rejected. His noble Friend had, on a previous occasion, in reply to a question put to him by an hon. Member, stated that it was not the intention of the Government, during the present Session of Parliament, to introduce any similar measure for the attention of Parliament, and therein he (Sir G. Grey) thought they were exercising a wise discretion. He wished now to ask the noble Lord, whether, considering the unsatisfactory state of the law as it at present stood, it was the intention of the Government, during the next Session, to introduce a measure for the purpose of altering the oaths to be taken by Members of Parliament, either as a separate measure, or as part of that scheme of Parliamentary reform which it was understood the Government would propose?

LORD JOHN RUSSELL said, he thought that the state of the law on this subject was such that no man could deem it to be satisfactory. In the case of a Gentleman who had endeavoured to take his seat in that House, there had been a decision of a superior Court of law. One of the learned Judges had expressed, on that occasion, his opinion that it was not illegal for a Gentleman to take his seat in that House without using the words, " On the true faith of a Christian;" and another learned Judge dissented from that opinion, and said that it would be much more satisfactory for Parliament to declare its meaning, and not to exclude Jews by an enactment which was not intended to refer to them at all. Since then it had been endeavoured to place the law on a more satisfactory footing, but no legislation had as yet taken place on the subject. He had thought, considering what had already taken place on the subject, and also the state of public business, that it would not be advisable to bring the subject before the House again this Session; but he should feel it his duty, during the next Session of Parliament, to bring in a proposal, either in a Bill relating to the state of the representation generally, or as a separate measure, which would not only have for its object the relief of the Jews, but would be framed in a manner to alter the general form of oath, which, as it existed at present, appeared to him to be only consistent with ridiculous intolerance or practical absurdity.

THE SIX-MILE-BRIDGE AFFRAY.

MR. MILES said, he rose to call the attention of the noble Secretary for the Home Department to the evidence given before the Clare Election Committee respecting the riot at Six-mile Bridge, and to ask the noble Lord the Member for the City of London whether it was the intention of the Government to proceed against the Rev. John Burke and the Rev. Michael Clune, Roman Catholic priests, who had been reported by an Election Committee of that House, the former to have excited the people, and to have taken part in the riot, and the latter to have excited the people to take part in the riot which occurred at Six-mile Bridge on the 22nd day of July, 1852; which, by destroying the freedom of election, rendered void the return of the two knights of the shire elected to serve in Parliament for the county of Clare at the general election of 1852. Did Government mean to vindicate the law which had been so grossly violated by the proceedings of certain parties at this election? He would remind the House that the candidates were three — Colonel Vandeleur, Sir John Fitzgerald, and Mr. O'Brien— gentlemen of influence in connexion with the neighbourhood; a circumstance which naturally gave rise to a sharp contest. For a time, however, there was every appearance of its going off as quietly as an election in Ireland could do, until a Mr. Wilson, an excitcable gentleman, and once in the commission of the peace, having seen at Cork, in an English newspaper, an account of the Stockport riots, returned home about the 12th of July, determined to excite as much as possible the feelings of the people, and forthwith put forth a violent placard calling on the people to save their religion from insult and destruction by their conduct at the forthcoming election. This was posted up about the 13th of July; the polling took place on the 22nd and 23rd. [The hon. Gentleman then proceeded to describe the assembling of voters on Lord Conyngham's estate, preparatory to their marching towards the polling place, and another party of voters, conducted by Mr. Delmege, a magistrate, under an escort of troops in the command of Captain Egar. The voters who were thus escorted advanced in cars into the town of Six-mile Bridge, through a crowd of people who lined the roads; and in order to reach the Court-house, the place of polling, as quietly as possible, turned aside by a back road, which happened to be unguarded by the police. There was hooting and hissing, but no violence, until the procession arrived opposite to the Roman Catholic chapel, where Captain Egar heard Father Burke use the words "God" and "traitor," believing that he said to the people, "Will you be traitors to your God?" Mr. Keane also heard him say, "Fire, boys; rescue Keane's men, boys." That happened in the middle of the chapel ground. Father Burke came up to the cars, and asked one of the voters whether he was to vote against his religion? The man wished him to let him alone. After the rev. gentleman urged the rescue of the men, a rush was made upon the cars, and a soldier who came to the assistance of the voters was caught hold of by Father Burke, who said he did not care for the coat he wore. Two other men seized him, and he was knocked down from behind. Father Burke again said, "Boys, stand to your religion;" and was answered on the part of the mob with "Boys, fight for your religion—boys, fight for your religion;" and then with jumping in the air, and a wielding of their sticks. He thus excited the mob, and then took part in the riot. Captain Egar said the loss of life would have been greater but for the firing of the soldiers at the time they did. Corrigan, the head constable, stated that he heard Father Clune, about two minutes before the firing, addressing the mob and saying, "You are standing here idle; oh, what is this for; will you allow them to come?" The mob upon that ran round the Court-house towards the place where the affray took place, and the witness immediately afterwards heard the firing.] It was for the House to consider what effect such interference had on the voters; but he thought they would agree that the Committee were right in the conclusion to which they had come. Two voters, of the names of Halloran and Bower, stated that they intended to vote for Colonel Vandeleur, but were intimidated. There were the other voters, M'Mahon and Malony, whose evidence was to the same effect. These four men had stated to the Committee that they were intimidated, and did not vote. It was for the House to say what it would do with regard to these two priests. It might be asked why the Committee had not recommended the House to adopt a particular course? The reason was, that they thought it necessary that the evidence should be printed, and laid before the House, and that the House should determine whether it would allow persons who had so violated the privileges of voters and freedom of election, as these priests had done, to escape with impunity. He would, therefore, beg to ask the noble Lord the question of which he had given notice.

MR. MONCKTON MILNES said, before his noble Friend replied, he wished to state briefly the reasons which had induced him, as a Member of the Committee, to take a course different from that which was pursued by his hon. Friend the Chairman of the Committee (Mr. Miles). He ventured, at the outset, to say that this was not exactly the mode in which this question ought to have been brought forward. If the question was of that gravity which his hon. Friend believed it to be, it should have been matter for a Motion in itself; and he was sure no Member of the House could have expected that his hon. Friend, in simply putting a question, would enter into a long statement, for the purpose of bringing a charge against the two persons whose names he had brought forward, and against the Government. He had risen, however, to state, in a few words, the motives which caused him to oppose his hon. Friend in this matter, and which had induced him, when he moved in Committee a condemnation of two rev. gentlemen, to propose an Amendment to his Resolution. His belief was, that they had no right to bring charges against absent persons, who had not the means of appearing to answer for themselves, and that in condemning them the Committee had acted in a manner hardly just, proceeding as they did on *ex* *parte* evidence. His hon. Friend had hardly stated the great difficulties which the Committee had to encounter as regarded the evidence. Indeed he could not help thinking that it would be better if Committees of that kind were composed of Irish Members, by whom the state of society and the peculiarities of the people would be better appreciated and understood. The difficulty of deciding on which side was the influence, or which the intimidation and injustice, was really beyond the capacity of any ordinary Englishman. For instance, one of the witnesses, who was asked a question respecting the abduction of voters, said, "They were willing enough to go, provided they were forcibly taken away." In short, the evidence was such that he found it impossible to come to the conclusion at which the Chairman had arrived. But what he wished to call the particular attention of the House to was this—that after these rev. gentlemen had been held up to public opprobrium, the Committee unanimously came to the conclusion that "there did not appear to have been any general undue interference on the part of the Roman Catholic clergy at the late election for the county of Clare." There was no doubt much violence, especially at Kilrush; but he must say the impression left on his mind was, that it was extremely doubtful whether it was right in Irish elections of this kind to permit the military to be present. It was found that persons were going along in cars very pleasantly—indeed making a joke of it, when the soldiers conveying them to the poll were hooted and attacked. The question then arose, whether on the whole, as a matter connected with the maintenance of the public peace, it was right to allow the military to interfere in the direct manner they did? He found in the evidence the strongest proofs given of the gross misconduct of these rev. gentlemen; but, at the same time, he had also before him what was not technically referred to the Committee, though known to all its Members—the depositions taken before the coroner's inquest—and he found there that these rev. gentlemen totally denied and absolutely contradicted the evidence given against them on that occasion. Under all the circumstances of the case, therefore, he had not thought it right, as a Member of the Committee, to give a decision on the matter one way or the other. As to the question of prosecuting, he left that to the discretion of Her Majesty's Government.

Mr. Monckton Milnes

VISCOUNT PALMERSTON: Sir, I agree with my hon. Friend who has just spoken that the hon. Gentleman opposite (Mr. Miles) has pursued rather an irregular course on this occasion, because, in asking a question of which he had given notice, he has entered into a very detailed and elaborate discussion of a matter which his question relates to. It is, Sir, a common saying, that it is a long lane which has no turning—even the longest lane has a turning; and I think that the longest bridge, even the Six-mile Bridge, ought to have an end. The subject has been before the House ever since March last. The question has been fully discussed, and I think the opinion of the House was pronounced very emphatically upon it. It has been discussed, not only in this but in the other House of Parliament. It was the intention, as has been stated, of Her Majesty's Government originally, that these two priests should be prosecuted for the conduct which they pursued on the occasion of the Six-mile Bridge affair; and the Irish Government were informed that such was the desire of Her Majesty's Government. But the Irish Government, acting upon and with the advice of its legal officers, judged differently; and I have no hesitation in saying, that we approved of the decision so taken upon grounds which we afterwards stated to the House. It is not, therefore, the intention of Her Majesty's Government to order any further proceedings upon this case. Now, Sir, if the hon. Gentleman, or any other person who had read the proceedings before the Clare Election Committee, had thought that the evidence given before that Committee would justify this House in taking the matter into their own hands, and in giving directions for a prosecution, I think that course ought to have been taken at the time. This evidence was reported to the House in the beginning of June. If the matter had then been taken up, the assizes were coming on, and a trial might have taken place. But the matter has been postponed until the assizes are over, and no legal prosecution could, I believe, now take place earlier than the spring of the next year. You would, therefore, be prosecuting these gentlemen in the year 1854 for conduct pursued by them in the summer of 1852. Well, Sir, it may be said that a prosecution is necessary for the sake of example. How can that be alleged? Why, since the Report of the Committee was laid before this House, we have had another election in the same county, and the very same candidates standing as were candidates at the election of 1852. This subsequent election has passed off with perfect tranquillity—no disturbance of any kind arose; and no complaint, that I have heard of, has been preferred against the conduct of any persons, whether lay or clerical. Now, therefore, a prosecution is not necessary for the purpose of example. But I shall perhaps be asked whether I concur in condemning the conduct which these rev. gentlemen pursued. I have no hesitation in saying that I do; and Her Majesty's Government must have been of that opinion when they expressed a wish that a prosecution should take place. But I may be asked whether the conduct of these two rev. gentlemen, blameable and reprehensible as it was, is so marked an exception to the conduct pursued by the Catholic priesthood generally at the late election, as to make them fit subjects for punishment, by way of example? I should say I am afraid I must answer that question in the negative. However reprehensible their conduct was, it does not stand so prominently forward as to make it a subject to be picked out and brought forward for the consideration of a legal tribunal. ["Oh, oh!"] Sir, I am bound to say, and I say it with great regret—but I am bound in sincerity to say it—that the conduct of many of the Catholic priesthood at the late election, some of the highest and some of the lowest rank, was such as I think must give great pain to all those who wish that the ministers of religion—be they Catholic or be they Protestant—should continue, by their conduct, to preserve that respect and deference which are essential to the due performance of their sacred calling. Things were said and done upon that occasion by Catholic clergymen which, if they had been said or done by Protestant clergymen in this country, would have raised an outcry from the Land's End to John o'Groat's. Well, then, on the other hand, it must be admitted that there were peculiar circumstances belonging to that crisis—that the circumstances attending the last election, if they do not justify, do at least furnish a great palliation, of the conduct complained of. In the first place, there was a great political crisis, which political crisis was in the opinion of the Roman Catholic priesthood of Ireland a kind of religious crisis. They had been threatened with Motions for taking away the endowment of Maynooth. They anticipated, most unjustly and most erroneously, that the party then in power would be likely to use the power which they had acquired for hostile purposes—to take away those grants, concessions, and liberties, which had been given by Acts of Parliament in former times to the Catholic subjects of the Queen. I must, therefore, make great allowance for the excitement which prevailed amongst the Catholic priesthood upon that occasion. But I would conjure the House to draw a veil of oblivion over everything that then passed. I conjure them not to rake up feelings and animosities which are now calmed and extinguished. I should hope that these reverend gentlemen feel that the dangers which they anticipated had no real existence, and that they will reflect more seriously upon their position and their duties. We have seen that in this last Clare election they have abstained from the repetition of any conduct which would be calculated to call for censure or condemnation; and I should be sorry that this debate should be continued this evening. If it were to be continued, we should pass an evening of irritating discussion, which would have a very mischievous effect, both in this country and Ireland. Her Majesty's Government would also be prevented from proceeding with other questions which relate to a more distant part of the Queen's dominions—questions, I think, of a more practical and important character than that of the Clare election of 1852. I, therefore, in reply to the hon. Gentleman, state that it is not the intention of Her Majesty's Government to take any further steps with regard to these two reverend gentlemen; and I should hope that this House would pass an act of oblivion upon all the irregularities which occurred at the election of 1852. Let us all hope for better times, when both laymen and clergymen, priests and landlords, will agree to allow electors to act as they may deem best, and not compel them to act in that way which my hon. Friend (Mr. M. Milnes) has described—namely, that of being "willing to go if they were forced to do so." Let us hope that they will allow them to exercise their rights in such a way as they may choose, and that hereafter we may have Irish elections conducted more in harmony with the spirit and principles of the constitution.

MR. HUME said, he would ask, after the speech of the noble Lord, whether it was not possible to provide a remedy against the recurrence of such events as he had described? If the noble Lord expected that party spirit would cease, either in England, Scotland, or Ireland, he was greatly mistaken. The question was whether the ballot would not be a remedy for such evils; but if the Government had a better remedy let them propose it. Many complained of the interference of Roman Catholic priests at elections, and others might complain of the interference of Protestant clergymen; but still he thought that both classes had a right, if public interests warranted their interference, to interfere peaceably, legally, and quietly. Spiritual influence, if it was exerted as alleged, could not be met by any legislation; but after the admissions, broad and large, made by the noble Lord, it was fit and proper to consider what remedy could be applied to the evils complained of.

COLONEL NORTH said, he wished to call the attention of the noble Lord the Secretary of State for the Home Department to what was stated to have taken place previous to the late election for the county of Clare, with respect to the proceedings in a Roman Catholic chapel in that county. It had been reported that the occurrences which had taken place upon the last holiday of St. Peter and St. Paul, in the chapel in question, had virtually decided the Clare election, for the rural electors had been there assembled and had been called out by name by the priest, and obliged to promise that they would record their votes in favour of the Liberal candidates. He should be gratified if the noble Lord could contradict that report, for he, for one, should be happy to draw the veil of oblivion over the occurrences at Six-mile Bridge. He hoped, however, that something would be done to put a stop to that clerical interference with the people in Ireland, of which they had heard so much.

MR. SERJEANT SHEE said, he thought the Government had taken a wise and statesmanlike course when they determined, after receiving the advice of their law officers in Ireland, not to prosecute the two rev. gentlemen whose names had been mentioned by the hon. Member for Somersetshire (Mr. Miles). Every one who read the evidence must come to the same conclusion. His own opinion, after reading the evidence, was that there would have been no reasonable probability of the conviction by any jury of those two rev. gentlemen; and, if they had been tried by such a fair, honest, and impartial jury as he was in the habit of seeing in the Courts of Westminster, or upon his circuit, they would have been sure of an acquittal. At the same time he must say he never heard a more unfortunate statement than that made by the noble Lord, for the purpose, he supposed, of reconciling hon. Gentlemen on the Opposition benches to the course taken by the Government. The noble Lord thought proper to get up and make a charge against the whole body of the Roman Catholic clergy in Ireland, which he (Mr. Serjeant Shee) felt convinced could not be substantiated. Did the noble Lord know that, notwithstanding all the assertions made about intimidation and spiritual influence exercised by Catholic priests, for the purpose of procuring the return of Members to Parliament against the honest wishes of the electors, only in respect to one county and one borough in Ireland had the returns been set aside? Could any one read the evidence taken before the Election Committee for the borough of Sligo, without coming to the conclusion that the decision at which the Committee had arrived, was one of the most doubtful decisions ever reported to that House? He was surprised at the course pursued by the hon. Member for Montrose (Mr. Hume). That hon. Member had for many years been an active friend of the Roman Catholics of Ireland, to whom at one time he owed his seat in Parliament. He had, in that House, constantly and repeatedly, protested against the grievances of the Roman Catholics of Ireland, and, by frequent Motions, had brought before the House that enormous scandal—that great ecclesiastical grievance which was a disgrace to the Protestant people of these realms—the maintenance of the Irish Church Establishment in its present condition, declaring that it was essential to the tranquillity and just government of Ireland that that grievance should be remedied. The noble Lord (Lord Palmerston), at a better period of his political life, had declared the removal of that grievance necessary for the restoration of tranquillity in Ireland, and for the good government of that country. The hon. Member for Montrose, like the noble Lord, appeared to have forgotten that grievance. [MR. HUME: No, no!] At all events, they said nothing about it. Then, with respect to the recommendation of the hon. Member for Montrose. The ballot might do good—it might protect the honest voters, the tenants from the tyranny of their landlords; but as to restoring tranquillity, or destroying the influence of the friends of Ireland, that would be quite out of the question until the grievances of the people should be redressed. If this were done, the priests would be little disposed to interfere in political matters. In almost all the counties the interference of the priests was very small. There were twenty-seven Roman Catholic bishops, but not more than four or five of them had taken any part in politics. The truth was that the Romish hierarchy and the priesthood of Ireland were little disposed to political agitation. Let them pass a good Landlord and Tenant Bill, and a just law about the Church, and that would be the way to destroy what was called spiritual influence in Ireland. There were grievances to be remedied, which would too, he believed, be remedied, were it not that those who ought to be at the head of the people—the landlords and the aristocracy—had a personal and pecuniary interest in their continuance. He had stood two contested elections, one for Marylebone and one for Kilkenny, and he did not believe that the people at Irish elections were disposed to violence, or that their conduct deserved the censure cast on them by the noble Lord (Lord Palmerston). With regard to the soldiers, he knew that generally they were not disposed to give trouble at elections, and the Irish people liked them; though it unfortunately happened at Six-mile Bridge the soldiers fired, through some irregularity, without orders.

MR. MALINS said, though he had a strong feeling with respect to the affair at Six-mile Bridge, he felt much inclined to concur in the observation of the noble Lord, that it would be better to draw a veil over that occurrence, and to refrain from instituting, at this remote period, any prosecution; and he came to this conclusion with the greater satisfaction on account of the emphatic disapprobation pronounced by the noble Lord with respect to the conduct of the priests in Ireland. He thought, after the statement made by the noble Lord, the House had a right to expect that the Government would henceforth take measures to repress these proceedings on the part of the Roman Catholic clergy in Ireland. He could not, however, concur in the observation made by the hon. and learned Member who had just spoken, that no jury such as that hon. and learned Gentleman was in the habit of addressing would convict, were a prosecution instituted by the Crown in the case of the two Catholic clergymen who had been referred to. He was perfectly satisfied that a conviction would be the result if they were tried before an impartial Surrey jury, even with the learned Serjeant as their counsel. But whether that would have been the case or not, it was but right, at all events, under all the circumstances of the case, that the parties should have been placed upon their trial. He did not think that the transactions reported on by the Clare Election Committee ought to be passed over in silence; but there was some force in the observation, that at the present remote period it was not worth while to further notice them. He perfectly concurred with the hon. Member for Montrose in thinking that the interference of the clergy in political matters, in Ireland, was an evil which required an immediate remedy; and he must say that, much as he disliked the ballot, yet, if he deemed it adequate for the prevention of that evil, he should vote for its adoption in the sister country. He was of opinion, in fact, that it would be better to deprive the inhabitants of Ireland of the elective franchise altogether, than to permit them to be tyrannised over by their priests as was at present the case.

LORD JOHN RUSSELL said, he must appeal to the House, and ask whether it was desirable that this discussion should go on? He did not, by any means, blame the hon. Member for Somersetshire (Mr. Miles) for taking advantage, if he could find no other opportunity, of the formal Motion of adjournment, to obtain from the Government some declaration as to whether or not it was intended to institute a prosecution against certain Roman Catholic priests, whose conduct had been adverted to by an Election Committee. But as the hon. Gentleman had made his statement, and as his noble Friend (Lord Palmerston) had replied to it on the part of the Government; as, too, the hon. and learned Member for Kilkenny (Mr. Serjeant Shee) had commented on the statement of his noble Friend, he thought that, after all this, the House might rest satisfied with what had taken place, without entering into further debate, which could come to no definite result. Observations had been made about the ballot and the Irish Church Establishment; but whatever might be the opinions of hon. Gentlemen with regard to those questions, the opinion of the House with respect to them could not be tested on the present occasion, unless an Amendment were moved, as the Motion before the House only related to adjournment. Considering, then, that there was a great deal of business on the paper waiting for discussion, and for which hon. Members had come down, he trusted that the House would decide that it was not expedient to continue the present discussion any longer.

Mr. MILES said, the noble Lord seemed to blame him for the time and manner in which he had brought on this question. But he could have taken no other course, having resolved upon bringing the matter before them on the first opportunity. After what had been said by the noble Lord the Secretary of State for the Home Department, he would not utter another word of observation. He considered he had only done his duty in calling the attention of the Government to the circumstances.

Lord JOHN RUSSELL said, he did not blame the hon. Gentleman in any way, neither did he attribute any blame to the hon. and learned Member for Kilkenny. He had merely put it to the House whether it would allow the discussion to continue.

Mr. LUCAS said, he would detain the House but a very short period; but after the observations which had been made by the hon. and learned Member for Wallingford (Mr. Malins), and of certain words which he was told had been used by the noble Lord (Viscount Palmerston)—for he was not in the House at the time—with respect to the conduct of the Irish Catholic clergy at the election time, he considered it imperative for him to make some reply. He hoped the noble Lord, or at least the Government to which he belonged, would not, for their own sakes, follow the advice which had been given them by the hon. and learned Gentleman (Mr. Malins). If any Catholic clergyman was guilty of a violation of the law—if he were guilty of a breach of the peace—if he were guilty of exciting the people to commit a breach of the peace—if, in the excitement of an election, a Catholic clergyman went beyond that fair and legitimate course which every one understood was the proper and fitting and almost necessary course—all he would say was, that he, no more than any Member of that House, would stand up and defend him, or ask that he might be excused from those penalties which he had incurred by violating the law. But when the hon. and learned Gentleman told them that appeals ought not to be made by the clergy to their people when certain candidates were proposed who would vote against their interests and against their religion, he would tell that hon. and learned Gentleman that it was perfectly monstrous and preposterous to suppose that such appeals would not be made; and he would further tell him that it was futile and absurd to endeavour to frame any law intended to prevent such appeals. He distinctly denied, and he was prepared to maintain that denial, that upon such occasions—namely, when candidates whom the priests and their flocks believed were inimical to their interests, inimical to their religion, were proposed—the clergy ought to be silent. Nay, more; he held that it was the absolute, the incumbent duty of the Catholic clergy of Ireland, if they believed that the proposed candidates would exercise their votes in that House in a manner injurious to the interests of their flocks, to advise, and counsel, and persuade them, by all constitutional and legal means, not to support such candidates. ["Hear, hear!"] Yes, he repeated, that was their highest, their most solemn duty; and if any law were enacted to provide that the Catholic clergy, under such circumstances, should not do so, that law would turn out to be a dead letter. If they attempted such a course of legislation, they would find very rapidly that it would be utterly ineffectual for the purposes they intended to accomplish, and that it would prove utterly fruitless, except as tending to the discomfiture of those with whom it originated. He understood that the noble Lord had said that the conduct of the Catholic clergy at the recent Irish elections was discreditable. Not having been in the House at the time the noble Lord spoke, he was not aware whether he had said anything as to the conduct of the landlords. Every one knew that, at the last election, the landlords were more prominent and active in their interference with the electors than the clergy, and that it was, in fact, the intimidation of the landlords which aroused the clergy, or rather induced the clergy to counsel the voters not to allow their consciences to be swayed by landlord intimidation. What had taken place at the Sligo election in relation to the noble Lord's (Lord Palmerston's) own property there? One of the candidates at the last election thought it was a great boast that the influence of the noble Lord was not opposed to him; and a placard was drawn up recording the fact, and stating that letters had been received from Lord Palmerston, declaring that all the tenants on his estate were free to vote as they pleased—were at liberty to exercise the franchise according to their consciences. Well, what happened? That placard had not been on the walls of Sligo twenty-four hours when it was torn down, and succeeded by another, signed by the agent of the noble Lord, declaring that the information in the first placard was false; that no such letters had been received from the noble Lord, and that the inference drawn from such a statement was unfounded. The noble Lord probably heard these facts now for the first time, and he only mentioned them to show the House what sort of conduct was pursued at Irish elections in order to intimidate the voters. The conduct of the landlords upon such occasions was, in too many cases, oppressive, tyrannous, and calculated to exercise an unjust and unconstitutional authority over the consciences of the Catholic people of Ireland; and he once more repeated that the Irish Catholic clergy would be traitors to their trust — would disgrace their sacred character—would be deserving of the contempt of the whole empire—the scorn of the whole world, if, under such circumstances, they did not, by all lawful and constitutional means in their power, use their influence to prevail on the people to fulfil their duty, and to return fit and proper persons to represent their interests in Parliament, instead of a class of representatives who would use, or rather abuse, the legislative trust confided in them, for the purpose of trampling on the rights and privileges of their constituencies, and to sap, and, if it were possible, to destroy their religion.

Viscount PALMERSTON: The hon. Member having mentioned a case in which I was personally concerned, I trust I may be excused for saying a word or two in reply to his observations. The facts were these: As regards the Sligo election, I wrote to my agent, stating that, so far as my wish was concerned, and those persons who felt disposed to attend to my wishes, my wish was that my tenants should vote for the two candidates then sitting—one of them being the hon. Baronet (Sir R. Booth), and the other an hon. Gentleman (Mr. Gore), who lost his seat at the last election; but I also stated that those tenants were at perfect liberty to vote as they pleased—and that no consequences whatever should ensue to them if they did not vote in the manner I wished. Four or five days before the election it seems that some of the tenantry had informed my agent in Sligo, that, if they were not protected or carried away, the Roman Catholic priest and his adherents would fall upon them and compel them to vote against their wishes; and the consequence was, that forty of them were literally obliged to be maintained in a house in Sligo, so as to keep them away from the violence which was anticipated from the Roman Catholic priests. I was also credibly informed, and I have no reason to doubt the fact, that, when the candidate whom they supported was going into the town to be nominated, he was told that there were waiting for him, at his entrance into the town, a mob of 2,000 people, headed by a priest with a double-barrelled gun in his hand.

Mr. BRADY said, he was of opinion that had it not been for the conciliatory spirit of the Roman Catholic clergy in Ireland, scenes of riot would have been much more frequent at the late elections than they had been. The Roman Catholic priests had hitherto been the principal counsellors of the people of Ireland, and it was through them mainly that the peace of that country had been preserved. He believed the noble Lord the Secretary for the Home Department would yet see reason to regret the speech he had made that evening, as the noble Lord the Member for London must have found reason to regret his well-known Durham letter.

House at rising to adjourn till *Monday* next.

GOVERNMENT OF INDIA BILL.

Order for Committee read; House in Committee.

Clause 10—

"No person appointed by Her Majesty to be a Director under this Act shall, by reason of such appointment, be incapable of being elected, or sitting or voting in Parliament; and no such Director so appointed shall be subject to be removed by the General Court of the said Company; but it shall be lawful for Her Majesty, if She shall think fit, to remove any such Director for inability or misbehaviour."

Viscount JOCELYN said, he begged to move the insertion of words granting power to the Crown to remove any such Director upon an Address from either House of Parliament. As the clause stood in the Bill, Her Majesty was empowered, if She should think fit, to remove any Director appointed by the Crown for "inability or misbehaviour;" and he understood from the remarks of the First Lord of the

Admiralty the other night, that those expressions had been taken from the Act relative to the appointment of County Court Judges. Now, he thought it must be apparent to the Committee that there was a great difference between the position of a County Court Judge, and that of a Director of the East India Company appointed by the Crown. There were various political reasons why the Government might feel it desirable to remove an obstinate Director; and the clause under discussion would enable them to do so with the greatest facility, inasmuch as it constituted them the sole judges of his "inability or misbehaviour." It was of the utmost importance that all the Directors of the East India Company should be made responsible to Parliament, and the only way to effect that was to place them in the position of the Judges of the Superior Courts, making them not removable, except upon an Address from either branch of the Legislature. There would then be no doubt in the mind of any man that they were thoroughly independent in their position, and that they were actuated alone by a desire for the good government of India.

Amendment proposed, in line 5 and 6, to leave out the words "if She shall think fit," in order to insert the words, "upon a joint Address from both Houses of Parliament."

Sir CHARLES WOOD supported the clause, and said that the words as to the removal of the Directors had been adopted from those in the County Courts Act, which had been considered applicable to the case.

Mr. HUME said, he did not like to see any attempt made, under false pretences, to increase the political power of the Government. It was proposed by the clause to give the Ministers, without any check or control, the power of removing six members of the Court of Directors. He thought their removal ought to rest with the Court of Proprietors, and not with the Crown, and he should suggest to the noble Lord (Viscount Jocelyn) to propose the omission of the last line of the clause, in order that the Directors appointed by the Crown should be placed in exactly the same position as the other Directors in that respect. That would prevent the anomaly of a different rule being applied to different members of the Court in regard to their dismissal.

Mr. J. G. PHILLIMORE said, he had been disposed to support the clause as it stood, because he thought it right that the Directors should hold office *quamdiu se bene gesserint;* but, at the same time, he must say that if the noble Lord pressed his Amendment to a division, he should vote with him, because he thought that the functions which the Directors had to perform were so extremely important, that an Address to the Crown should be necessary to their removal.

Sir HERBERT MADDOCK said, he should support the clause. That the Directors appointed by the Crown should be liable to be dismissed by the proprietors of East India Stock, as suggested by the hon. Member for Montrose (Mr. Hume), seemed a proposition so utterly repugnant to reason that he imagined the Committee would not listen to it for a moment. He was not aware that the proprietors were empowered to dismiss even the Directors of their own nomination; at all events, no such dismissal, so far as he was aware, had taken place during the last fifty years.

Mr. ELLICE said, he thought the House had been involved in a dilemma by the course which was adopted by the Government the other night in regard to the Amendment proposed by the right hon. Gentleman the Member for Northampton (Mr. V. Smith). He (Mr. Ellice) took it for granted that the object of all parties was to get the best persons that could be found as the new members of the Court of Directors, who should have served ten years in India. The Government, in their jealousy of the Court of Directors, thought that that object could only be obtained by direct nomination of the Crown. Other Members, however, himself among the number, thought that the object would be better obtained by giving the appointment of those members to the Court of Directors, or at least to three-fourths of their number, allowing the Crown a *veto* on the appointment. If that course had been adopted by the Government, he believed there would have been no objection to the clause now before the Committee, enabling the Directors so appointed to sit in Parliament, because there was an obvious fitness in persons so qualified finding their way into that House, if it were only to give the House the benefit of their advice on matters with which they were necessarily better acquainted than other Members; and also to enable the Directors themselves to get rid of any local prejudices they might have contracted by their residence in India.

But if they were directly appointed by the Crown, there was the great constitutional objection that, for the first time in the history of this country, it was now intended to give to six persons nominated by the Crown to offices of emolument the right to sit in the House of Commons. Still he thought it essential that they should have seats in that House, and hence he should support the present clause, notwithstanding his previous vote on the Amendment of the right hon. Gentleman the Member for Northampton.

Mr. OTWAY said, that if the noble Lord the Member for Lynn Regis pressed his Amendment to a division, he should feel it to be his duty to vote with him, considering, as he did, that it would tend very much to make the position of the Directors more independent.

Lord JOHN RUSSELL said, he thought it was very essential that no person should make the mistake which the hon. Member for Montrose had made some time ago—namely, that of supposing that the appointments of those six Directors by the Crown were to be appointments during pleasure. The fact was, that the words "inability or misbehaviour" which were used in the clause, were words which had now received a legal sense in an existing Act of Parliament; but, even if this had not been the case, it was clear that it would be impossible for the Crown to dismiss the Directors in the mere exercise of their pleasure or caprice. It was only in cases of proved corruption, or manifest inability, from ill health or otherwise, to discharge the duties of the office, that the power of dismissal would be exercised.

Mr. DANBY SEYMOUR said, he could not understand, after what the noble Lord had just said, why he objected to the Amendment of the noble Lord the Member for Lynn Regis. As the superior Judges were only removable by an Address from both Houses of Parliament, he could not understand why persons filling the important office of East India Directors should be removable by the Crown, and thus put upon a level with the inferior Judges of the County Courts. If the only object of the Government was to provide for the dismissal of the Directors in the most constitutional way in cases of misbehaviour, there would be no difficulty, he was sure, in such cases in procuring Addresses from both Houses of Parliament.

Sir CHARLES WOOD said, he had not proposed to put the Directors on the footing of Judges of the County Courts. What he had said was, that, in order to express more clearly what was intended, he had adopted the words of the County Courts Act instead of the usual words *quamdiu se bene gesserint.*

Mr. ELLIOT said, he did not see what was the object of making the change from the present mode of removing the Directors. He could conceive no body of men being more thoroughly dependent than those Directors would be. They were to be nominated by the Crown, and that for a short period, and then their renomination would depend upon the Crown again. Unless something were done to make them more independent, he feared it would be found that the most valuable men in the Company's service would say that they could not accept office on those terms.

Lord JOHN RUSSELL said, it was quite clear his hon. Friend did not understand the bearing of the clause. He seemed to think it was very strange that persons who were nominated by the Crown should be removeable by the Crown, in case of committing any offence against the law, or being totally disabled from performing their functions; but surely there was greater absurdity in persons nominated by the Crown being removeable by the Court of Proprietors. This clause enabled the Directors elected by the Court of Proprietors to be removed by the Court of Proprietors, and those nominated by the Crown to be removed by the Crown; and then words were used which clearly pointed out that the removal could only take place, either when everybody would say the party was no longer fit to fill his high office, or when he was incapable of performing its duties. He (Lord J. Russell) could not conceive how a provision of that kind could interfere with the independence of the Directors. His hon. Friend (Mr. Elliot) said, that the Directors would act under the impression that they would not be renominated unless they pleased the President of the Board of Control; but it was very doubtful whether that functionary would be the same individual at the end of the six years, who first nominated them; and it seemed to him an extravagant supposition, that a gentleman coming from India, and full of Indian knowledge and Indian experience, should, when appointed to the Board, consult all the opinions and wishes of the President of the Board of Control.

Mr. CAYLEY said, he thought the difficulty would be removed by the insertion of the words that "it shall not be lawful for Her Majesty to remove any such Director except for sickness or misbehaviour."

Mr. COBDEN said, that the Amendment of the noble Lord (Lord Jocelyn), as regarded its importance, would depend in a great measure upon what was to follow with respect to the main object of the clause, namely, that the Directors appointed by Her Majesty should have seats in Parliament. If it were to be understood that the nominees of the Crown should not have seats in that House, then he thought it would be consistent with the principles of the Gentlemen with whom he usually voted, that the Crown should have the power to remove them, because their object was to remove as much as possible the power from the Court of Directors, and to place it in the hands of the Executive Government. Therefore if those gentlemen were not to be eligible to seats in that House, he could see no more objection to the Minister of the Crown having the absolute disposal of them, than there was to the removal of the Chairman of the Board of Customs, or to the recall of the Governor of Ceylon, or the Governor of Jamaica. The proposition altogether depended upon what was to be done with the subsequent part of the clause; and he felt some difficulty in voting at all until that was settled, because if it were decided that those gentlemen were to have seats in that House, he should wish the House to retain as much power as possible to secure the independence of these men; and if, on the other hand, they were not to have seats, he should wish to leave the responsibility as much as he could with the Executive Government.

Mr. RICH said, that his experience of Parliament taught him that, whenever proceedings were to be taken against an individual, especially if that individual were a Member, Parliament invariably flinched from the duty. He should, therefore, prefer to have the power of displacement in the hands and on the responsibility of Ministers.

Mr. BRIGHT said, he agreed with his hon. Friend the Member for the West Riding (Mr. Cobden), that it was difficult to decide how to vote, as the subsequent question was unsettled; but he should support the proposition of the noble Lord (Viscount Jocelyn), and move the rejection of the clause, if that should fail.

Viscount JOCELYN said, he had heard nothing to justify his withdrawing the Amendment. He was desirous to have the nominated Directors as independent as possible, and he was quite surprised how the right hon. Gentleman (Sir C. Wood), professing, as he did, to participate in that feeling, could vote against the proposition.

Mr. HUME said, he thought the clause objectionable, becouse it would increase the staff of the Government, and every year tend to swell the Ministerial majority. It would put six placemen at the service of the Minister of the day; and before long independent Members would be unable to attempt any opposition to the Government.

Mr. MANGLES said, he thought it desirable that the nominee Directors should be eligible to sit in Parliament. He could not understand why the right hon. Gentleman (Sir C. Wood) should object to the proposal of the noble Lord.

Mr. VERNON SMITH said, he did not see that there was much difference, after all, between the clause as it stood, and the Amendment of the noble Lord. In the first place, it was clear that a Minister who was strong enough to remove a Director, would be able to carry an Address in Parliament. Then, again, as one of the two grounds of removal was to be inability, would it not be better to leave the decision of that question to a responsible Minister, than to drag a man before Parliament for the purpose of a painful investigation? They had seen discussions of that nature before now, and knew how painful they were in their character.

Question put, "That the words proposed to be left out, stand part of the clause."

The Committee *divided*:—Ayes 90; Noes 43: Majority 47.

Mr. BRIGHT said, he should move the rejection of the clause as unconstitutionally increasing the powers of the Minister, and affecting the independence of Parliament. A question arose upon the clause well worthy the calm consideration of the Committee, because it affected not only the nominee Directors and the character of the Court, but also the power of the Minister and the independence of Parliament. These Directors were to have a salary of 500*l*. a year, with the disposition of the patronage, which was worth to each of them more thousands a year than he would venture to assert. He had understood from a Director of the East India Company, and a Member of the House of Commons, that if the money value of the patronage enjoyed by each Director was brought into the market, it would fetch full 12,000*l*. a year. When this Bill passed, the patronage would not be quite so valuable; but every one of these nominees would possess that patronage and a salary of 500*l*. a year, which was very likely to be increased to at least 1,000*l*. a year. These offices, then, were worth the acceptance of most men, for they had no kind of evidence that there was any very arduous labour attached to the office of East India Director; and not much labour, a fair salary, and desirable dignity as far as position went, would make the appointment very desirable. The time of office was short; but they were eligible for re-election, and, in ninety-nine cases out of a hundred, would doubtless be reappointed. He did not think that six men, nominees of that character, with that salary and patronage, appointed for a short time and eligible for re-election, appointed by Ministers, and liable at any time, he did not mean without some pretence, to be removed from office, would be desirable Members of that House. The present Bill made a part of the Court of Directors perfectly independent, and the other part perfectly dependent, as regarded the Minister. That was one of the inconsistencies into which the President of the Board of Control had been led, because he would not take the advice of those who had more courage than himself. It seemed to be argued that these men would have great difficulty in getting into Parliament, and they would never have the whole six there. He believed, that, under the constitution of this country, no man had a better chance of being elected to that House than men who could dispense a great deal of patronage. They had had Secretaries of the Treasury going down to small boroughs, and being unanimously elected. Let the Committee imagine the hon. Member for Honiton (Sir J. W. Hogg), the hon. Member for Guildford (Mr. Mangles), the hon. Member for the City of London (Mr. Masterman), going down to a borough having a constituency of 300 or 400, and let them be as pure as they ought to be, and what would be the result? Every voter, although perfectly incorrupt, would believe, that, with such an immense amount of patronage as those Gentlemen held, there was a very good chance of something being gained by supporting them rather than any other candidate; and any gentleman, having only his principles and the independent maintenance of them in Parliament for his recommendation to a small constituency, would find it difficult to fight an election battle with a Chairman, Deputy Chairman, or any other member of the Court of Directors. That was the reason why East India Directors had found their way into that House. They had already three or four, and they were to have in future five or six more as nominee Members. It was said to be desirable that the nominee Directors should have seats in that House, because they could give the House information about India. Now, as far as regarded information, they got information enough from the hon. Member for Honiton, the hon. Member for Guildford, and those Directors who were elected by the Proprietors. There never had been a time, he believed, since 1784, when members of the Court of Directors had not been in that House. Six years soon ran out, and though a man were so incorrupt as to vote precisely as his conscience dictated, in the last twelve months he would be liable to the imputation, if he voted with the Government, of voting for his re-election; and it might be that men of high character would vote against the Government rather than with them because they would not be subject to that imputation. He believed if they were allowed to have a seat in Parliament it would make them less useful in Leadenhall-street or Cannon-row, whilst it would render them less useful Members of Parliament, and more dependent on the Minister for the time being. If no nominee had been eligible for re-election, he would not have objected to the clause. But Ministers were not magnanimous when opposed; they were fallible men, as that House knew and saw every night of their lives—and they were very small-minded men sometimes; they might take offence at the very highest class of men possible to have in this office; a vote on a pinching occasion, or a speech on any inconvenient topic, and at an inconvenient time, might give grave offence; and then, when the six years were up, it would be very easy to say it was better to have an infusion of new blood—some one who had come more recently from India—whereas, if they obliged the Minister, twenty reasons could be found why they should be reappointed, and no one appointed in their place. His opinion was, that the Court of Directors would be damaged by the nominee members sitting in Parliament, and that Parliament itself would be injured by their having seats. By the necessary constitution of things, the Minister could count on thirty-five votes, apart from others equally subservient, and if five or six were added, there would be forty, a number not very easy to overcome. If it were a question of argument, he would not care how many they were, but if it were a question of votes, he did object to five or six more Members not less dependent on the Government than any of those who sat on the Treasury bench. Having stated his views, he should propose that the clause be not agreed to.

SIR CHARLES WOOD could not think that the term "mere nominees" or "placemen," which had been applied to the gentlemen who would be nominated by the Government, was a proper term to use with regard to these persons. He did not think that any one who made use of such a term in this instance could have really considered what was the character of the persons likely to receive these appointments. The hon. Member for Montrose had talked about the gradually inincreasing number of placemen in that House, although the fact was that the number had considerably diminished of late years. Since he (Sir Charles Wood) had been in Parliament, five or six persons who held offices had been deprived of their seats. Formerly, there used to be upwards of forty Members, and the Government used to be able to make a House; but they could not do that now, and therefore the House was not likely to be overwhelmed with placemen. Neither were they likely to be overwhelmed with a number of Directors of the Company, for the number of Directors holding seats in that House had been also very greatly reduced of late years. But he would call attention to the class of persons from whom the nominee members of the Board were to be selected. They would be persons who had been in the service of the Company or of the Crown in India; but five-sixths of those appointed would be persons who had been in the service of the Company, and it was notorious that such men seldom returned from India until after some twenty to thirty years' service. The greater portion came home to a certain degree independent in point of fortune. All of them must necessarily be persons who had held high and important offices, and some of them would be used, not to move at the beck of Ministers, but to rule countries hardly inferior in extent to Scotland. Was it likely that persons of that description, men advanced in years, independent in character, and probably in a pecuniary point of view, would be men who, when they came home, were to be treated or thought of as mere placemen at the beck of a Government? The hon. Gentleman said they would only be appointed for six years, and that they must be at the beck of the Government for the whole of that period. Now, it was by no means so sure that the same Government would be in power at the end of this period; and the probability was that they would not be in power. Then, again, were not the persons whom he had described, the very class of persons whom they should desire to have in the House, who, from their knowledge and experience of India, having held high office there, must be conversant with the manners and habits of the people, and with the requirements and necessities of the country, and who could aid and instruct the House in its deliberations on the subject? Even at present the want of persons who were conversant with India, from their own personal experience, was perceptible. But he felt there was another point for consideration. The more we extended the freedom of election, the more independence we gave to the constituencies, the more it seemed to him advisable not to limit them in the choice of representatives. He thought it exceedingly desirable that the gentlemen selected in the manner proposed should have seats in that House; and as he did not believe they would be obnoxious to the charge of being placemen, he hoped the Committee would agree to the clause as it stood.

MR. COBDEN said, he thought this was by far the most important clause in the Bill. The right hon. Gentleman the President of the Board of Control had laid some stress upon the necessity of leaving to the constituencies the power of electing as their representative any person whom they might choose to elect. But in opposing this clause he did not profess to deprive any constituency of the power of electing any person to this House. The principle which his hon. Friend (Mr. Bright) asked the Committee to affirm was this:

The Government proposed to nominate six men to the Board of Directors; and he said that, in making that selection, they ought not to take a man who was elected, or who was going to be elected, as a Member of Parliament, on the ground that the duties of the two offices were incompatible with each other. His hon. Friend did not say that the persons appointed by the Government might not resign their office, and then be elected. Were they, then, doing anything contrary to the democratic spirit involved in the argument used by the right hon. Gentleman? In the United States, where certainly no one would say that the democratic principle was not fully carried out, the constitution prohibited any man who held an office of emolument under the Government from having a seat in Congress at all. Now it appeared from the statements of the hon. Member for Honiton (Sir J. W. Hogg), and from the hon. Member for Guildford (Mr. Mangles), that there was already a vast amount of business to be done by the Board of Directors of the East India Company; and when there were only eighteen Directors instead of twenty-four to transact that business, as would be the case under the Bill, he submitted that the gentlemen to be nominated by the Government, would have enough to do in Leadenhall-street without undertaking the onerous and continually increasing duties of a Member of Parliament. These duties were increasing to such an extent that constituencies would be obliged more and more to adopt the principle of electing men who had no other claims upon their time than their Parliamentary duties. It was not only the hours of attendance required in this House. Blue books came like an avalanche upon hon. Members, and the difficulty was, not to read them—that was wholly impossible—but how to find shelf-room for them. How could these gentlemen serve their constituencies, and at the same time attend to their duties in Leadenhall-street? If what the hon. Members he had just alluded to, and others, said about the duties of the Directors, were true, it would be impossible for them to attempt to take upon themselves the duties of legislators. The right hon. Gentleman (Sir C. Wood) said that these gentlemen, if in the House, would aid Parliament by their counsels. But the House could send for them now whenever their counsels were wanted. The persons so nominated might be sent for before a Committee, and in this way their experience and personal knowledge were always at command. There were several Directors in that House at present; but the gentlemen nominated to serve on the Board would be dependent upon the will of the Crown to a greater extent than was supposed. It was not merely that they might by services to the Ministry of the day procure their reappointment at the end of six years; but it must be remembered that they came from India, and would know very well, therefore, that there were great prizes in that country at the disposal of the Minister of the Crown; that there were posts to be given away there worth from 5,000*l.* to 25,000*l.* a year, to which these six gentlemen would all be liable. The military men might be made Commanders in Chief, and the civilians might be appointed Governors General, Governors of the Presidencies, or members of the Legislative Council, with 10,000*l.* a year; and he maintained that the gentlemen in question would be something more than human if, sitting in that House, and knowing all these rich prizes awaited them in India, they did not vote in accordance with the will and desire of the Crown, with a view to obtain some of the appointments in their gift. In this way the greatest temptations would be presented to these gentlemen that ever mortal man was exposed to, if they were brought into that House. Let the Committee remember that what they were now discussing was the question which had broken up the Government of Mr. Fox seventy years ago. It was the question of the patronage of India, and the patronage then was but as a drop in the ocean compared with what it was now. There was, he admitted, no danger now as regarded the abuse of patronage on the part of the Crown, but the same danger and difficulty existed as to the Minister of the Crown which prevailed seventy years ago; and they would be wanting in that spirit of proper jealousy which characterised their forefathers at that time, if they allowed men to enter that House who were dependent for their emoluments and honourable position on the approval of the Minister of the day. He hoped and trusted that the question would be carefully considered and discussed in all its gravity, before they came to a decision on the subject.

SIR HENRY WILLOUGHBY said, he thought the same argument that applied against the admission of the Crown nominees to Parliament, applied equally against the admission into the Court of Directors.

He could not, however, understand what would be the position of these nominees as regarded salary or patronage, and he wished, therefore, to ascertain from the right hon. Gentleman some information on these points, as they were most important elements in determining the consideration of the question which they were called on to decide.

SIR CHARLES WOOD: They will be in precisely a similar position as regards salary and patronage as the other Directors.

LORD STANLEY said, the right hon. Gentleman opposite, if he understood him correctly, rested his defence of this clause upon two grounds, which were perfectly inconsistent with each other. For, first of all, he declared that these nominees would not be dependent upon the Crown at all; and he argued, in the second place, that if, after all, they were to be rather dependent upon the Government, that there would be no great harm in such a circumstance. The great point of the right hon. Gentleman's argument was directed to this, that the influence of the Crown had diminished, that it was diminishing, and that it ought to be increased. And he certainly said that, in proportion as the power of the constituencies extended, it was the more necessary to have some counteracting force. Well, that was a point upon which it was hardly necessary to argue in the House of Commons; and he must say he joined issue entirely with the right hon. Baronet in its regard. But yet it was utterly inconsistent with the second point advanced by the right hon. Gentleman, in which he contended—though he (Lord Stanley) thought not very successfully—that the nominees of the Government would, in reality, be independent of the Minister of the day. Now, upon what ground did the right hon. Baronet say that the nominees would be independent? Why, he said they would be men who had filled high offices, who were advanced in years, and who, generally speaking, would be pecuniarily well off. As regarded the latter head, he (Lord Stanley), however, confessed he was by no means so certain. India was no longer a place for amassing fortunes at once, and gentlemen who went there generally returned, not advanced in life and perfectly independent in situation, but generally under fifty, and in circumstances that would induce them to keep their reappointment in view, and so render them subservient to the party which appointed them. On these grounds he objected to the Bill. For it ought to be very strongly recollected that these nominees were to be appointed but for a very short time, and also that they were re-eligible after a short period. And that appeared to him entirely to dispose of the argument that they must be very often independent of the Government, because it would occur that there might be a prospect of the retirement of the existing Government before they came to be re-elected. No doubt that might happen; but he begged to warn Gentlemen that the moment a feeling of gratitude ceased to operate upon the minds of man, a feeling of self-interest began to prevail; and when, therefore, a nominee had held his seat in the Direction for a certain period, he would naturally begin to think of the probability, or rather the possibility, of his re-election; and, therefore, it would come to pass that they would have a body of nominees who would be dependent upon the Minister, either from a feeling of gratitude, or, as the period of re-election approached, from a feeling of self-interest. But even supposing the nominees to be independent—which he did not think possible—still, he was by no means certain that they ought to have seats in that House. He certainly did not think it very advisable that they should have members of the Executive, gentlemen employed under Government, putting themselves in opposition to the Administration of the day. He could conceive nothing that could prove more inconvenient either to the Minister or to the persons acting under that Minister; and he therefore believed that they would be conferring a very great service indeed upon the nominees by relieving them from all the embarrassment and unpleasantness in which they must be placed by becoming Members of that House. For instance, let them just conceive a great question of Indian policy coming on—such a case as that of the Affghan war—a couple of years after one of these gentlemen had obtained his seat on the Direction; perhaps such a person might choose either to resign his seat in that House or on the Direction, to avoid the difficulty of the position. But, at all events, they would not tell him that a person so circumstanced might not be placed in a very great dilemma. They would not tell him that such a one would find it easy to act in deference to his own convictions against the Minister who appointed him on the Direction, and to whom he felt he owed his office. Well, then, he maintained that there was the strongest possible *primâ facie* ground against granting these nominees seats in Parliament. Nor did he think that they could fairly say it was an infringement upon the rights of the electors to reject the clause. No doubt an argument from the practice of everyday life, in the case of a mercantile firm for instance, had not the party employing an individual a right to the entire services of the person employed? and had not the Crown, according to the principles of the constitution, a right to hold the same language to its servants? But this argument had been used—that it would not be worth the while of persons who had held high office in India to accept seats in the House of Commons. He, however, did not think when they looked at the power and patronage which would be placed at their disposal, that they would be influenced by such a consideration. On the contrary, he thought it would be found that the appointments would be objects of ambition, and of very great competition among the members of the Indian service. But if it happened that having made the experiment they should afterwards find that they could not get the class of persons contemplated for these offices, the remedy to be applied was so to increase the salaries as to render the position of the Director a more eligible one, and not in increasing the power of the Government in that House to augment the risk of electoral corruption amongst the constituencies by placing persons who are practically of the Executive in the position of independent Members of Parliament.

SIR JAMES W. HOGG said, he wished to call the attention of the noble Lord who had just spoken to the argument which he had used when he had advocated that the nomination of the six members whom it was proposed to introduce into the Court of Directors should take place in some other way than by election. The House was then told that distinguished men who had held high office and rendered great public services in India, would not condescend to accept a seat in the Direction by the ordinary means of election—that of canvassing for votes. The House was told that it was absolutely necessary to adopt some means to secure the presence in the Court of Directors of men of a superior stamp, and that they would not condescend to solicit the electors for votes. It would probably interest the House to observe how the arguments now used tended to overthrow that opinion. The Amendment proposed would, in his opinion, entirely defeat the whole measure. If the impression were confirmed that these men admitted into the Court of Directors were to be stigmatised as mere Government nominees, as mere placemen, would men of lofty mind and high spirit, who had held responsible office in India, who would not condescend to accept a seat in the Direction in the ordinary way, be willing to accept it with the stigma that they were mere placemen? He was only anxious to insure, as far as possible, success to this measure; and, as the House of Commons had assented to the principle of introducing Government nominees into the Board of Directors, he was only anxious, although he had been himself opposed to the system of nominees, he was anxious that the system should be made to work as well as it possibly could. It could not work, unless it placed the best men in the Court of Directors; and if it were announced, and the principle recognised, that the nominees were placemen at the beck of the Minister of the day, if they were placed in the Court of Directors bearing the badge of dependency, all would be accomplished that could have been devised to defeat the operation of the measure. He would admit that the question was one of considerable difficulty; but the fact was, that these nominees, when they took their seat in the Court of Directors, would no longer be servants of the Crown, but servants of the Company. It was true that they would be nominated by a Minister of the Crown; but he could assure the Committee—and he could confidently appeal to hon. Gentlemen who were conversant with the affairs of India for confirmation—that when a man of Indian experience got into the Direction, he thought of nothing else but the duties of his position. He could not explain the fact; but it was no less true, that they did not perform the duties of their office from merely feelings of honour and duty, but throughout the whole of the service there was a particular feeling existing which caused them to identify themselves entirely with the interest and service of India. Every man felt that he had almost a personal interest in the success of the particular duty he had to perform. He had no doubt that the noble Lord the Member for Lynn Regis (Lord Stanley) had himself noticed the existence of that feeling in India. He should have wished that these nominees were to be chosen by the Court of Directors;

but, even if chosen by the Crown, he had no doubt that when they got into the Court of Directors they would be actuated by the same principle. He could assure the hon. Member for the West Riding (Mr. Cobden), and the hon. Member for Manchester (Mr. Bright), that the Directors of the East India Company had no light duties to perform, and that they were assiduous in their attention to them. From the evidence of Mr. Mill, no slight authority on these matters, it appeared that the Chairman and Deputy Chairman of the Court of Directors attended at the India House from twelve to four or five o'clock on every Court day. There were on those occasions at least twenty out of the twenty-four Directors present, and seven or eight attended every day. There was some force in the argument of the hon. Member for the West Riding, that there were places of responsibility and distinction in India, and that a desire of obtaining such a place might possibly influence the Parliamentary conduct of a Director; but the argument, after all, was not conclusive. The time of life at which men generally returned from India, rendered it improbable that they should wish to return there. Persons in the army or civil service had usually quitted the service on a retiring pension. Another thing he wished to point out was, that the argument against this clause had been based upon the assumption that all these six men were to obtain seats in Parliament. Why, at present the whole Company had only five representatives in that House. He did not think it at all probable that more than one of the six would obtain a seat. What the noble Lord the Member for Lynn Regis said with regard to the altered state of India was perfectly true, and many persons returned from that country with means not sufficient to enable them to obtain a seat in that House. The thing necessary to insure the success of this measure was, he believed, to elevate the character of the men to be placed in the Court of Directors; and if it were considered that it tended to elevate the character of those persons by excluding them from seats in that House, and placing them under a disqualification, he was unable to share that opinion. He could not see any reason why the six men chosen by the Crown should be placed in a worse position than those chosen by the very constituency of which hon. Members had spoken in a not very respectful manner. It was a matter to which the highest possible importance was attached, and he trusted that the House would not sanction an Amendment which, he felt convinced, would tend to prevent persons of the highest capability from consenting to enter the Court of Directors as nominees of the Government.

Mr. MILNER GIBSON said, he should be sorry to dispute the statement made by the hon. Baronet the Member for Honiton as to the zealous manner in which the gentlemen connected with the East India service performed the duties connected with their position; but he could not, on the other hand, run into the extreme of supposing that they were entirely exempt from the infirmities of the rest of mankind. The Legislature had always shown themselves extremely jealous of the independence of Parliament, and of the admission of placemen to that House. He could not say that what had been urged in this case was sufficient to render it an exception from the rules which Parliament had prescribed under similar circumstances. He had been rather surprised when he heard the hon. Baronet dilating on the extreme attention which gentlemen holding office under the East India Company bestowed upon the duties of their profession, for when the hon. Baronet said that their whole time was devoted to the public service, he could not help thinking to himself that if that were so, they would have but little time to devote to the business of that House; and it was not very improbable that a gentleman, the whole of whose time was occupied in performing the duties of a position to which he had been appointed by the Government, would attend in that House merely in obedience to a circular from the Treasury to support the Minister; and, if that were so, it became a question concerning the independence of Parliament. The right hon. Gentleman the President of the Board of Control had seemed to say that we lived now in better times, and that it was not necessary to take the same precautions against corruption now as it had been in a more corrupt period of history. If that was his real opinion, why did he not raise the general question, and bring in a Bill to repeal the Statute? Let the whole question be raised on the broad principle; but he objected to its being disposed of by the importation into that House of six new placemen by a clause in an India Bill. The Act 6 *Anne*, cap. 7, in Clause 25, said, Be it enacted—

"That no person who shall have in his own name, or in the name of any person in trust for him or for his benefit, any new office or place of profit whatever under the Crown, which at any time since the 25th of October, 1705, has been created or hereafter shall be created, shall be capable of being elected, or of sitting or voting as a Member in the House of Commons in any Parliament which shall be hereafter summoned and holden."

If the whole question were openly raised on the broad basis as to the expediency of repealing that Act or not, it would be a very different matter. He would merely observe, that at the present time it was permitted to have in the House the President of the Board of Control, a Secretary of the Board of Control— [Mr. Disraeli: Two Secretaries.] Two Secretaries; and by the present measure it was proposed to let in six Directors nominated by the Crown, who would, in point of fact, be nothing more or less than Under Secretaries, and thus the Board of Control would have no less than nine placemen to represent it in that House. By an Act *Geo.* II., no department was entitled to more than one Under Secretary, and he did not understand why a virtual alteration should be made as regarded the Board of Control. The question was one of a most important constitutional character, and it was made certainly rather an alarming one by the speech of the President of the Board of Control, for the right hon. Gentleman seemed to argue that the present age was so much in advance of past times as to render it unnecessary to take any safeguards to secure the independence of Parliament. As it was, he was convinced that the Government had already a sufficient number of representatives in that House, and he did not see why the number should be increased. Under these circumstances, he should certainly vote for the exclusion of the clause.

Lord JOHN RUSSELL said, he could not wonder at there being some jealousy felt with regard to the introduction of, possibly it might be, six persons into that House who had been nominated by the Crown to the Board of Directors. At the same time, it was certainly extraordinary to find that those who a week or two ago were so exceedingly jealous of the Directors that they were for throwing into the hands of the Crown an immense amount of power which would have enabled it to exercise much more influence over Members of that House than that it hitherto had, should now have altogether lost that jealousy, and endeavoured to depress the Crown in comparison with the Court of Directors. No man could deny that if there were eighteen persons in the Direction, and the twelve who were nominated by the proprietors should have the power of sitting in Parliament, while the six nominated by the Crown had not that privilege, the twelve nominated by the proprietors would be immeasurably above the six nominated by the Crown. You weakened *pro tanto* the influence of the Directors nominated by the Crown, and raised the influence and authority of those nominated by the proprietors. This might be the right course to take; but it was the opposite to that which hon. Gentlemen opposite had taken a fortnight ago. With regard to the broad principle which his right hon. Friend who spoke last wished the House to assert, of the exclusion of placemen from Parliament, he was afraid his right hon. Friend had not well studied the exact history of the Act of Anne which he had quoted. If he had, he would have known that that which he called the assertion of a broad principle, was nothing more or less than a compromise between two principles which were broadly asserted by opposite parties. The Tory party maintained that no person named by the Crown ought to have a seat in that House; while the Whig party, taking, as he thought, a much more rational view of the constitution, said there ought to be no restriction upon the privilege and right of a constituency to elect whom they pleased, and that persons holding offices from the Crown were as well entitled as anybody else to seats in that House. The principle was debated upon broad grounds on either side of the House, and there was very little likelihood of their coming to a decision, until Mr. West suggested an expedient that men who took office should be re-elected and sit in Parliament according to principle. So this broad principle was in fact a compromise, which went by the name of "West's Expedient," and it had existed ever since. He did not say it was a bad expedient, because it had established the principle for which every Whig contended—that the Ministers of the Crown should sit in Parliament. Since that time they had seen that the number of placemen in Parliament had been very much diminished. Not very long ago—he was not sure whether he was in Parliament at the time, but certainly about the time he entered Parliament—there was a Treasurer of the Navy, two joint Paymasters of the Army, a Treasurer of the Ordnance—making five persons—representing the organ of payment alone.

There was not at this moment a single Member of the House of Commons representing that department. This was one instance among several he could quote, in which the number of persons holding office in that House had been reduced. There had been one or two from the Treasury, and some other officers, reduced. So that, in fact, with regard to the number of officers, if they were to allow this clause to pass as it was, there would not be so many persons eligible to seats in Parliament as there were not a great many years ago. But look at the practical effect of this doctrine. It was always represented as if the whole of these Members nominated by the Crown might be sitting in Parliament. That might be a good bugbear with respect to the East India Company, if experience did not contradict it. At present there were twenty-four members belonging to the Company, all of whom were eligible to seats in Parliament, and it might be said, "Look at the influence of these twenty four men, sitting in the House of Commons, all of them bound together by a common tie, and able to determine, in favour of any party that they chose, the decision of the House on the most important questions." Well, but everybody knew that this was not so, and that they never had had twenty-four Directors of the East India Company sitting there and acting as a party. They had had five, or six, or perhaps as many as eight, which was one-third of the whole body of Directors sitting in that House, and he did not know that there had been any occasion on which they had all belonged to the same party; perhaps five had been of one party, and two or three of another, and in that manner there had been no very dangerous influence exercised. But if the whole of the present number of twenty-four Directors had not sat in the House together, why should they suppose that the whole of the six Directors nominated by the Crown should have seats there? He believed that the utmost number of East Indian Directors who of late years had sat in the House of Commons had been eight—that was to say, one-third of the entire number—and he should think that one-third of the Directors nominated by the Crown—namely, two—would also be the number that would probably sit in Parliament. And of these two, how many would there be who would be likely to follow the Minister of the day? It was supposed, but in his opinion most unwarrantably, that these two Directors would be in the same situation as gentleman who held office during pleasure, and who always attended to give their votes in favour of the Government. Now, it seemed to him (Lord John Russell) a most irrational supposition that that should be the case. In the first place, these were to be gentlemen of certain qualifications, who had served ten years in India; they would probably be pointed out by their qualifications to the Minister of the Crown, and they would probably come home with no great political bias; but whatever might be their opinions, whether in favour of a particular Government or against it, he (Lord John Russell) thought that no President of the Board of Control could oppose the appointment of any eminent man on the Opposition side of the House, on the ground simply that he did not belong to the Government party. And if a person were nominated to office, and should be so fortunate as to obtain a seat in that House, it was most improbable that he would consider himself under such obligations to the Government for naming him to that office, that he would think himself bound to support that Government on all occasions. On the contrary, he (Lord John Russell) should suppose that he would always vote with his party, that he would vote for the Government if he belonged to them, and otherwise if he were against them. He would not be in that House for the purpose of assisting the Government. Everybody knew that the purpose of Government was to carry on the general business of the country; but the nominated Directors would not be appointed for any such purpose, but for the special purpose of attending to the affairs of India, so that he might say at once, as an Englishman of independence of mind would say, "If I receive this office, do not suppose that I am to be bound to vote with the Government on every occasion;" and if he were to say so, no President of the Board of Control would venture to contradict him. The probability, then, was, that this great danger, which was so much talked of—this hobgoblin that had been raised against the proposition—would amount to this—that they would have two men sitting in Parliament, one most likely in opposition to the Government, and the other sitting on the Government side, but not voting on every occasion with the Government. There was another respect in which it was quite obvious that these gentlemen would not be in the position of persons holding office during pleasure. When the Minister of the day resigned, every person holding office during pleasure resigned with him, and others were appointed in their place by the new Minister. But these gentlemen belonging to the Court of Directors would remain in their offices, and would retain their seats for the term appointed; and no one could suppose that they would have so much subserviency as to change their votes with every change of Ministry. It must be recollected that they were not now sitting in a Parliament where so many seats were dependent on borough nominations. These gentlemen must have constituents, and those constituents must have elected them on certain principles. One man might be a friend of free trade, another might be favourable to Protection; one might support the Established Church, and another might be opposed to it; but whatever their principles might be, they would have declared them to their constituents, and therefore it was not a change of Government that would induce those men to alter their conduct. He consequently submitted that, whatever might be the unfavourable appearance of admitting these six Directors to sit in that House, the real practical danger was very small; and as for the broad principle which his right hon. Friend (Mr. M. Gibson) contended for, it was no broad principle at all; it was merely a compromise—a very useful compromise—effected for the sake of convenience. If the broad principle for which the Tory party contended had been established, no person holding office would have a seat in that House, and the constitution of this country would be totally different from what it now was.

Mr. RICH said, he must yet contend that while the Indian Board was represented by its Members in that House, and the Government by the Secretary of the Board of Control, the Government nominees would neither represent India nor the Government, and stood, therefore, in a most anomalous position. The House had acted on the principle of getting rid of the subordinate officers of Government, as in the case of the Commissioners of Greenwich Hospital, and in other instances, and these Directors would not be in such a high station that they ought to have seats. He would recommend that there should be a limitation placed to their tenure of office. If they were to have seats at the Board renewable at the pleasure of the Minister, he was afraid they would not do much honour to themselves. The best men for the office of Directors would be those who on their return from India would be least desirous of a seat in that House, and who, probably, would not have means enough for it. Feeling the Directors nominated by the Crown could not be independent, he would vote against the clause.

Mr. VERNON SMITH said, he had listened with great satisfaction to this discussion, and he thought he might venture to say that if he had brought forward that evening the proposition which he had laid before the House a few nights ago, he should have had the support of the noble Lord the Member for Lynn Regis, and of the hon. Member for Manchester. He had objected to that part of the Government plan by which a portion of the Court of Directors was to be nominated by the Crown, and he did so still; but he would not consent to brand those gentlemen who were to be thus appointed. There was no word of abuse which had not been lavished on the gentlemen whom the House the other night determined to appoint as part of the Board; but, objecting to that as he had done, he would not consent to place a hand on a portion of the Board and to exclude six of the eighteen members of the Board they were about to form from Parliament. He did not think there was anything in the argument that these gentlemen would have no time to sit in that House: there were many others engaged in business in that House, from whose presence they derived great advantage; but he must say there had been an inconsistency in the arguments of the right hon. Baronet the President of the Board of Control, and of the noble Lord the Member for London; for at one time they had contended these gentlemen would not be at the beck and call of the Minister, and at another they said that the number of officers of Government sitting in Parliament had been so much diminished that there could be no harm in admitting them. He, therefore, contended that these gentlemen would be liable to the influence of the Crown, though he thought there would be certain advantages in the discussion of Indian affairs in having them present. At a future period it was his intention to propose to exclude one of the Secretaries of the Board of Control from a seat in that House. He thought it would be much better to have one political secretary and one permanent secretary. That change would only diminish by one the number of the Members of Government with seats, and the use of a permanent secretary would be greatly felt. If they formed a Board—six to be elected one way, six to be elected another, and six to be nominated by the Crown, who alone could not sit in Parliament, they would draw a most invidious distinction; and in the difficulty, which he admitted to be very great, the best way appeared to be to leave the constituencies of the country to choose these gentlemen at pleasure.

Sir HERBERT MADDOCK said, he was not surprised to find the clause had given rise to the constitutional jealousy of the House; but he thought that jealousy might be much lessened if the Government would make a slight alteration in an earlier clause of the Bill. The only reason for supposing these Directors would be dependent on the will of the Minister, was to be found in the duration of their office and its renewal. He strongly recommended the President of the Board of Control to consider the propriety of limiting the appointment for a term of years without any capacity of reappointment. They ought not to have the power of returning the same six persons indefinitely, and if they wished to retain the services of the best qualified persons in India, they would make the office of brief tenure.

Question, "That Clause 10 stand part of the Bill."

The Committee *divided:*—Ayes 139; Noes 79: Majority 60.

Clause *agreed to;* as was also Clause 11.

Clause 12 (Oath of Declaration).

Mr. HUME moved as an Amendment, that a declaration should be substituted for an oath, contending that nothing attached to the duties of a Director which could warrant the solemnity of an oath for their discharge.

Amendment proposed, in page 6, line 11, to leave out the word "Oath," and insert the word "Declaration."

Mr. BRIGHT said, he should support the Amendment. He would submit to the Committee whether it was not worth while, when they were called upon to re-enact the Directors' oath, that they should set an example of getting rid of the oath altogether, and substituting a declaration for it. He was happy to think that of late great progress had been made in the public mind on this subject, and in the right direction. Did the Committee think a Director would fulfil his duty one whit the better by reason of his taking an oath, instead of a solemn declaration to the same effect? He thought it was part of the true policy of the country to seek to diminish oaths on every occasion on which it was practicable, by which means the standard of truth and integrity would be raised among the people.

Mr. HADFIELD said, the moral feeling of the community was shocked by the multiplicity of oaths, which he was confident, instead of tending to truth, had a contrary effect.

Mr. EWART said, he was against the taking of oaths, both on moral and religious grounds; and there was no doubt that the feeling of the age was in favour of their discontinuance as much as possible. He believed the noble Lord the Member for the City of London intended to introduce a Bill for the abolition of unnecessary oaths, especially with regard to Jews; and he (Mr. Ewart) should like to know upon what grounds they would be justified in retaining oaths in an India Bill when Parliament was about to abolish them with regard to other persons?

Mr. J. B. SMITH said, there was a case which came under his notice before a recent Election Committee, in which it struck him that persons of high moral character, who might have some conscientious scruple against taking an oath, might have no objection to make a declaration; and if this clause passed as it stood, such persons, however undoubted their capacity and fitness, would be precluded from serving as Directors. He hoped, after the experience they had had, the Committee would consent in this case to the substitution of a declaration for an oath.

Mr. ELLICE said, that they had already substituted a declaration for an oath with respect to the qualification of Members of Parliament, and he did not see why they should require a Director to take an oath that he possessed a certain amount of stock.

Sir CHARLES WOOD said, he had already proposed to leave out the oath as to qualification, and to substitute a declaration instead; the oath would then simply stand as an oath of office, pledging the persons not to allow themselves to be actuated by improper or corrupt motives. He must say that, if an oath was to be taken in any case whatever, he could hardly conceive a case more solemn than when an oath was to be imposed on a man that he would discharge a trust without being influenced by corrupt motives.

Mr. J. G. PHILLIMORE said, he had hoped the Government would have taken the present opportunity of getting rid of the administering at least of one oath, and thereby read a moral lesson to the country.

Mr. NEWDEGATE said, he had heard many recommendations with respect to the abolition of the imposition of oaths, but he had never heard the suggestion to abolish the oath of allegiance. The Directors of the East India Company, in many instances, had to discharge functions similar to those discharged by Members of Parliament, and he should oppose the present proposal to substitute a declaration for the formal oath.

Mr. E. BALL said, he should support the Amendment, believing that the honour of the person appointed would be a sufficient security for the faithful performance of the trust confided to him.

Mr. Serjeant SHEE said, he believed that no oath was taken by the Ministers of the Crown on their assuming office, but that they simply made a declaration that they would protect the institutions of the realm. That declaration was of the most solemn and binding obligation. Surely, if a declaration was sufficient protection for the Protestant Church, and for the proper performance of the high office of a Minister of State, it was quite sufficient to secure a due discharge of the duties of a Director of the East India Company.

Lord STANLEY said, he believed that a man was equally liable to penalties whether he violated an oath or a solemn declaration; and he did not, therefore, in that point of view, think that the doing away with an oath was of any very important consequence. But he apprehended there was something more in the proposed Amendment than the mere changing of an oath for a declaration, and that it was intended to imply that, an oath being needless in the present case, it afforded no security. Being himself of that opinion, he should support the Amendment.

Mr. VERNON SMITH said, he had no doubt that a declaration, subjecting the person taking it to penalties, would be equally binding as an oath; and he thought his right hon. Friend (Sir C. Wood) would do well to adopt the Amendment proposed, and at once substitute a declaration for an oath.

Sir ROBERT H. INGLIS said, he considered the statement of the hon. and learned Serjeant (Mr. Serjeant Shee) was erroneous—namely, that Ministers take office upon a mere declaration; for, on the contrary, they have an oath solemnly administered to them. The proposition before the Committee was not merely to abolish the oath in this instance, but to abolish oaths generally. Knowing the influence which oaths had on the consciences of men, he, for one, could never agree to that proposition.

Mr. MASTERMAN said, he very much objected to taking oaths unnecessarily, and he thought the Government would do wisely to accede to the Amendment. Formerly an East India Proprietor had to swear to his qualification; but by his efforts that oath had been dispensed with, and a declaration had been substituted. He had found throughout life that where unnecessary oaths were imposed, they produced no good effect, and the public feeling was always in favour of their abolition.

Mr. BRIGHT said, he thought that the general expression of opinion on this occasion ought at once to influence the right hon. Gentleman (Sir C. Wood), and induce him to accede to the proposal which had been made. He believed the concession would be exceedingly well received by all parties.

Mr. I. BUTT said, that he would not ask the attention of the Committee but for the last observations of the hon. Member for Manchester; but as he found his silence misunderstood, he was bound to say for himself, and certainly for many who were sitting near him, that they entirely dissented from the views of the hon. Gentleman. Let him, in the first place, correct a mistake into which the right hon. Gentleman opposite (Mr. Vernon Smith), and some other Gentlemen, had fallen. It had been said that a declaration would be equally binding as an oath, since its violation would entail the penalties of perjury. Whatever value might be in the argument, it was founded upon a complete mistake. In neither case would any penal consequence follow the violation of the engagement, whether it was in the form of an oath or a declaration. No principle of law was better settled than this, that no criminal prosecution could be maintained for a violation of an oath of this nature—an oath of fidelity or good conduct in an office. Its only effect was as it bound the conscience of the person who took it. Had any reason been given why the engagement in this instance should not be entered into with every possible solemnity? The proposal was not to dispense with any obligation, but to substitute a mere declaration for an oath. If it was intended to raise the general question as to oaths, it was raised in the most inconvenient form. Let the hon. Gentleman bring forward a proposal that oaths ought in every case to be dispensed with, and he was ready to meet him. But while they retained their oaths of office in every other department, what reason could be given for dispensing with it in an office in which they intrusted a man with power over the government of 100,000,000 of people? The right hon. Baronet the President of the Board of Control had set the question at rest when he said that if in any case they ought to impose an oath, they ought to do so in this. If hon. Gentlemen opposite wished to get rid of oaths as a part of our social polity, let them raise that question boldly and firmly. Let them propose to abolish the oaths taken by Members at the table of that House—to dispense with oaths in all the high offices of State—let judges and magistrates administer the law without being sworn to execute justice impartially—let jurors be no longer sworn to give true verdicts. Would any man venture to tell him the feeling of the country was in favour of this? Would Englishmen be satisfied that their lives and properties should be disposed of in courts of justice by men not acting under the solemn obligation of an oath? He utterly denied that the feeling of the country was against the taking of an oath upon occasions that justified that solemn appeal to the Creator. The feeling of the country was against the use of an oath upon a trivial occasion—but why?—in order that it might be reserved unimpaired in all its solemnity and reverence for those occasions which justified it. He thought that the case now before them was one that did so, and he emphatically contradicted the assertion that to impose an oath upon such an occasion was to outrage the moral or religious feeling of the country. But yesterday that House had compelled him (Mr. Butt) to swear at the table that he would do impartial justice when they trusted him with the determination of a disputed election. He was not ashamed to say that he went to the discharge of those duties with a resolution to do justice, supported and solemnised by the remembrance of that obligation. But was he now to be told that when he took that oath at that table he had done an act which was an outrage to the moral and religious feeling of the country? This was the ground upon which they were asked to dispense with an oath of office from the East India Directors. He implored of the House to pause before they yielded to an argument like this. An oath was now the foundation of their whole social polity. Were they prepared to brand the whole structure of their Legislature, their social and their judicial system, as outraging the moral and religious feeling of the country? Let no man mistake the true question that was now before them. The true objection to the oath by hon. Gentlemen opposite was an objection to anything that implied a national recognition of Divine Providence. ["No, no!"] Upon what other grounds did they propose to substitute a declaration for an oath? It was argued, indeed, that these pledges would not bind men to act honestly who would not act honestly without them. But you do not act upon that principle. You ask for the pledge—you impose a declaration, and only object to the oath. What was the difference? In the one case you bound men by an engagement which appealed to feelings of honour between man and man; in the other you added to the obligation of that promise the sacredness of an appeal to the presence of the Creator. He trusted the Government would not give way upon this question, which involved principles of serious importance; he believed the hon. Member for Manchester had entirely mistaken the feeling of the House—certainly of those who sat near him (Mr. Butt). He believed a majority of the House were perfectly ready to support the right hon. Baronet in resisting the Amendment. He would vote against that Amendment upon the plain ground that they were not justified in bringing incidentally into question a principle that pervaded the whole system of their polity—the principle that those who administered great and solemn trusts should do so under the religious sanction of an oath. If hon. Gentlemen opposite desired to get rid of that principle, let them bring forward a general Resolution. He was convinced that the people of those countries deliberately desired to see that principle maintained. He thought it was right and fitting that as a Christian nation we should attach a religious sanction to important national trusts; and while this was the principle of our polity, he could conceive no more fitting or solemn occasion than that upon which the oath they were now discussing was proposed.

Mr. COBDEN said, the only argument of the hon. and learned Gentleman was, that they were not doing right in dealing with this question on the present occasion. He did not understand the hon. and learned Gentleman to say that the efforts which had been made to diminish the number of oaths were unwise, and surely he did not mean to deny that they had now been for some time gradually abolishing oaths. Was he ignorant that the Duke of Richmond once boasted in the House of Commons that he had been instrumental in abolishing some millions of oaths per annum? Did he object to that; would he revive those oaths; would he restore the oaths which were taken in the Custom House, for instance? The hon. and learned Gentleman did not object to the principle of diminishing the number of oaths, but he objected to deal with the subject now. But how were they to prevent the increase in the number of oaths except by stopping the principle when it was proposed to introduce it, as in the present case? What was said now was, not that they would abolish all oaths taken by magistrates, lords lieutenant, and every other official. They were not proposing to prevent the hon. and learned Gentleman from cross-examining a witness according to law under the responsibility of an oath, nor from going into a Committee room to discharge those functions the responsibility of which he professed weighed upon him when he had taken an oath. For himself, he hoped he should go into a Committee room without having taken an oath with just the same feelings of responsibility as if he had gone through that ceremony. The single question before the Committee was, whether or not they would consent to increase the number of oaths in a case where it had been clearly demonstrated to be unnecessary?

Lord JOHN RUSSELL said, he did not think the hon. Gentleman had quite followed the argument of the hon. and learned Gentleman opposite. The hon. and learned Gentleman did not argue that it would be incompetent or unwise for Parliament to abolish oaths when they were unnecessary, or when they were taken upon trivial occasions; but what he said was, that this was not a trivial occasion, or an insignificant or trifling oath, but an oath taken upon a solemn occasion, and for solemn purposes. The question was not, as had been stated by the hon. Gentleman the Member for the West Riding, whether or not they should add additional oaths to those already taken—because there was an oath now imposed upon persons elected to the office of Director of the East India Company, and, some parts of it being thought unnecessary, it was proposed to leave them out—but it really was, whether the occasion of taking an office of this great importance, power, and responsibility, was one fitted for taking an oath. If it was a fitting occasion, then the principle was not in question; but if it was not, then the oaths taken by the Lord Lieutenant, the Lord President of the Council, and all other persons holding office in this country, were improper, and there ought to be an Act passed to abolish them.

Question put, "That the word 'oath' stand part of the clause."

The Committee *divided*:—Ayes 138; Noes 99: Majority 39.

Mr. J. B. SMITH said, he would move the insertion of the words, "Or declaration," with a view of making it optional for persons whether to take the oath or make a declaration.

Sir CHARLES WOOD said, that the general law already provided for cases where declarations could be substituted for oaths, and there was, therefore, no occasion for inserting a particular provision in the Bill to meet this particular case.

Mr. J. B. SMITH thought there would be less objection on that account to insert this provision.

Mr. BRIGHT said, he thought the right hon. Gentlemen was misleading the Committee entirely on this point. A declaration could only be substituted for an oath in the case of persons belonging to the Society of Friends, of Moravians, or of Separatists, all three very small bodies. Indeed, he believed, he had never met with but one Separatist in his life. However, the great bulk of persons, 99 out of 100, would be obliged to take the oath, and it was possible that they might thus shut out a number of persons whose services would be very valuable. The Bill introduced by the right hon. and learned Recorder of London (Mr. S. Wortley), for the purpose of substituting declarations for oaths in certain cases, would not meet this case, as it applied only to judicial oaths, and would afford no relief to those who were called on to take the oath of office for a Director of the East India Company. He really thought the Government ought to give way, especially after the late division, when almost every Member on that side of the House, except the Members on the Treasury bench, had voted in the minority. It was only by coalescing with hon. Gentlemen opposite—a course which was considered treason to the Treasury bench, when Gentlemen on that side of the House took it—that the Government had obtained a majority of thirty-nine, a number which the hon. Baronet below (Sir R. H. Inglis), the great stickler for oaths, would no doubt think more highly of than ever.

Mr. E. BALL said, he had voted with the hon. Member for Manchester (Mr. Bright), not because he objected to oaths altogether, but because he considered that the more seldom they were administered the more solemn they would be.

Mr. HEYWORTH said, that some members even of the Church of England objected to oaths on the ground that they thought the text "swear not all," ought to be literally construed, and they would not be relieved by the existing law. There were a great many persons, not Quakers or Moravians, who had conscientious objections to taking an oath, and they should have the option of making a declaration.

Lord STANLEY wished to know if the sects now privileged by law in other cases would be exempted from taking the oath under this Act?

Sir CHARLES WOOD wished to say, that if an oath was to be taken at all, this was an occasion on which it should be taken. If it was wished that oaths should not be taken, then let there be a general measure for that purpose; but he objected to a partial proposition in a Bill like the present. In answer to the question of the noble Lord (Lord Stanley), he had to state that, whenever by the existing law a person was relieved from taking an oath, he would also be relieved under this Bill.

Mr. J. B. SMITH said, this was not a question of oaths. What he proposed was, that there should be the option of making a declaration on the part of those who were neither Quakers nor Moravians, but who, nevertheless, objected to taking an oath.

Question put, "That those words be there inserted."

The Committee *divided*:—Ayes 85; Noes 124: Majority 39.

Clause *agreed to.*

Clause 13, (By-laws should be made against canvassing for Directorship).

Mr. BRIGHT said, he objected to this clause, that it would not have the effect of preventing canvassing for the office of Director, except on the part of proprietors of East India Stock, or Directors; it could therefore be easily evaded by aspirants after a seat at the Board.

Sir CHARLES WOOD hoped the Committee would allow them to proceed with that and the 14th clause.

Mr. HUME thought it would be better to have a statutory declaration against canvassing than a by-law.

Mr. BRIGHT said, the clause would not prevent canvassing. If a candidate could not canvass, he could get some one to canvass for him.

Sir JAMES W. HOGG said, that if they precluded proprietors from canvassing, they precluded the candidate, because no one could be a candidate who was not a proprietor. In point of fact, though the clause did not appear to be effectual, it did all that could be done, and he thought if they got the proprietors to pass a by-law to put an end to what all admitted to be an evil, that and public opinion together would prevent the binding of votes for two or three vacancies which now occurred. It would be much better that the candidates should send in their testimonials to the proprietors, and that the proprietors should then go to the election without canvass.

Lord STANLEY said, he quite agreed with the hon. Baronet that public opinion might do a great deal, but public opinion would do as much without this clause as with it. What reason was there why Parliament should not take the matter directly into its own hands, and prohibit what was proposed to be prohibited by a by-law?

Mr. MONCKTON MILNES thought this a most ineffectual clause. If a man sitting at a dinner table said to another, "I should be glad if you would vote for my friend," he would be fined under the proposed by-law, 100*l*. This appeared to him a disturbance of all the ordinary rules of society, and he should vote against the clause as impracticable.

Mr. BRIGHT said, he was in favour of canvassing, and was against the clause on that account. A man might send a cart-load of testimonials, but he would rather see his face and the shape of his head. He had known the most incompetent men produce unexceptionable testimonials.

Sir CHARLES WOOD said, he was perfectly ready to give up the clause.

Clause *struck out.*

Clause 14 (Twenty proprietors shall form a quorum).

Mr. BRIGHT said, this was a most curious clause. The object of it was to snuff out that moribund body, the Court of Proprietors, when any serious business was done. When any business was brought on which the Court of Directors did not like, the hon. Member for Honiton (Sir J. Hogg) would only have to give a hint to his friends to go into the next room, and the House was up. He did not wish to set up the Court of Proprietors; they were as near defunct as possible, and this clause would kill them outright. Mr. Melvill, in his evidence, recommended that there should be a quorum, because at present, when there might be only four or five proprietors present, speeches were made which got into the newspapers.

Sir JAMES W. HOGG said, the Directors were obliged by law to lay certain documents before the Quarterly Court of Proprietors, which were then placed in a room in the India House, and all proprietors had access to them. Suppose a meeting, at which there were only four or five proprietors, some one might get up and say there was not a quorum, and the Directors would then not be able to lay these documents before them. The hon. Gentleman the Member for Manchester (Mr. Bright) had referred to the importance of the debates which took place in the Court of Proprietors; but he could assure the hon. Member that these discussions, which sometimes extended over several days, or to an advanced hour of the night, were exceedingly inconvenient, because they obstructed public business, and were generally carried on by only two or three proprietors. The business of a Quarterly Court ought not to be stopped by discussions of a useless character, and he hoped the precautions which the clause provided against such obstructions would be agreed to.

Mr. HUME said, he objected to the quorum, for it was only right that an occasion should be set apart once a quarter upon which the grievances of India could be discussed. He had often been present at these meetings, and he could bear testimony to their usefulness.

Sir HENRY WILLOUGHBY would suggest that stringent powers should be given to the Chairman of the Company to preserve order in these quarterly meetings of the proprietors.

Clause, as amended, *agreed to.*

House resumed.

Committee report progress.

EXPENSES OF ELECTIONS BILL.

Order of the Day for considering the Amendments to this Bill read.

Clause—

> "Provided always, that none of the provisions herein contained shall prevent or interfere with any of such matters as aforesaid for any lawful purpose, or upon any lawful occasion, entirely irrespective of and not having any reference whatever to any such Election, or the business or arrangements of the same."

Brought up, and read 1°.

Mr. HUME said, that he wished to propose several additional Amendments, and he hoped the further consideration of the measure would be postponed to some day on which a discussion could take place.

Mr. CRAVEN BERKELEY said, he would suggest that the hon. Member for Montrose should defer the provisions he wished to engraft upon the Bill until next Session, when the noble Member for the City of London intended to bring forward a general measure on the subject of the representation.

Sir HENRY DAVIE said, he had never heard of any complaint in Scotland with regard to the proceedings to which the Bill referred, and he would, therefore, oppose the application of the measure to that country.

Mr. FORBES said, he could not see, if this Bill was a good one, as he supposed it was, why it should not apply to Scotland as well as to England.

Colonel SIBTHORP had before said that he looked upon this as a mean, dirty, shabby Bill, and he still entertained the same opinion. Entertaining that opinion—however he might regret that an hon. Friend of his should be excluded from the House—he hoped that that would be the effect of the Bill. Whoever dared to attempt to deny his constituents the power of expressing their proper feelings on such occasions, was unworthy to be returned by them. He should only have expected such a Bill from one who had not a shilling in his pocket. He should move that the further consideration of this Bill should be postponed till that day three months.

Mr. GEACH said, he felt very strong objections to this Bill, because he thought it attempted to do that which never could be done—namely, to put down the expression of popular feeling. There was a large class of the community who were not intrusted with the franchise, but, at the same time, it was admitted that those who were intrusted with it were trustees for those who were not. Well, then, this large class of non-electors had scarcely any means of expressing their opinions, if the Legislature put down the use of all outward emblems, such as mustering under flags, and marching in procession with music. Those classes had a right to express their opinions, and if they were deprived of the means of peaceably expressing them, they would be driven to adopt a way which would be more difficult to deal with, and greatly more injurious. Besides, there was often a great deal of undue influence exercised at elections, which it was very difficult for a man to withstand without the legitimate excitement which took place on such occasions.

Sir JOHN PAKINGTON said, he only wished to express the strong objection which he entertained to the practice of bringing on opposed and debated Bills at such a late hour [*half-past* 1 *o'clock*].

Mr. COWPER said, he thought that this Bill had been allowed to pass through its previous stages without due deliberation, for it seemed to him that its provisions were by much too stringent. One clause, for instance, exposed a Member to the loss of his seat if it were proved that he had been instrumental in causing other persons to play on instruments; while another clause provided that if a person totally unconnected with the candidate blew on a French horn or beat a drum, or the like, he should be taken before two justices and heavily fined. He thought the House should rather endeavour to improve the taste of the public for music, than try to stop it in this way.

Motion made, and Question put, "That the further Consideration of the Bill, as amended, be deferred till this day three months."

The House *divided :*—Ayes 60; Noes 66: Majority 6.

Clause read 2°, and *added.*

Bill *re-committed* for *Wednesday,* 3rd August.

The House adjourned at a quarter after Two o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, July 18, 1853.

Minutes.] *Sat First in Parliament.*—The Lord Dacre, after the death of his Father.

Public Bills.—1ª Elections; General Board of Health (No. 3).

2ª Colonial Church Regulation.

Reported.—Copyholds.

3ª Holme Reservoirs (No. 2); Taxing Officer, Common Law Business (Ireland).

RUSSIA AND THE PORTE—QUESTION.

The Earl of MALMESBURY: My Lords, I wish to call the attention of your Lordships to a matter which I think is of some consequence at the present moment, and to ask a question relating to it, of my noble Friend the Secretary of State for Foreign Affairs. Some of your Lordships have already observed on the tenor and language of the two notes which have appeared from the Russian Government—the two circular notes addressed to their diplomatic agents throughout Europe. I will make no observation on the tenor and subject of those notes, except to say that I do not agree in the premises laid down in many parts of those documents, and therefore I cannot agree in the arguments which have been founded on what I consider to be erroneous premises. But, my Lords, I have been waiting with considerable impatience—and I think your Lordships must have joined in the same feeling—for the answer on the part of Her Majesty's Government to those two circular notes. I have been myself particularly anxious to avoid embarrassing Her Majesty's Government in any way, by any observations relating to the unfortunate occurrences which are now going on in the East; but I think it is now time, my Lords, for the dignity of this country, and I think it is fair on the part of the Opposition, to ask Her Majesty's Government whether they have made a reply to those notes; or whether if they have not, they intend to make a reply, and whether they intend to publish it, in the same manner the Russian Government adopted when they circulated those documents? I think it is less objectionable for me to ask, and for the noble Earl to answer, the question to-day, because the French Government, which is now in alliance with us in carrying out the object which we have in common, has made a very able, a very firm, but yet a very calm answer to those circular notes. I think that if Her Majesty's Government delay their answer, they will run the risk of being misapprehended and misunderstood—for silence proverbially gives consent; and as we have been already told by the noble Earl that he does not agree in all the statements made in those documents, silence may here be the cause of further misapprehension. It may be supposed that the Government are unable to answer those notes; they may be accused even of fearing to answer them, under an alarm of further proceedings on the part of that powerful nation which is now exciting the attention of the whole of Europe. For these reasons, my Lords, I rise to ask my noble Friend opposite, if he will, on the part of Her Majesty's Government, state to the House and to the country whether any answer has been made to those notes—one or both of them—and whether, if they have done so, they intend to make their rely public—however unusual that manner of treating diplomatic documents may be—whether they intend to make them public in the same way as Russia and France have done?

The EARL of CLARENDON: I certainly admit that my noble Friend has carefully abstained from embarrassing Her Majesty's Government in any way in the important question which now engages public attention. I think my noble Friend is perfectly aware of the reasons, and the only reasons, why we have wished to delay and postpone any discussion on this subject. We have done so in the interests of peace, and not to impair those chances, such as they are, of bringing this question to a peaceable conclusion. My noble Friend must be aware that the mode adopted by the Government of this country and by Parliament is very different, in obtaining or asking information on questions like the present from that which necessarily obtains in Russia and in France. It is consequently easy for the Russian Government and the French Government to give the public such information as they think necessary at the time when they may think it most convenient to do so. But it is the practice in this country to lay the papers bearing on any subject altogether and at one time before Parliament. This is the course that the Government have undertaken to adopt, and the whole of those papers relating to this subject will be laid together before your Lordships' House, and before the other House of Parliament. And with respect to the two notes to which my noble Friend has alluded, and the doubts that he has thrown out as to the capacity or courage of Her Majesty's Government to answer them on the first point, it certainly is not for me to pronounce an opinion; but as to any fear of answering them, I hope my noble Friend and your Lordships will rest perfectly satisfied that there has not any such apprehension at any time existed, either in my mind or on the part of any Member of the Government. To the first of these two notes, no regular answer has been sent, because the greater part of its contents alluded to the negotiations and the proceedings which were originated with the French Embassy at Constantinople, and the negotiations to which they afterwards led; and the remainder was forestalled by the progress which the communications referring to the question had made. The note was, however, answered in substance, although nothing was sent in the form of a regular answer to it. The second circular note of Count Nesselrode was one of a very different character, and which certainly did require an answer. It was immediately answered, and that answer was forwarded to the Court of St. Petersburg. My Lords, I have only further to add that that answer was in entire conformity with the note of the French Government, as indeed, I may add, the whole of our proceedings connected with the question have been.

The EARL of MALMESBURY: My Lords, I certainly have no doubt that, as my noble Friend has chosen to answer those notes, he has done so in a way perfectly satisfactory to this country; but I think my noble Friend is mistaken in drawing an analogy between those circular notes and ordinary diplomatic correspondence between two Governments. The latter are naturally kept secret until the proper time arrives and they are laid upon your Lordships' table. But these circular notes are not of the same nature—they are not of the nature of private correspondence; they are an appeal to all Europe—to the whole public; they are published in the *St. Petersburgh Gazette*, and are addressed, in fact, and intended to be read by every creature who can read in Europe. I cannot help thinking, therefore, that Her Majesty's Government are taking an erroneous view of the case, and that they are bringing themselves into risk of considerable misapprehension and obloquy both abroad and at home, by not answering these particular notes in the same manner in which they have been delivered.

LORD BEAUMONT: I hope that my noble Friend the Secretary of State for Foreign Affairs will not object to give an answer to a question which I wish to put to him, if his doing so will not be accompanied with inconvenience to the public service. I wish to ask my noble Friend when he expects to be able to lay the papers referring to this question before Parliament, and in how short a time he hopes to be enabled to put us in possession of what the Government have done. I am the more inclined to put this question in consequence of the extraordinary position in which Parliament and the country at large are placed with regard to any knowledge of what is actually going on in this matter, because, while the utmost publicity is given to the policy, the actions, the intentions, and the opinions of Russia, the most complete mystery involves the opinions, the proceedings, and the policy of this country. It is true that we are told that the Governments of France and of this country are associated in the interest of the Porte, and in the interests of peace, and that there is reason to hope that Austria and Prussia have taken a part with the Governments of France and England for the maintenance of the independence of the Porte and of the peace of Europe. I hope this is the case:—but Russia is acting as if no negotiations were going on at all. While we are told that negotiations are being carried on with the view of preserving peace, Russia is actually making war. This is a most awkward position for countries like France and England to be placed in; and I think it is only reasonable that inquiry should be made as to how long Parliament and the country are to be kept in suspense, and how soon the country may know the views and intentions of the Government, and what steps they have taken to carry out the object of preserving peace, or of—if necessary—checking the possible progress of Russia. I wish, therefore, to ask my noble Friend if he can state in how short a time he expects the negotiations to be so far advanced as to justify him in putting Parliament and the country in possession of some information as to what steps have been already taken?

The Earl of CLARENDON: I can assure my noble Friend that it is at no small sacrifice to Her Majesty's Government that we have asked for a postponement of any discussion on this question, or that we have delayed placing before the House the fullest information on the subject. We feel that Parliament and the public have a perfect right to be informed in the manner in which my noble Friend points out; and it has been our desire that there should be no unnecessary delay. I cannot go over again the reasons which have induced us to ask for this delay; but, in answer to my noble Friend, a few days, indeed I may say a very few days, will be sufficient to show whether the negotiations on foot will succeed or not; but, whether they succeed or not, as soon as these few days are over, I can promise your Lordships that all the papers shall be laid on the table of your Lordships' House.

The Marquess of CLANRICARDE: I wish to know from my noble Friend if any information has been received at the Foreign Office of the Russians having assumed the administration of the civil government of Moldavia, as well as the military occupation of that province?—because I have seen it stated in the newspapers that the post-office has been taken possession of by the Russian authorities, and that the Russian troops have advanced to the Danube? If that be so, it is not merely a military occupation for the purpose of carrying on negotiations afterwards; for it appears that the capital of the province has been taken possession of—that the whole administration of the Government has been seized by the Russians—and that they make Moldavia, and not Bessarabia, the base of their operations in advancing to the Danube. It is necessary, I think, that we should know whether the troops of Russia are in advance towards the Danube, or whether they are, according to the latest accounts, simply in the occupation of Jassy and the adjacent parts?

The Earl of CLARENDON: We have no information of the kind to which my noble Friend has alluded. I see it stated in the newspapers that the post-office has been seized, and that the Russian authorities have taken on themselves other administrative functions: but no such information as that has reached Her Majesty's Government. On the contrary, we have reason to believe that no advance towards the Danube has been made, and that the Hospodar is still in the exercise of his functions. Your Lordships will recollect that the manifesto of Prince Gortschakoff, the Russian commander, on entering the principalities, enjoined the people to obey the existing authorities, and promised that there should be no disturbance of existing institutions; and I think, therefore, it is not probable that so shortly after the issue of that proclamation such a proceeding as that to which my noble Friend has alluded can have taken place.

Lord BEAUMONT: I think you are somewhat too sanguine.

TRANSPORTATION BILL.

Order of the Day for the House to be put into Committee, read.

Moved—"That the House do now resolve itself into a Committee upon the said Bill."

The Bishop of OXFORD begged to express his dissent from this suggestion. In the course of a short conversation which was inaudible, Lord Colchester was understood to have suggested the Falkland Islands as suitable for the reception of convicts. To such a proposition he could not give his consent. There should be a sufficiently large and virtuous society in the place to which their convicts were sent, to be able to take up into the general moral circulation of the country the bad blood which the convicts would bring into it; and the Falkland Islands were, he conceived, in want of that essential quality. They would require a large force to guard them, and the place would be essentially a prison, and not a place for the reformation of criminals. They should improve upon their reformatory system at home, because the alterations introduced into the management of the Pentonville Prison had been signally injurious, and tended in the long run to increase the expense and defeat the very purpose for which the nation, at a great expense, founded that prison. He would urge upon the Government the propriety of returning to the system which had been originally in successful operation in that prison.

On Question, *agreed to.*

House in Committee accordingly.

Clauses 1 to 7 *agreed to.*

On Clause 8,

The LORD CHANCELLOR said, he had already stated the nature of the Bill, and that its object was to meet, as far as the nature of things would admit, the difficulties of the case. At present transportation implied three distinct stages of punishment: first, imprisonment under the separate system; secondly, employment at very severe labour on the public works, with reformatory discipline for a certain portion of the sentence; and, thirdly, transmission to the Colonies generally with tickets of leave. From that last portion of the sentence they were now cut off, and the Executive Government had now to propose a substitute for it. It was intended that the punishment in the first and second stages, by imprisonment and hard labour on the public works for a certain period, should be continued, and if the parties were ill conducted, the labour on the public works might be continued until the end of the sentence; but as an inducement to the convicts to conduct themselves well, the Government proposed to adopt a middle course between absolute pardon and the continuance of severe labour on the public works. The great difficulty was, that if they gave a man an unconditional ticket of leave in this country, he would in all probability return back to his old haunts, and become again involved in crime. The great advantage of transportation was, that it afforded a place in which employment could be given to a person of damaged character; and labour being in great request, he might not only obtain employment, but become a useful member of society, and there was not the temptation which a return to his old haunts offered him. The only mode which presented itself to the Government of supplying the want that was created by the discontinuance of transportation, was to provide as it were a colony, or at least a place in their own country where they could enjoy the same benefits as in a colony—that is, where labourers damaged in their character might obtain employment. This was a very serious question to decide upon; for, unless it were adopted with great safeguards, they would be interfering with the labour market. But what was proposed, was, that upon the public works at Gosport 400 or 500 labourers, not convicts, should be employed, and that at Portland as many more should be received, making altogether, say, 1,000 between them. It was suggested, that, before their terms of punishment expired, the opportunity should be given them of obtaining employment at harder work and lower wages than other persons, so that if a ticket of leave were given them, for instance, for fifty miles from Portland, it should not be said that persons were turned loose who could do nothing but plunder, because the means of work would have been provided them. They thought it best thus to define the limits; and it could not be said that they were throwing upon the inhabitants of the districts loose persons who could do nothing but plunder, because they would not do so without providing the means of giving them some work, and would thereby remove from them the objection that they were obliged to steal. They might gradually make them fit to be received into other places where they were not under a sort of ban; but great discretion should be left to the Secretary of State in dealing with them, and great hopes were entertained that as their characters became improved, other persons would be willing to take them; and, if so, the tickets of leave would be so extended as to enable them to be employed by those persons. The great apprehension in dealing with criminals was, that if they were turned loose in that great metropolis, they would return back to their old haunts. They would guard against that by directing that they should not come within a certain distance of the metropolis, and that they should not be admitted to certain districts into which experience showed they should be restricted from entering. The great hope was, that, after going through the reformatory system in the prison, and, in the next place, the hard labour on the public works, they would be qualified to work in an orderly manner on their tickets of leave, and would become gradually absorbed into society as reformed characters.

The EARL of HARROWBY was understood to suggest, that at the expiration of the sentence the party should not be discharged without receiving a certain sum of money to keep him from want, until he got employment. He also was understood to suggest that evil would arise from so large a number of convicts being congregated together.

The LORD CHANCELLOR said, the object was to disperse them as much as possible; but, at the same time, it was essential to be able to tell them that when they ceased to be convicts they would get employment, and would not be obliged to plunder. The object of the clause was, in fact, to give a conditional pardon, upon condition they should not go beyond certain districts. They proposed to tell them that if they did not get work elsewhere they should not go and thieve, and would get employment on the public works. Those persons would not be mixed in their work with the absolute convicts, and it was anticipated that they would obtain work in the harvest fields. All the arrangements were more or less tentative, the object being to enable those persons to obtain employment notwithstanding their damaged characters. In the first instance, probably no one but the Government would employ them; but it was hoped that the stain would gradually wear away, and that they would be able to obtain ordinary employment.

The EARL of HARROWBY repeated that it would be by no means desirable to accumulate large bodies of convicts in particular localities. He thought the inhabitants of such districts would complain very loudly of such a thing. He would suggest that the convicts be sent out of the country, and that a certain punishment be imposed upon them if they returned.

The MARQUESS of LANSDOWNE thought the noble Earl had misapprehended the object of the clauses proposed, which were not at all constructed with a view to compel the congregating together of those persons in these particular localities. When they were turned adrift out of prison, it was important to furnish them with the means of subsistence; and the object of the Bill was to supply them, in the first instance, with that means of subsistence, and to supply them with every possible motive for leading an improved life in other parts of the country than those which had been the scene of their crimes.

After a few words from the Earl of CHICHESTER, which were inaudible,

The EARL of HARDWICKE said, he thought that the plan altogether was exceedingly vague. By proposing certain localities where those convicts were to be located together, the Government would be placing the inhabitants of those places precisely in the same position as the inhabitants of the colonies who had protested against our sending any more of our convicts to those colonies. He was sure that if the system were carried out it would utterly fail, and that they would have similar demonstrations from the inhabitants of those places to which the convicts would be sent, as they had had already from many of our colonies.

The DUKE of NEWCASTLE said, the noble Earl had assumed an entirely false position. It was not at all proposed to congregate the convicts on one spot; on the contrary, it was proposed to give those convicts every opportunity of going to other parts of the country—to every part, indeed, except the scenes of their former crimes, or some other locality from which, by peculiar circumstances, it might be desirable to exclude them. He concurred in much that had been said by his noble Friend on the cross benches (the Earl of Harrowby), but he also believed that, looking at the state of the labour market in this country, those persons would find no difficulty at all in getting employment. The meaning of the clause was, that no man, on coming out of prison, should have it in his power to say he was unable to obtain work, and therefore was compelled to steal; but he thought, from the demand which existed throughout the country for labour, it would not be necessary to resort to the public works to any extent at all. Even under the present system precautions were taken on this point; for when persons were discharged from prison they had money in their pockets, the proceeds of their own work while in gaol; and he believed the system might even be carried to a greater extent by enabling those persons to remove themselves from the scenes of their former vices.

The EARL of HARDWICKE said, he believed that the practical working of the clause would be this—that when those convicts came out of prison nobody would employ them, and they would, therefore, be necessarily congregated upon certain public works.

The EARL of ELLENBOROUGH was strongly of opinion that a proposal for the establishment of a uniform system of police throughout the country should go *pari passu* with a measure for turning out those convicts upon the community. These persons, though in a state of incipient virtue, might require the policeman's baton to control them, and the establishment of a uniform and efficient body of police throughout the country would be imperatively demanded. He thought the same objection would prevail among the virtuous society in England against taking in bad blood as had existed in our colonies; and he did hope that, while the position of those who had committed crimes was taken into account, some consideration would also be had for the uncontaminated portion of society, and that they would be protected from the consequences which might result from the establishment of such a system as that now in contemplation.

The DUKE of BUCCLEUCH hoped that any measure for the establishment of a uniform police system would be extended to Scotland. The letting loose of so many convicts upon society would be productive of the most serious evils, unless the police system were placed upon a sound and efficient basis.

Clause *agreed to.* Amendments made; the Report thereof to be received tomorrow.

INDIA — PETITION.

The EARL of ALBEMARLE rose to present two petitions on the subject of Indian grievances. The first was from the Bristol Chamber of Commerce, praying that the monoply of salt exercised by the East India Company in India be abolished, but that, if it should be considered still expedient to levy a tax on this necessary of life, it should be in such a form as to press less heavily on the poor of India than the present system of taxation. He should have been content to lay this petition on the table without comment, had he not thought that Her Majesty's Government were disposed to underrate the extreme oppressiveness of this tax. When he last addressed their Lordships on this subject, he had confined himself to the incidence of the tax as it affected Bengal; but upon the present occasion he wished to make a few observations in regard to the manner in which it operated in Madras. Under the Native government of Madras, the tax was one-half of the selling price, or 1*l.* 4*s.* 6*d.* out of a selling price of 2*l.* 9*s.* per garce—a measure of 10,000lbs. Prior to 1806 our Government in Madras raised the tax to 3*l.* 5*s.* the garce; and in 1806, having taken the whole control of the salt department into their own hands, they raised the tax to 7*l.* On a subsequent occasion they again raised it to 10*l.* 5*s.* per garce; and in 1844, when the transit duties were abolished, they simulaneously raised it to the enormous sum of 18*l.* per garce, or more than eight times as much as it was under the Native government. The consequence was that the consumption was entirely stopped, and they were obliged to reduce the tax to 12*l.*, or five times as much as it had been under the Native administration—at which point it now remained. A Government monopoly, he believed, never, under any circumstances, could be a cheap one; but there were a variety of other causes, both natural and artificial, to enhance the price of salt in Bengal. In the first place, the material out of which it was made was by no means adapted for culinary purposes; it contained a great quantity of that bitter compound, familiar, perhaps, to their Lordships as Epsom salts. The manufacturers of it were in a partial state of slavery; they were among the most miserable of the Bengalese, possessing no capital of their own, subsisting and carrying on their manfacture by the advances made to them by the East India Company. Now, he would compare this with the system of making salt in a county well known and very familiar to the noble Marquess who sat near him (the Marquess of Westminster), who had upon a former evening presented a petition from Northwich on this same subject. In Bengal the machinery of manufacture was simply a number of earthen pots piled one on the top of the other, heated by a fire made of straw, or such wood as could be found in the neighbouring jungle. In Cheshire, on the other hand, the salt was manufactured in large iron vats, heated with sea-coal fires, into which the saturated brine was pumped direct from the spring. He contended that a manufacture such as that in Bengal ought entirely to cease, for it was quite impossible that it could compete either with Northwich, with the other improved systems of manufacture, or with the excellent and cheap salt of Madras, Balasore, or Bombay. If he might venture to suggest a plan, it would be, that the Government should abolish the monopoly of salt; that the salt manufacture in Bengal should be prohibited, in the same manner as we had prohibited the growth of tobacco in this country; he should propose to lower the tax to one-half, and that there should be a fixed uniform duty on all salt, whether imported from England or from any other foreign country. He would abolish, too, any duty upon salt from the Malabar or Coromandel coasts. He would apply the same principle which they had lately applied to the tea duties, and he was convinced that it would lead to increased consumption. It was very generally calculated that the quantity of salt consumed by every native in India was somewhere about 10lb. or 11lb. per head per annum; while, according to Mr. M'Culloch, in this country it was just double that, or about 22lb. If, then, they reduced the tax to one half, it was very fair to calculate they would have the same revenue as they had at present. He did not, however, propose to abolish the factories in Bengal all at once. With regard to the persons engaged in the manufacture, as he had before remarked, they were in a state of partial slavery; at the present moment no condition could be worse than theirs, and their labours could be rendered of much greater advantage to themselves and to their country by employing it on the cultivation of the neighbouring jungles. One great objection he had to the manufacture was the expense of the agencies, some of which cost 8,000*l.* or 10,000*l.* a year. Another objection was the smuggling: if the tax were reduced to a mere Customs duty, smuggling would become impossible, because of the greater size of the vessels which would have to be employed, and the fact that Calcutta was the only emporium to which it could be brought. The second petition with which he had been intrusted was from the East Indians of the Presidencies of Calcutta, Madras, and Bombay, at present residing in London, complaining of the grievances under which they and the community to which they belonged laboured in the existing state of the law. It complained of the violation of the provision which the noble Marquess below (the Marquess of Lansdowne), who had introduced the Charter Act of 1833, would bear him out was the intention of the Government of that day, as expressed in the 87th clause, which provided that all offices of trust and emolument in the civil and military service should be open, without distinction, and without exception of caste, colour, or creed. That was the intention of the Government; but it had been made a perfect mockery under the present double and irresponsible government, and the East Indian community continued up to this time to be superseded by Europeans quite insufficient from standing, experience, or general knowledge of the habits and opinions of the people of the country, to discharge the duties of their position. Among this calumniated class of men there had been men of the highest eminence in all professions, and at the head of large mercantile firms. Many of them had received an education quite equal to that of Members of their Lordships' House. These petitioners complained that all these claims to be admitted to superior office had been overlooked, and they complained also of the *ex parte* evidence given by some of the Company's officials before their Lordships' Committee. He himself had been intimately acquainted with several persons of this class during his residence in India. One of them was General Stevenson, for many years Quartermaster General in India, who bore a very distinguished part in the late Pindarree war. Another was Colonel James Skinner, who had the merit of introducing into India that celebrated body of irregular cavalry—a body of men, he believed, equal, if not superior, in efficiency to the regular cavalry—at least, if only equal, they had the very great merit of costing 17 per cent less than the others. There was also General Jones, Commander in Chief at Bombay. As this class of persons had been spoken of in very disparaging terms by witnesses examined before their Lordships' Committee, he would take the liberty of quoting to them in opposition an authority quite equal, if not superior—that of Sir Charles Metcalfe, afterwards Lord Metcalfe. That noble Lord addressed the East Indian community, shortly before his departure, in the following terms:—

> "That you should be considered, or consider yourselves, as a separate class, is greatly to be lamented; not less is it so that there should be any distinctions or separations of any kind in this empire. It must be the anxious wish of every

man connected with India that all classes, Native, East Indian, and European, should be united in one bond of brotherly love. If any feelings, too natural to be wondered at, caused by the division of foreigners, or difference of religious customs, manners, and education, render this union at present difficult or unattainable with respect to our native brethren, we can only hope that such difficulties may in time be surmounted by good government and the enjoyment of equal rights. But if your community, gentlemen, were to be regarded as separate, it is one of which you have much reason to be proud. Judging from what has come under my own observation, I am not aware of any community in which there is more respectability of character, or less apparently of crime or unworthy conduct. In official ability and efficiency you yield to none; and in all pursuits and professions, in arts and in arms, you have representatives of whom every community might justly boast. You have an extensive share in the public business connected with the administration of the Government of this country; and the acknowledgment of the value of your co-operation has long been established, is daily increasing, and cannot fail even tually to produce for you important and beneficial results."

The petitioners, also, further complained that, though Englishmen, they were deprived of the benefits of English law, and of the right of Habeas Corpus. They were subjected to Mahomedan or Hindoo law, and were even liable to corporal punishment according to it, at the will, not merely of an European, but also of a Native magistrate. The noble Earl concluded by moving that the petitions be referred to the Select Committee on Indian Territories.

Petitions *referred* to the Select Committee on the Government of Indian Territories.

IRISH NATIONAL SYSTEM OF EDUCATION.

The EARL of DONOUGHMORE rose, according to notice, to call the attention of the House to the present condition of the system of National education in Ireland, and to move for a copy of the Resolution lately adopted by the Board of National Education, excluding the use of certain books from the schools under their management; and to ask whether, in consequence of such resolution, any and what members have resigned their seats at the Board. The noble Earl said the present was a subject which had been already on several occasions brought under the consideration of the other House of Parliament; and, therefore, the circumstances attendant on it—as well as the matter which his question professed to set forth—was fully in the possession of their Lordships. And perhaps he ought also to premise that in adopting his present course he was not acting in concert with either any noble Lord in that House, or any hon. Member in the other House of Parliament who had previously directed attention to the subject. He, therefore, held himself individually and entirely responsible for whatever should fall from him, as he did not pretend to enunciate the opinions of any body of men. In order, then, to make plain the nature of the question which he was about to put, he hoped he might be permitted by their Lordships to sketch the system of education which had been in operation in Ireland for some twenty years past. The system of national education in Ireland was originally founded by his noble Friend the noble Earl lately at the head of Her Majesty's Government (the Earl of Derby); and the principle on which it was to be carried out, as set forth by the noble Earl, was, that it should be a system of united secular, but separate religious, instruction. It was not, however, intended that the religious should be entirely separated from the secular instruction; and he thought that was made evident from a portion of the letter of his noble Friend, dated the 10th of October, 1831. Well, the Board of Commissioners, which was formed to carry out the plan set forth by the noble Earl, immediately afterwards commenced operations. They published a number of educational works, which certainly, as far as the purposes of secular instruction were concerned, could not be too much praised; and these books had since been used, not only in their own schools, but they had been likewise most extensively used in this country and throughout the colonies. Indeed, there was scarcely a department of primary instruction which was not most fully considered by the Commissioners. Such being the case, it would at once be apparent to their Lordships that whatever objection was taken against the system of education pursued, that objection was not against the secular instruction, than which nothing could be more admirable; but the objection entirely rested upon the nature and amount and circumstances of the religious instruction. Now, at the time those most successful books to which he had just alluded were published, some books on religious subjects were also sent forth. He believed the Commissioners published four books or volumes of Selections from the Holy Scriptures, a volume of *Sacred Poetry*, and a book upon the *Truth of Chris-*

tianity, which was admitted to be the work of a right rev. Prelate, a distinguished member of the Board (the Archbishop of Dublin). Not very long, however, after the system was put into operation in Ireland, there was an alteration introduced which did not meet the views of a very large section of the clergy of the Established Church. They objected that religious and secular education were made altogether separate; and that the use of the Holy Scriptures was prevented at all times except at the time of religious instruction, and that the use of the religious works were not enjoined, but recommended. In order to provide rules for the management of the schools, the Commissioners prescribed that all ministers of religion, whatever their denomination, whether they signed the original application for the estalishment of a school or not, should have access to the school one day in the week to communicate religious instruction to the children whose parents belonged to their particular denomination of Christians. And the Commissioners stated in their preface to the *Scripture Lessons* that they thus marked out particular passages, because they were in the hope of leading to a more general and more profitable perusal of the word of God; not that they were more important than the rest of the Scriptures, but that they were more on a level with the childrens' understanding, and also most fitted to be read under the direction of teachers not necessarily qualified, and certainly not recognised, as teachers of religion; that no passage had either been introduced or omitted under the influence of any particular view of Christianity, doctrinal or practical. The rule to which he had before alluded was afterwards altered, more particularly to meet the objections of ministers of the Presbyterian persuasion. The alteration thus introduced consisted in allowing to patrons a right to prohibit any religious instruction except such as themselves should approve of; so that while the patron might permit religious instruction to the children of his own denomination, he was entitled to preclude all others from obtaining it. In the third or fourth Report of the Commissioners it was stated that some Presbyterian ministers had objected to the rule which permitted ministers of any religion, whether they had subscribed to the schools or not, to attend the school on a certain day in the week to impart religious instruction; and the alteration made in the rule consisted in this, that the minister might go to a school where the majority of the scholars were of his own denomination, and give religious instruction to them, and, at the same time, should have the right of preventing any other minister from giving any religious instruction in that school. Now he believed that was the most fatal mistake possible to make in carrying out what purported to be a united system of education. For what were the effects which followed? Why, that the Roman Catholic priest who might have obtained the aid of the Board had the power of prohibiting all religious instruction in the school except that in his own tenets; and so it was also with the Presbyterian minister, who also had his school, where those professing his own faith were exclusively instructed in religion, and some few of the clergy of the Established Church followed their example; so that, generally speaking, with the exception of the schools under the immediate management of the Board itself, the religious instruction was always of a distinct kind, only one religious system being inculcated in each school; so that about the year 1836, as many of their Lordships would remember, a right rev. Prelate was obliged to complain in writing that no religious education was imparted under the system, and that the Scripture Extracts were not generally introduced. The answer given by the Commissioners in their Report of 1836 was, that they were persuaded that the fact was otherwise; they stated that they had sent round their inspectors, and that out of 400 schools visited, in 380 they found the children reading the Extracts. Those schools were not particularly selected for visitation; it might therefore be expected that the extracts were read in an equal proportion of the schools which remained to be inspected, and therefore that they were used in more than four-fifths of the whole number. It was, therefore, plain that about that time the intention and wish of those who had the management of the system was, that a certain amount of religious instruction should be mixed up with the secular instruction. And that a feeling still prevailed amongst persons of high authority in this country that some religious instruction should be imparted, was evident from the language held by a Member of the present Government, at a meeting of one of the largest and best-known educational societies of England — the British and Foreign School Society. Lord John Russell was reported to have spoken thus on that occasion:—

> "There are those who say that half a day or two days of the week, and the whole of the day on Sunday, may be given to religious teaching and instruction. They thus, as it were, give up two days for religious instruction, which is, in fact, the education of the soul, while they leave four days of the week for that which is secular education only. I say this is a most unhappy and most unwise division; that, neither in respect of time nor in respect of the subject, is that an education which the future nation of England ought to receive. I say that secular and religious education ought to be mixed together—that the instruction should be imparted to educate the body, the mind, and the soul together; and when this task is accomplished, then indeed you may be proud of your work."

Now he (the Earl of Donoughmore) would ask their Lordships seriously to consider whether the system of education now prevailing in Ireland was such a one as ought to meet support from any one holding the views which had been reported as held by the noble Lord in another place. He found from the Commissioners' Report of 1850 that there were 4,704 schools established, and that the children on the rolls of these amounted to 520,401; and if there were that number of children actually receiving instruction, undoubtedly it would represent a very large proportion of the population, it being equal to one in every thirteen of the population. But it had recently appeared that the attendance was only about forty-seven per cent of those upon the rolls. It further appeared that there were 147 of these schools under the management of clergymen in connexion with the Established Church; 2,778 under Roman Catholic clergymen; 479 under the Presbyterian, and 1,124 under lay proprietors. Of these 4,000 schools, 3,500 were under the management of the Roman Catholic clergy. Now, he believed that there was nothing which the people of England disliked so much as a sham, and he thought that a sham which showed that in these 3,500 schools the Roman Catholic religion, and that only, was taught—that it was not a mixed but an exclusively Roman Catholic education, accompanied by all the prejudice, bigotry, narrowness, and hatred of other creeds which unhappily distinguished religious differences in Ireland. He believed this country was prepared to make sacrifices in order to promote education in Ireland—everybody felt that nothing could be done for Ireland unless the people were taught; but let not that be done by pretending to do one thing and really doing another. Let the people of England know that they were giving large sums to the Roman Catholic clergy of Ireland to teach the people of that country in the Roman Catholic faith. He did not object to that. On the contrary, he thought the thing should be done, and that aid should be given to the Roman Catholic clergy to instruct the people. But let not the people of England be told that they had gone to such an extent in teaching the Protestant religion; whereas, in point of fact, they had been defeated in their object, and that the effect of the system, in reality, was to give complete freedom to the Roman Catholic clergy, while the only persons oppressed were the clergy of the Established Church. If their Lordships wished to improve the system of education in Ireland—if, in their opinion, it was desirable to give all parties an equal share of the public money for the purposes of education—let all restrictions be removed, let no rules be established: but let every party give whatever instruction they pleased. It was absolutely necessary that the people should have instruction, and he would make any sacrifice to attain that end; but don't hold up a system which professed to give a certain guarantee, while it gave no guarantee whatever as regarded the spiritual education of the Roman Catholic population. The question, then, he wished to ask was, whether these religious books, the *Scripture Lessons*, and *Lessons on the Truths of Christianity*, which were evidently part of the original system of the National course of education, had been prohibited by the late resolution of the Board? If so, the whole foundation of the system was altered—in point of fact, the system no longer existed—and it would be much better that, as far as Government was concerned, the future course of education should be simply permissive. He also wished to ask whether a right rev. Prelate (the Archbishop of Dublin) and two other distinguished gentlemen, members of the Board, had resigned their seats in consequence of the determination to which the Board had come? He wished to speak with no disrespect of this right rev. Prelate, nor did he wish to lessen that influence which he derived from his high position in the Church, and his exertions in the maintenance and extension of this system of education; if it turned out, however, that the right rev. Prelate found it impossible to remain, and that ultramontane opinions had broken in upon the Board, he could not but think that the Government would find it necessary to revise the whole system, and endeavour to devise some other system of education in Ireland which should be free from the objections to which the present plan was open, and obviate objections for the future. The noble Earl concluded by *moving*—

> "That there be laid before this House a copy of the Resolution lately adopted by the Board of National Education in Ireland, excluding the use of certain books for the schools under their management."

The EARL of ABERDEEN: The noble Earl had professed to describe the origin and progress of the National system of education in Ireland; but his description was by no means correct. The system of education was first established distinctly as a system of separate religious education, and of united secular education. It was established by the noble Earl opposite (the Earl of Derby), in consequence of a recommendation of the House of Commons made in the year 1828, precisely to that effect. Shortly afterwards, it is true, a certain amount of religious instruction was engrafted upon the system as a joint education, and instead of all religious instruction being separated, there was an amount of religious instruction united with secular instruction. That change was introduced, I believe, in consequence of the opinion and counsel of two such enlightened men on the Board as the Most Reverend Prelate who was its President, and the late Archbishop Murray, whose liberal views were well known. But it must be apparent that a system of united religious instruction for Protestants and Roman Catholics must always be of a very limited character. Shortly after the establishment of the system, these two Prelates—who I may say were the cause of the introduction of the element of united religious and secular instruction, agreed upon certain *Scripture Extracts*, upon a volume of *Sacred Poetry*, and finally upon a work which I have no doubt is very valuable, namely, *Lessons on the Truth of Christianity*—a work which I should say might be studied with just as much advantage by persons of maturer years as by children in the public schools. But this work on the *Truth of Christianity* was always very much objected to by the Roman Catholics who managed these schools. A rule was consequently laid down, that if any parent objected to the use of this book, it was then to be transferred to and used at a separate time, for religious instruction, and was no longer to be used in the system of joint religious instruction. Now, the noble Earl is quite mistaken in supposing that there is no joint religious education at this moment in the schools. The *Scripture Extracts* are used—there can be no question of rejecting that book from the schools. The volume of *Sacred Poetry*, also, is now used, as it always has been. The only question that has arisen concerns the work of the most rev. Prelate, namely, the *Lessons upon the Truth of Christianity*. That is, as it always has been, objected to very generally by the Roman Catholics who are interested in the schools and in their management; and that is the work which the Board have now determined not any longer to use as a part of the joint religious education; but it is used now in the schools in the separate religious instruction. This unfortunate difference, which I am sure every one must lament, originated in this circumstance—that in one of the district schools, under the management of the Board, the Roman Catholics interested in the school objected to the work upon the *Lessons on the Truth of Christianity*, and two of the Commissioners visiting the school removed the book from the joint instruction. This took place in the year 1849, while Archbishop Murray was living, and not, by the bye, since the eruption of that ultramontanism of which the noble Earl speaks. The step was taken in accordance with one of the rules upon which the system was founded—namely, that where a Roman Catholic parent objected to the use of those books, they should then be transferred to the separate religious instruction, instead of being used in the general religious education. This occurred in the district school of Clonmel. The Secretary to the Board, I believe, called the attention of the Committee to the fact, and I think it was in last September that the most rev. Prelate was made aware that one of the books that had been used jointly, was now, by the two Commissioners to whom I have alluded, transferred to the separate religious instruction. The most rev. Prelate objected to that change, and insisted upon the practice of reading the book in question being continued—a book, I must say, which, however admirable in itself, still was not such as was received by the Roman Catholic part of the community in the same manner as the other books I have named, namely, the *Scripture Extracts* and the volume of *Sacred Poetry*. The most rev. Prelate, however, insisted that this book should be retained as a part of the united education. Many meetings took place, and there was much discussion on the subject. Now, however much I may approve of the book, and however much I may regret the separation of this work from the other school books which have been used with such good results, I must say that the ground upon which the most rev. Prelate founds his objection scarcely appears to me to be tenable. He denies that the Board have the power to reject any book which they have once authorised to be in the schools. That opinion, I think, will hardly tally with the letter of the noble Earl opposite (the Earl of Derby) to the Duke of Leinster, which says that the Commissioners "shall exercise the most entire control over all the books to be used in the school." Well, I consider it is impossible to maintain that, while they have the power to introduce a book, they have not an equal power to withdraw it, when they deem such a step necessary. Therefore, I think the power of the Board can scarcely be disputed; and yet, as far as I can learn, the most reverend Prelate rests his sole objection upon that ground. Having stated that the noble Earl is entirely mistaken in supposing that there is no joint religious education retained in these schools, I will now refer to the liberal speech of my noble Friend which has been referred to, in which my noble Friend stated his opinion that it was impossible that any satisfactory system of education could be adopted in this country which had not a religious basis. Now, that is very true; but if there was a Roman Catholic population in England to the same extent as there is in Ireland, undoubtedly a different system of education would become indispensable. But I am sure the noble Earl who introduced this system must admit that it was entirely owing to the peculiar character of the population in Ireland, and not to any preference of this particular system, that he introduced the plan to which his name is attached, and which has conferred such immense advantages upon the people of Ireland. I say, my Lords, that I do not know anything which has proved so great a blessing to the people of Ireland as the National system of education; and, notwithstanding the differences which have occurred, I still trust that nothing will take place that will diminish the usefulness, or prevent even the extension of system which has already achieved so much good, and from which we may hope to derive so much additional advantage. I admit that great differences of opinion have taken place, and I am sorry to say that I do not perceive any great probability of a better understanding being speedily arrived at. But although I cannot anticipate that such an understanding will be soon effected, yet I must say that the most reverend Prelate has not ceased to be a member of the Board. I have had no communication with any other member of the Board, and therefore I do not know the intention of any of the Commissioners. At present I am unable to say more. I admit that great differences of opinion exist; but I cannot go so far as to say that the most rev. Prelate does not at this moment remain a member of the Board. With regard to the Motion of the noble Earl for the production of the Resolution, there can be no objection to acceding to it, seeing that the document will, as a matter of course, have shortly to be laid before Parliament. I have only to add that, sincerely regretting, as I do, the difference which has taken place, and of which I have stated the grounds, and the only grounds, namely, the removal of a single book written by the most reverend Prelate from the joint education to the separate education—and much as I appreciate the consequences to which it may lead, I still see nothing in this difference which makes me to augur at all unfavourably of the successful progress and ultimate results of the system which has been so happily introduced into Ireland.

The EARL of HARROWBY asked whether it was the fact that the objection of any single parent to the reading of any religious schoolbook by his child would justify the withdrawal of any book from the whole school?

The EARL of ABERDEEN: One of the fundamental rules of the Board—Rule 8, I think it is—provides that where the parent of any child objects to the joint study of any one of these books, the book shall be transferred to the separate instruction; but that rule has been modified recently. A member of the Board has moved and carried an alteration of that rule, and the matter is now under a different regulation.

LORD MONTEAGLE could state from his own knowledge that the *Scripture Lessons* had been uniformly read in the model schools in Dublin, as well as in many of the best National schools in Ireland, during the hours for imparting united instruction. Of course, the reading of these books ought not to be forced upon any child in opposition to the conscientious objections of a parent; but to allow a single negative on behalf of a solitary child to alter the whole course of instruction of a school, was a proposition too monstrous to be capable of being defended; and certainly, whatever might have been the formal rule of the Board, such had never hitherto been the practice in any National schools that he had inspected. To give a *liberum veto* in mixed schools to single members of the religionists of each side, must end in encouraging each party to blackball the books of their opponents, until the whole system of instruction would be reduced to an absolute *caput mortuum.*

The EARL of ABERDEEN explained. The veto given to a single parent was not new, but was the old system, and had always existed until last week;—for it was only last week that the alteration was made which prohibited the parent of a single child from causing a book to be transferred from the united to the separate instruction. The alteration was this: instead of that arbitrary rejection of a book from the united education, it was now laid down, not that the book shall be rejected, but that the child shall be transferred to a separate class.

LORD MONTEAGLE said, that if that were so, it was a practice to which he, for one, had no objection, and he was very glad that the fears he had expressed were unnecessary. He could not but agree with the noble Earl (the Earl of Aberdeen) that the power of the Board to introduce a school book implied an equal power to withdraw the book, if the step were called for. The present debate was in one respect curious if not instructive. He could not help noticing the sudden love of the *Scripture Lessons* which had been evinced by those high Protestant authorities who used to denounce them as something like a sacrilegious mutilation of the Bible. He, on the contrary, had always regarded those extracts as a happy selection, which pupils of all denominations might unite in reading; they had received the sanction of the most eminent Roman Catholic authorities, for the late Bishop Doyle gave his assent to them, as well as Archbishop Murray. He had heard with the greatest satisfaction the explanation of the noble Earl at the head of the Government; and he thought that nobody had a right to quarrel with the change which had taken place if it merely amounted to this—that books to which objections were raised might be transferred from one part of the school instruction to another, and that in the case of an objection raised by a single parent, the book objected to should still continue to be read by the school at large, but the one child objecting should be allowed to withdraw during this portion of the school teaching.

The EARL of DERBY said, that if the question were as had been stated by the noble Earl opposite (the Earl of Aberdeen), and as had been repeated by his noble Friend on the cross-benches (Lord Monteagle), he should have dissented from the grounds on which it was said that the most rev. Prelate had thought fit to object; but, although he spoke under the correction of the noble Earl, who was so much better acquainted with the particular circumstances of the case than he possibly could be, he was very much afraid that the noble Earl had wholly mistaken the effect which had been attributed to the resolution alluded to, and that, so far from that resolution being of the character which the noble Earl had ascribed to it, it affirmed precisely the opposite principle. In the first place, the noble Earl, at the commencement of his observations, stated that in the first instance it was intended that the system of education should be one of combined secular and separate religious instruction. To a certain extent, undoubtedly, that was the case; but the noble Earl had fallen into a slight error when he stated that the introduction of the *Scripture Lessons* and of other religious works in the hours of combined instruction, was an afterthought, and not included in the original plan. If the noble Earl would refer to the paragraph which had been quoted, he would then see that it was intended from the very first that religious instruction should to a certain extent be imparted during the hours of combined education. The passage in the paragraph was as follows:—

> "Although it is not designed to exclude from the list of books for the combined instruction such portions of sacred history or religious and moral books which have been approved of by the Board, it is to be understood that it is by no means intended to convey a perfect or sufficient religious instruction, or to supersede the necessity of separate religious instruction on the days set apart for that purpose."

Therefore, in the first instance, there was intended to be separate books in every case for separate religious instruction, and, in addition to that, the Board reserved to themselves the discretion of introducing, as shortly afterwards they did introduce, books which had been compiled so that they could not be objected to either by

Roman Catholics or Protestants, which did contain, and which afforded so long as they were in use, a very considerable amount of Scriptural knowledge to Roman Catholic and to Protestant children sitting in the same room, and receiving instruction together. That course was pursued until the year 1844, when the practice was introduced to which the noble Earl had just adverted. He alluded to the practice introduced by Rule 8. In the report which was issued by the Commissioners in that year, they stated that they had established a number of schools, which were attended by thousands of children, and they had succeeded in compiling several works, containing a series of lessons grounded on Holy Writ, which were used in the general instruction afforded in all the schools. But in that year, also, and in order to meet objections which had been raised by several members of the Roman Catholic community, these books were not insisted on, but only strongly recommended, and the rule was adopted to which his noble Friend had referred. That rule was, most unfortunately worded very ambiguously. It said—

> "The Commissioners do not insist on the *Scripture Lessons, Lessons on the Truth of Christianity,* or book of *Sacred Poetry,* being read in any of the National schools, nor do they allow them to be read during the time of secular or literary instruction"—

This was a departure from the original plan—

> "in any school attended by children whose parents or guardians object to their being so read. In such case the Commissioners prohibit the use of them, excepting at the times of religious instruction, when the persons giving it may use these books or not, as they think proper."

That resolution was, as their Lerdships would see, unfortunately worded most ambiguously. It did not allow the books in question to be used in those schools attended by children whose parents or guardians objected to their use. Under that rule it must appear doubtful whether these books were to be excluded on the objection of the parent of any single child, or whether that child was to be protected from the risk of being compelled to read them, by receiving permission to leave the room. From 1844 downwards there had always been, to a certain extent, a difference of opinion with regard to the construction of that rule; and the general practice, he believed, had been that protection had been afforded to the child, by its being permitted to withdraw when these books were being read. At the same time he must say that, although the *Scripture Lessons* were read, and were in fact a most essential part of the system pursued in the model school at Dublin, and which ought therefore to be the model according to which all the other schools under the control of the Board should be framed and conducted, he had good reason to know it had been discovered that in the model school at Clonmel, which was entirely under the control of the Commissioners themselves, these *Scripture Lessons* had been excluded from the hours of ordinary combined education. Now he though that, whatever might be the case with regard to schools under the management of private individuals, it was most unfortunate that upon a point of such importance, any deviation from the ordinary practice should be allowed in schools under the direct control and management of the Board, and especially in those schools which were to be regarded as models for the rest of the country. Unless he was greatly mistaken—and he received his information from one of the Commissioners—the decision at which the Commissioners arrived the other day was entirely opposed to the sense attached to this rule by the noble Earl opposite. A Motion was made at the board by Mr. Baron Greene, one of the three dissenting Commissioners, to the effect that protection should be given to the children of parents objecting to the use of the book, and not to the exclusion of the books themselves; but a majority of the Commissioners decided against Mr. Baron Greene, the late Lord Chancellor Blackburne, and another Commissioner—the most rev. Prelate (the Archbishop of Dublin) not being present—that the rule should be interpreted according to its strict literal sense, and consequently that the objection of any one Roman Catholic child would be held sufficient to exclude a book. The noble Earl might be correct in the view he took of the matter, and he (the Earl of Derby) might be wrong. He could only say that he had this statement from Mr. Blackburne himself, and that the object of Mr. Baron Greene's resolution was to give to the rule the sense which the noble Earl opposite (the Earl of Aberdeen), the noble Lord (Lord Monteagle), and he thought the great majority of their Lordships, would consider the sound and rational construction. Mr. Baron Greene's resolution was, however, negatived by a very considerable majority. He (the Earl of Derby) considered, then, that there had been a very important deviation, in a very essential particular, from the original rule;

and it appeared as if there was an influence at work for the purpose of excluding from the National schools, in deference to the opinions of the Roman Catholic priesthood, all books which gave to the system of education anything of a religious character. If this were the case, it would be impossible to resist the force of an argument which had hitherto been met by the statement that although the religious instruction given, might in itself be insufficient, yet that a considerable amount of religious knowledge was imparted in all the schools to Roman Catholics and Protestants alike, and that for the purpose of obtaining the great benefit of the union of children of different persuasions for the purpose of education, it was necessary to abate something of what would otherwise be considered desirable with regard to the amount of religious instruction given to Protestant children alone. If the system was to be so altered as altogether to exclude all religious instruction with regard to Roman Catholic children frequenting the National schools, then he must say that one of the great and paramount objects contemplated by the original system would be defeated, and the system would be open to the objection which he thought could not hitherto be justly urged against it, that it was entirely and completely a system of secular education, disregarding religious instruction altogether. He would be very glad to find that the opinion of the noble Earl opposite was correct, and that would be ascertained when the resolution of the Board was laid upon the table, and when they found who proposed the resolution, and who composed respectively the majority and the minority. He admitted that the exclusion of the book upon the *Evidences of Christianity* was not a reason which he would think sufficient for breaking up the Board; but, on the other hand, if the resolution was to be regarded in the sense he had been led to believe, and if a prevailing intention was gaining ground of excluding more and more religious instruction, of which even now too little was given, he would say that was a fatal impediment to the working of a system; that it must be fatal to its beneficial effects; and that in such a case those Protestant members of the Board who could not conscientiously assent to a diminution of the amount of religious instruction given would not only be justified, but bound to withdraw from further connexion with a system which, from the first, depended upon the mutual and harmonious working of members of different religious persuasions, upon the sound sense exercised by both parties, and upon the balance being impartially held between Protestants and Roman Catholics. If, however, Protestants were to be outvoted on questions of this kind at the meetings of the Board, he could not but come to the conclusion that a system intended to work for the benefit of all classes and all creeds had been most injuriously departed from.

The EARL of ABERDEEN said, that the resolution of the Board bore the interpretation which he had affixed to it, and that the noble Earl had been misinformed as to its effect. He had the resolution proposed by Mr. Baron Greene in his hands, and it had been carried with the exception of the words which involved the compulsory continuance of the book on the *Evidences of Christianity.* The Eighth Resolution admitted of two interpretations, one of which was supported on the one side, and an opposite one on the other. And the recent resolution ran thus:—

> "The Commissioners do not insist on the *Scripture Lessons*, or the book of *Sacred Poetry*, being read in any of the National schools; nor do they allow them to be read as part of the ordinary school business (during which all children, of whatever denomination they may be, are required to attend), in any school attended by children whose parents or guardians object to their being read by their children. In such cases, the Commissioners prohibit the use of these books, except at times set apart for the purpose, either before or after the ordinary school business, and under the following conditions. Firstly, that no child whose parent or guardian objects shall be required, directly or indirectly, to be present at such reading. Secondly, that in order that no child whose parent or guardian objects may be present at the reading of the books above specified, public notification of the time set apart for such reading shall be inserted in large letters in the time table of the school; that there shall be a sufficient interval between the conclusion of the ordinary school business and the commencement of such reading; and that the teacher shall immediately, before its commencement, announce distinctly to the pupils that any child whose parents or guardians so desire may then retire. Thirdly, that in every such case there shall be, exclusive of the time set apart for such reading, sufficient time being devoted each day to the ordinary school business, in order that those children who do not join in the reading of the books may have ample time for literary instruction in the schools."

The EARL of DERBY said, it appeared to him that this resolution retained the ambiguous language of the eighth resolution; that at the hours of combined instruction the *Scripture Extracts* are not to be read in schools attended by children whose parents object; and that, consequently, under that resolution, it would be competent to a single child to object to these lessons being read during the hours of combined instruction, and demand their removal to the period before or after those hours of combined instruction: so that, practically, any single child had the power of putting a *veto* upon the book during the hours of combined instruction.

The EARL of HARROWBY said, that after the turn the discussion had taken, it was unfair to taunt those who had contended for the reading of the Bible with now contending for the reading of the *Scripture Extracts*, when they saw the opponents of Scriptural instruction succeed in the entire exclusion of them; because it had formerly been the great argument against the advocates of Scripture reading that the Scripture lessons were admitted.

LORD MONTEAGLE said, he had never heard any suggestion before now of the right of a parent or a guardian to object to a book in such a manner as to alter the discipline in practice at a school, and he did not think such an interpretation of the rule could be allowed to prevail.

The EARL of DONOUGHMORE said, admitting that the Established Church of Ireland did not represent the great body of the people of that country, he thought it should be treated fairly. He had received a letter from Ireland, which stated that, a few days ago, in one of the National schools in that country all the Roman Catholic children came forward, and objected to the reading of the *Scripture Extracts*, which had heretofore been used in the school. It appeared to him very plain that if the resolution was to be understood as it was explained by the noble Earl opposite, the Roman Catholics would succeed in carrying their point, for the resolution invited the opposition of persons who objected to the use of the *Scripture Extracts*. Taking the case of a school composed almost entirely of Protestants—of the children of members of the Established Church, and of Presbyterians—if there was one Roman Catholic child in that school he might prevent the use of the *Scripture Extracts* during the hours appointed for combined instruction. He could only repeat his opinion that this regulation struck at the root of the whole system.

On Question, *agreed to.*

PUBLIC HOUSES (SCOTLAND) BILL.

On the Motion that the House should go into Committee on this Bill,

LORD KINNAIRD said, that the present Bill was similar to two Bills on the same subject, which had been in former Sessions introduced into their Lordships' House. The first of those Bills had been carried by a large majority in the House of Commons; but it was not thought desirable to press the further progress of the Bill on account of the accumulation of public business, and the late period of the Session. The second Bill was not proceeded with for a similar reason, and the promoters of the Bill now before their Lordships had thought it advisable to introduce this Bill in the House of Commons during the present Session. The Bill, which had undergone considerable discussion, had passed about the 5th of July last. This Bill was somewhat different from the other Bills to which he had alluded, especially as regarded the court of licences and appeal, which it was thought advisable to omit, as it was not considered that any necessity existed for making an alteration in the system of granting licences in Scotland. He was sorry to say that Scotland had unfortunately obtained an unenviable notoriety for intemperance, and he did not think their Lordships would sanction any unnecessary temptation to the indulgence of that vice. A very interesting statistical report had been recently made on this subject by 200 gentlemen of Edinburgh, which had been confirmed by the chief magistrate of that city, and which presented some startling revelations. It appeared that out of a population of 155,680 by the late census (or perhaps 160,000 in the present day), 41,796 persons had visited public-houses in one day, and of this number 11,981 were women, 4,631 were children under fourteen years of age, and 3,032 children under eight years of age. He must here remark that there existed in Scotland a system peculiar to that country and to Ireland—namely, the power granted to grocers of selling spirits over their counters. Such a system was most demoralising in its effects, for many women would go into grocers' shops who would not go into public-houses to drink, and when they had change to receive, they not unfrequently took spirits instead. Nay, more, husbands often found considerable sums set down in their accounts for groceries, which they discovered were for spirits supplied to their wives. He would remark that only one petition had been presented against this Bill, and that was by a noble Lord this evening. He had been told that the public-houses of

Scotland had the power of returning all the Members for the boroughs, and therefore he had entertained some doubts as to the passing of the Bill in the House of Commons: but the evil sought to be remedied by the Bill was so great that it had been passed without a division. The Bill was intended, in the first place, to abolish the present system of selling spirits over the counter in grocers' shops. Another provision of the measure placed the public-houses—which were now under the supervision of the Excise authorities, who were generally unwilling to prosecute —under the regulation of the police. At present, also, in Scotland, a beer licence could not be granted separately from a spirit licence. If a person obtained a beer certificate, he had a right to demand a spirit licence. The Bill proposed to separate the two, and enacted that no one certificate should be issued enabling persons to sell beer and spirits. It was very desirable to encourage the consumption of beer in Scotland, for a marked difference was observable on the borders between the whisky-drinking and beer-drinking population. Another remedy for intemperance in Scotland would be the admission of light wines at a small duty; and if they could adopt such commercial regulations as would enable them to import light wines from France, it would, to a great extent, put an end to the intemperance which unhappily existed in Scotland.

House in Committee.

Amendments made.

The Report thereof to be received To-morrow.

COPYHOLDS BILL.

On the Order of the Day for the recommitment of this Bill,

The LORD CHANCELLOR said, the Copyholds Act provided, that when any money was paid for the enfranchisement of copyhold land it should be either paid into the Bank of England in the name of the Accountant of the Court of Chancery, or else should be placed in the hands of some trustees, and the interest of it paid to the party whose manor had been enfranchised. In the case of ecclesiastical corporations in the possession of manorial rights, whether corporations sole or aggregate, they had in this way received the interest of the moneys so paid for enfranchisement. Under the Act passed the year before last, enabling the Episcopal and Capitular Commission to enfranchise, the same process took place, but with this difference—that, though the money was paid in, as in the other case, instead of the whole of the interest going to the ecclesiastical corporation, so much only was paid as was an equivalent on a fair calculation for what had been received in respect to the manor as it stood before enfranchisement, and the surplus, if any, went to the Commissioners for ecclesiastical purposes. The object of this Bill was to regulate the enfranchisement with respect to these corporations, and to provide that for the future, with respect to any enfranchisement entered into by the Capitular Commissioners, the money should be paid over to the Ecclesiastical Commissioners, to be applied according to the provisions of the Act.

House in Committee (on recommitment); Bill *reported* without Amendment.

Amendment made, and Bill to be read 3ª To-morrow.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 18, 1853.

MINUTES.] NEW MEMBERS SWORN. — For the County of Clare, Cornelius O'Brien, Esq.; for Tralee, Daniel O'Connell, Esq.

PUBLIC BILLS.—1° Burials (beyond the Metropolis); Employment of Children in Factories; Drainage of Lands (Ireland) Act Amendment.

2° Customs; Patronage Exchange; Colonial Bishops Act Extension; Land Tax Redemption; Highway Rates; Turnpike Trusts Arrangements; Turnpike Acts Continuance, &c.; Metropolitan Sewers Acts Continuance; Sheep, &c.; Contagious Diseases Prevention; Consolidated Annuities (Ireland).

3° Customs Duties on Spirits; Succession Duty.

DOCKYARD APPOINTMENTS AT CHATHAM.

SIR HENRY DAVIE said, he had a question to put relative to the system of promotion in the dockyard at Chatham; and, having been a Member of the Committee which had inquired into matters of this nature, he hoped he should not be thought presumptuous in having thus put himself before the House. In a morning newspaper of Saturday last, a paragraph appeared, which, with the permission of the House, he would read. The paper was one that had very considerable circulation, and the paragraph was headed thus, "Dockyard appointments — Chatham and Admiralty Hypocrisy," and then it went on:—

"The following facts will speak for themselves:

—A vacancy has recently occurred in the mast-house in the Dockyard, by reason of the superannuation of one Robinson. Two names were, in due course, sent up to the Admiralty—those of Pattison and Baines. Pattison had been preparing himself for the situation for four years, and is a good draftsman and accountant. Baines had been in the mast-house a few weeks. Without any examination, Baines has been appointed, and Pattison rejected. Baines and his family vote for Sir James Stirling, and Pattison for Sir Frederic Smith. So much for the disinterested impartiality of a 'Whig-Conservative' Admiralty."

The two questions he wished to put to the right hon. Baronet the First Lord of the Admiralty, were these: first, whether the facts as here stated, of Baines having been selected, and Pattison having been rejected, were correct; and, secondly, if these facts were correct, upon what ground the rejection of the one and the selection of the other had been made?

SIR JAMES GRAHAM said, his hon. Friend had given him notice of his question—he was, therefore, prepared to answer it. It was true, as stated in the paragraph, that on a recent vacancy caused by the retirement of a person named Robinson in Chatham Dockyard, the names of two persons had been sent up, and recommended for the same by the captain superintendent of the yard, and that the names of these persons were the one Baines, and the other Pattison. It was also true, that Baines had been preferred. He would, however, state the circumstances under which Baines had been selected by the Board of Admiralty. He held in his hand the original letter from the captain superintendent of Chatham yard, which, in conformity with the recent regulations, had been sent to the Surveyor of the Navy, and the recommendations in which were limited to these two persons. [The right hon. Baronet then read the letter in question, which was from Captain Richards, superintendent of Chatham dockyard, and was to the effect that the persons whose names it contained were recommended by him for their capability and their good conduct, in the room of Robinson, retired; and that he had placed their names in the order of their respective deserts.] The passage in the *Morning Herald* stated, that the persons so recommended were Pattison and Baines; the recommendation itself, however, was the reverse of that order of arrangement; for it was a recommendation of Charles Baines, shipwright, and Thomas Pattison, also shipwright. The report of the Surveyor General of the Navy, which he (Sir J. Graham) also held in his hand, and on which the Board of Admiralty acted, recommended these persons in the same order; and Baines, as being the first man, was therefore advanced to the situation. Now, what were the facts of the case? In consequence of reading that notice in the newspaper to which his hon. Friend had referred, he (Sir J. Graham) had communicated with the captain superintendent of Chatham dockyard on the subject, and he would, with the permission of the House, read his answer. [The right hon. Baronet read the answer in question, which was to the effect that the whole responsibility of the recommendation rested on the writer, and that he was willing to abide by it. That the names he had sent up were not in the order Pattison and Baines, but in the order Baines and Pattison. That he sent them up in that order, placing the name of Baines first, because that person had been twenty-nine years in the service, Pattison being only twelve. That he knew nothing of the political leaning of either, having abstained from making any inquiries on the subject since his appointment to the superintendence of the yard, That he had heard subsequently to the paragraph that the leanings of the parties were substantially as they had been described in the newspaper, but that, as no poll book of the Chatham election had been as yet published, he could not tell which way either had voted on the last election. He could, however, he added, safely say that in making the recommendation in question, no other consideration had weighed with him than the relative merits of the men.] It appeared, therefore, that Baines was forty-nine years of age, and had been twenty-nine years in the service; while Pattison was thirty-four years of age, and had been twelve years in the service. There was, however, he admitted, a colour of truth in one part of the statement of the *Morning Herald* on the subject. It was true that Pattison had been for some time employed in the mast-house, and that Baines had not been so long employed in that department of the yard. But why was this so? Baines, it should be remembered, was put forward as the friend of the Government, and for some short time antecedent to his appointment by the Board it was alleged he was placed in the mast-house. But the reason of Pattison being in the mast-house for so long a period arose from the fact of his having disease of the heart. He had, in short, been allowed to work in the masthouse for that reason, in consequence of the lighter labour to which he was subjected than he would be at the dockside. On the other hand, Baines was a hardworking shipwright, in good health. As the reward therefore, of his greater age, harder work, better health, longer service, and superior fitness, he had been preferred. These were the facts of the case.

SAVINGS BANKS INVESTMENTS.

SIR HENRY WILLOUGHBY said, he begged to ask the right hon. Gentleman the Chancellor of the Exchequer if any moneys of the savings banks of the United Kingdom have been employed in the purchase of Exchequer Bills, since the 20th day of November, 1852, and, if so, to what amount and by what authority; and whether he has any objection to place the amount of such moneys, and date of the purchases, on the table of the House?

The CHANCELLOR OF THE EXCHEQUER said, he had to state, in answer to the question of the hon. Baronet, that the term "moneys of the savings banks" was, strictly considered, a misnomer. There was no such thing as "moneys of the savings banks" in the custody of the Government; but all the money received from the savings banks, when it had once been taken by the Government, became a debt from the Government to the trustees of the savings banks; and the Government were equally responsible for the repayment of the debt, whatever might become of the money with regard to which it was originally created. But if the hon Baronet's question referred, as he had no doubt it did, to the money received from the savings banks, the answer then was, that such moneys had been employed since the 20th of November, 1852, in the purchase of Exchequer bills, which had been remitted to the trustees of savings banks. The authority under which this was employed had been the authority of the Chancellor of the Exchequer, as was the usual course in that respect. There was no objection whatever to place the amount of such moneys, and the date of the purchases, from time to time upon the table of the House; but on the 5th of July, or some other recent date, the information had already been laid on the table in a return moved for by the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli). In that return the hon. Baronet would find the particulars he required down to the date of the return; but if he wanted to have them later, he could have them upon moving the House to that effect.

AUSTRIA AND THE PORTE.

SIR JOSHUA WALMSLEY said, that the expressed desire of the Government to sustain the independence of Turkey against either Russian or Austrian aggression—a desire which he believed to be generally felt by the people of this country—would, he hoped, justify the questions he was about to put to the noble Lord the Member for London, and of which he had given him notice. He wished to ask the noble Lord whether he could communicate to the House any information with respect to the violation of the Turkish territory by the captain of an Austrian ship of war, who is reported to have seized an Hungarian refugee, resident at Smyrna, and to have carried him on board the Austrian vessel without the concurrence of the Turkish authorities? And also whether it is true, as reported, that the Austrian Government has demanded the expulsion of all Hungarian refugees from Turkey?

LORD JOHN RUSSELL: With regard to the first of the questions asked by the hon. Member, I have to say that it appears that, when the Austrian Government claimed the surrender, some two or three years ago, of certain Hungarian refugees who were then residing in Turkey, there was amongst those persons one named Kosta. The Turkish Government did not consent to surrender those refugees, but agreed to send them out of the territory of Turkey. Amongst the persons who accordingly quitted the territory of Turkey was this Kosta. He was understood to have gone to the United States of America, but he lately returned to Constantinople, and was afterwards at Smyrna. It appears, further, that the Austrian Consul, instead of applying to the Turkish authorities to take measures for the removal of this person, according to the agreement between the Austrian and Turkish Governments, took steps for seizing him and conveying him on board an Austrian ship of war. But, at the same time, it is, as I understand, stated that this was done with the consent of the Turkish Government at Smyrna. On this point, however, we have no positive information; but the concurrence which is said to have taken place is, that certain persons, engaged by the Austrian Consul, seized this man and placed him on board a ship of war. With regard to the second question, whether it is true that the Austrian Government had demanded the expulsion of all Hungarian refugees from Turkey, I can only say that Her Majesty's Government have received no intelligence whatever on the subject.

THE PETERBOROUGH ELECTION.

Mr. BRIGHT said, he rose to move for a Select Committee to inquire into the petition of certain electors of the city of Peterborough, complaining of the interference of the Earl Fitzwilliam at the election in December last, and at previous elections for that city. In moving for this Committee he should take up but little of the time of the House, because he should confine himself as much as possible to the statement of a few simple facts. It was a painful matter to him, rather than otherwise, to appear, in some degree, in the position of accuser of Earl Fitzwilliam, for whose private character, and his public character also, in many respects, he had always entertained a very high regard. But he had had placed in his hands a petition, signed by 219 electors of Peterborough, complaining of undue interference. He believed there were not more than 500 electors in the borough. The petition, therefore, was signed by so large a number of electors that it was impossible for any Member who was asked to present it on their behalf to refuse to proceed upon it, for he considered that it would be quite impossible for the House to refuse to appoint a Committee to inquire into its allegations. The petitioners referred to the election of July last (the general election), and also to the election of December last, in consequence of the death of the gentleman (Mr. Watson) returned in July. They state that on both occasions Earl Fitzwilliam had, through the instrumentality of his agents and servants, directly and indirectly, interfered, by intimidation, persuasion, treating, and offers of sums of money, in favour of the gentleman returned in July, and of the gentleman who had failed to secure his return in December. There was another allegation which was important—that they believed the petition against the return of the present sitting Member was not the petition of the persons whose names were appended, but rather the petition of Earl Fitzwilliam, and that they had reason to believe that all the expenses of the proceedings connected therewith were defrayed by Earl Fitzwilliam; that Earl Fitzwilliam's interference destroyed the independence of the city; that notices to quit had been served on some electors who had voted against, and some who did not vote at all, either for or against the candidates approved by Earl Fitzwilliam; and that though nominally the representatives of that borough, the Members were really the representatives of Earl Fitzwilliam, and his interests were consulted in Parliament rather than the interests of the electors of the borough. They said—and they were very modest in that respect—that the almost unanimous feeling of the people of Peterborough was, that at least they should have one Member to represent the constituency, who would be in some degree independent of the mere will and pleasure of the said Earl. Their ambition had only arrived at that point yet that there should be one Member for the laity, while the other should represent Earl Fitzwilliam. He had also to state that a petition signed by a large number of ratepayers, who were non-electors of Peterborough, had been presented, praying the House to take into consideration the petition of the electors, and to give such relief as they should think suitable. They stated that the possession of the franchise was calculated to inflict positive injury, for if they voted against the candidate approved by Earl Fitzwilliam, they were subjected to vindictive persecution, up to absolute ruin; and if, on the contrary, they voted against their consciences for the persons nominated by the Earl, then they lost the respect and confidence of their neighbours and townspeople. They stated that they were aware of the fact that it was a high misdemeanour for any Peer of Parliament to interfere in the election of Members of that House, and they therefore prayed the House to appoint a Select Committee to inquire into these allegations of interference, and also into the charge that the expenses of the recent petition were defrayed by Earl Fitzwilliam, and not by the petitioners themselves. Without going into an historical account of the city of Peterborough, he might state a rather interesting fact, that so long ago as the reign of Charles II. a Mr. Fitzwilliam represented that city in Parliament, and up to the last election the approved candidates of the Fitzwilliam family had been the only representatives of that city. There were contests in 1835, 1837, 1841, and 1852, and upon all those occasions the nominees of Earl Fitzwilliam were returned. The effect of this state of things was to reduce the constituency, for in 1832 there were 773 electors, whereas in 1852 they amounted to 512. At a former period about two-thirds of the electors were what were called scot and lot voters; and as these died off, the constituency had diminished, there being now only ninety scot and lot voters in the borough; and this was the reason why the Fitzwilliam influence had diminished, for the influence of the family was naturally greater over this class of electors than over the 10*l*. householders. Earl Fitzwilliam's house was three miles from the borough, and he had accordingly very large influence there. In all probability the noble Lord's high character had much to do with this, for he believed his character hitherto had been such as to make his influence less galling to the borough than the same kind of influence exercised in other boroughs had been. He found that his Lordship had 317 tenants of houses, buildings, and lands, within the borough of Peterborough, and 220 of these were voters; so that, if he chose to exercise it, he had very large influence in a borough with a constituency of only about 500. He understood Earl Fitzwilliam had a large and powerful staff —a steward, under-steward, political agent, registration agent, private solicitors, and others, who were most influential at elections, in canvassing and giving support to such a candidate as his Lordship approved, and in using those means with which every hon. Member must be familiar, of intimating which was the candidate Earl Fitzwilliam wished to be elected. The scot and lot voters, about ninety in number, were generally men living upon wages varying from 14*s*. to 30*s*. a week; and it was proved before the Committee which sat upon the election petition, that a practice had continued from a period anterior to the Reform Bill, of giving the scot and lot voters an annual gratuity of what some called "crowns." Those who had given two votes received 10*s*., or two crowns; those who had given one vote only, received 5*s*., or one crown; and those who did not vote at all for Earl Fitzwilliam's friends, were always understood to receive nothing at all. These facts were brought out on the Committee that unseated Mr. Whalley. John Noble, one of the witnesses before that Committee, stated that the first time he voted for the "Blues"—that was, the independent party—the crowns left him, having always had them when he voted for his Lordship's candidates. George Moniton, another voter, having remained true to the Milton interest at previous elections, voted for Clifton and Whalley; and when he went in February to receive his crowns, he was told by the Earl's steward there were none for him. That man was remarkable for his simplicity, for having opposed Earl Fitzwilliam's friends, he nevertheless went to the steward to get his regular donation of money. William Smith, Sarah Deacons, Grace Smale, and others, gave similar evidence as to the system adopted with regard to the payment of headmoney. With regard to the other class of voters—the householders, many cases had occurred in which houses had been refused to be let to persons not likely to have votes; and he had a copy of a letter addressed to a lady, which was a very interesting and pretty description of what was done by Earl Fitzwilliam's agent. It was dated February 26, 1853, and addressed to Mrs. Chettle, Thorney-fen:—

> "Madam—I much regret that since I last wrote to you upon the subject of the house in the Long Causeway, I find that the proposition which you have made of Mr. Chettle or Mrs. Elstone becoming tenants would be unavailable, as the vote of a non-resident could not possibly be secured; and this portion of his Lordship's property having at all times commanded a vote, it is of the utmost importance that the existing privileges should not be diminished. It will, at the same time, give me much satisfaction if I can serve your interest in any other form.—I am, Madam, your obedient servant, "CHARLES SIMPSON."

The fact was, this lady, not being able to give a vote, was refused the house; this, he thought, clearly showed the means taken for bolstering up the influence of Earl Fitzwilliam, with a view of carrying the candidates whom he might approve. There were cases more objectionable still —of notices to quit having been served upon those who had voted in the July or December election against Earl Fitzwilliam's approved candidates. He had the names of eight electors who had received notices to quit, or that their rents would be raised; and it was believed by the voters, and it was notorious in the town, that it was a punishment on them for having voted against his wishes, or at least abstained from voting when he wished them to vote. No. 1, was a notice to quit, or to have the rent raised; Nos. 2, 3, and 4, were the same. Another was a notice to quit, or his rent to be doubled. Another was the case of a farmer, who was told that he must quit, or his rent must be considerably raised; and one of Earl Fitzwilliam's staff was reported to have said at a public meeting that if this man had his rent raised he had no right to find fault—that he had been renting 50*l.* under the value, on the understanding that he should vote for Earl Fitzwilliam's candidates, and if he would not grant favours to those who granted favours to him, he could not complain of the consequences which might befall him. Another case was that of a grocer and stationer in Peterborough, who had notice to quit, or if he remained a tenant that his rent would be raised. He asked the person who served the notice, if he submitted to pay the increased rent, might he vote as he pleased? The person said he did not know, but he would inquire. The same inquiry was made by the tenant of Mr. Wilkinson, his Lordship's political agent, and Mr. Wilkinson said he did not know, but he would inquire. Afterwards Mr. Wilkinson called, and said he had received a letter, which he read, to the effect that Mr. Wilkinson was quite right in saying the tenant was at liberty to remain in the house by paying the increased rent; but if he exercised his vote offensively, or printed or published anything, or used the press to print or publish anything, offensive to his Lordship, he must take the consequences. Now that was a species of interference which that House ought not to tolerate, and therefore, he trusted they would consent to a Committee of Inquiry into these allegations. Among the many allegations, it was stated that the petitioners in the recent election petition were only nominal petitioners, and the expenses were supposed to be defrayed by Earl Fitzwilliam himself. The recognizances were entered into by his Lordship's late house steward, and a builder constantly employed by the noble Lord; and several of the petitioners had, to their fellow townsmen repudiated all connexion with the petition, or concern for it, or that they were liable in any degree for the payment of the expenses iucurred. He did not bring forward these statements on his own authority, but on that of a committee of the electors of the city of Peterborough, and he believed they all could be substantiated before a Committee of that House. They had brought forward a great many other statements of a similar character, with which he did not think it necessary to trouble the House, believing the petition was one of that character upon which the House would not feel at liberty to refuse to grant a Committee of Inquiry. The noble Lord at the head of the Government in that House would bear him out in saying that this system, it was intended by the Reform Bill, should be put an end to, and in a great many instances it was put an end to; in Peterborough it appeared to exist with great force, and it was to relieve the borough from such a state of things that a brave and courageous attempt was now made on the part of a large body of the electors—an attempt which he held to be worthy of the support and sympathy of that House. They appealed to the House, and the House would be wanting in their duty if they did not give them the opportunity which they sought of proving the allegations of their petition. The petition was signed by nearly half the constituency, and he believed by the vicar, churchwardens, and others of respectability; the evidence was obtained by a committee well known in the town, and was of such a character as to be quite conclusive of the statements made. He might have quoted, if he had pleased, from a work by Sir Robert Heron, who at one time represented the borough, in which he said the borough was completely in the hands of Earl Fitzwilliam, and he was elected by Earl Fitzwilliam, and represented Earl Fitzwilliam in that House. The case was a very simple one, but unfortunately he could not say an uncommon one. Still he contended such interference with elections was a violation of the constitution, and an insult to the House of Commons. One of their standing orders declared that it was an infringement of the privileges of Parliament for a Peer of the realm to interfere in elections; and he believed Peers in Parliament were not allowed to vote in elections of Members of that House. Nothing could be more scandalous than the proceedings apparently carried on in this case, and he was afraid in many other cases of a similar character. He intended to propose that the Committee be constituted very much the same as the Committee appointed in 1848, to inquire into the petition of certain electors of Stamford. That petition was very much of the same character, though the evidence was very inferior in conclusiveness to that which he had laid before the House, and he had given only the fringe, the outside, of that which he believed would be substantiated before the Committee. The Committee of 1848 was chosen by the General Committee of Elections, and consisted of nine

Members, one being Mr, Page Wood, who brought forward the charge, and another some friend of the Marquess of Exeter's, against whom it was preferred. He would propose that this Committee should not exceed the number of seven, and if he should be on the Committee he would represent the petitioners, and some other gentleman could be appointed to represent Earl Fitzwilliam, and there would be five indifferent Members to hear evidence and decide upon it and make a Report to the House. He thought the hon. Gentleman below him (Mr. Fitzwilliam), would acquit him of having in the slightest degree exaggerated the allegations with the view of creating any excitement, or increasing the unpleasantness which must naturally exist. He had laid the simple facts before the House, and feeling confident the noble Lord (Lord John Russell) would not oppose it, and that every Member of the House would consider it a case for inquiry, he should move that a Select Committee be appointed for that purpose.

Mr. G. FITZWILLIAM, in rising to second the Motion of the hon. Member for Manchester, said, he begged to thank him for the courteous manner in which he had made his proposition to the House. The hon. Gentleman might have gone more explicitly into the circumstances laid down in the petition, but he had refrained from inciting the House to any discussion that might have produced ill-feeling, or protracted the debate to an unnecessary length, and had contented himself with a mere statement of the facts put into his hand. Perhaps the House, however, would allow him to say, in seconding the Motion, that the petition contained allegations of a very grave nature, and such as to convey serious reflections on the character of Earl Fitzwilliam as a public man, and he felt that he would very ill discharge his duty to the constituents whom he represented, as well as towards the character and position of Earl Fitzwilliam, were he, on the ground of the relationship subsisting between them, to resist the proposition which the hon. Member had made; and it was as much in vindication of Earl Fitzwilliam's character, as from a sense of the duty he owed to his constituents, that he asked the House to accede to the Motion of the hon. Member. He must say he did not think the circumstances were completely similar, though they might have some analogy to those of the Stamford petition, to which the hon. Gentleman had referred. He thought they were calculated to fix a severer stigma on Earl Fitzwilliam's character than any that was conveyed in the petition of the electors of Stamford. The petitions stated that an elector was exposed to punishment in some form or other if he voted against a candidate introduced by Earl Fitzwilliam, and that those who did so were exposed to "vindictive persecution, up to absolute ruin." Then electors, residing in Peterborough, were stated to have received notices to quit in consequence of having voted for his hon. Colleague at the election in December last. Now, he might state, from knowledge which he had acquired within the last day or two, that these notices had been served on tenants, not because they voted for his hon. Colleague, and against Mr. Cornewall Lewis, but because in some cases their houses had been improved, and in others they had not paid rent for some years. In one particular case—that of a man holding land from Earl Fitzwilliam, and which case he understood was to be brought forward as showing the persecution which he committed—it appeared that that person was paying 50*l*. less a year than he was paying to another gentleman for a similar quantity of land; and it would be obvious to the House that unless Earl Fitzwilliam chose to resign that interest in his farm which he wished to retain, he must give the tenant notice to quit, that he might raise the rent up to the rate that was paid to the other gentleman. There were other statements of a similar kind which he might make to the House. On the death of Mr. Watson, it was necessary, of course, that a candidate should be brought forward for Peterborough; and one day about the time that the news of Mr. Watson's death arrived from Germany, Earl Fitzwilliam was paying a visit to a gentleman in the neighbourhood, and lamenting over the circumstance which had occurred, when a question was put as to how his place was to be supplied. The gentleman mentioned some names, and among others that of the right hon. Gentleman the Member for Morpeth (Sir George Grey). Earl Fitzwilliam took down in writing on a piece of paper the names of several gentlemen who would be eligible candidates, among whom were Sir George Grey, Mr. Horsman, Mr. John Parker, and some one else whom he had forgotten. On the return of Lord Fitzwilliam to his own house, he found there the gentleman who invited Mr. Whalley to stand as a candidate, who was the chairman of his committee, and who nominated him as the election, and who had come to consult with Lord Fitzwilliam as to the most eligible person to represent Peterborough. He believed that Lord Fitzwilliam drew out of his pocket the names he had just alluded to; and during the conversation, and previous to that occurrence, this gentleman brought out of his pocket a paper, on which it turned out that the very same names were written. It was presumed, therefore, that there was no objection to any of the candidates who were considered eligible by Lord Fitzwilliam, inasmuch as every one of the names corresponded; but nevertheless Mr. Whalley was invited to stand for Peterborough. There was another allegation contained in the petition, which could be clearly refuted by reference to a book not unfrequently quoted in that House—he meant *Dodd's Electoral Facts*. The allegations in the petition were, that Earl Fitzwilliam's influence in the borough was predominant, and that his spirit was so vindictive that no person, having any feeling for such electors as desired to exercise their elective francise conscientiously, would be ready to present himself as a candidate with the view of vindicating the independence of the place. Nevertheless, the presence in that House of the hon. Member who succeeded in beating Mr. Cornewall Lewis, who was called Lord Fitzwilliam's candidate, was a sufficient refutation of that statement; and a reference to *Dodd's Electoral Facts* would serve to show that since 1832 there had been several contests in the borough. These were facts which he did not wish the House to take on his testimony alone. The petitioners desired a strict investigation into the facts, and in seconding the Motion of the hon. Member for Manchester he was performing a duty, not only in reference to Earl Fitzwilliam's character and position in society, but also to the constituency he represented.

Motion made, and Question proposed—

"That a Select Committee be appointed to inquire into the allegations contained in the Petitions of certain Electors and Inhabitants of the City of Peterborough, which were presented upon the 30th day of June last, complaining of the interference of the Earl Fitzwilliam, a Peer of the Realm, at the Election in December last, and at previous Elections, of Members to serve in Parliament for the said City."

Mr. ROBERT PALMER said, he understood—for he had not heard the speech of the hon. Member for Manchester (Mr. Bright)—that the petition complained of undue interference by a Peer of Parliament with the election of a Member of the House of Commons; and, inasmuch as the Motion had been seconded by a relative of Lord Fitzwilliam, he supposed there would be no objection to the appointment of the Committee asked for. What he rose to mention, as a Member of the General Committee on Elections, was, that there was a petition pending against the last election for Peterborough, and that the General Committee proposed on an early day to proceed to name the day for choosing the Members. The actual choice could not take place for fourteen or fifteen days afterwards. But, if they were to appoint such a Committee—such as that now moved for—the proceedings before it would prejudice the proceedings before the Election Committee. He suggested this with the view of obtaining the opinion of the noble Lord the Member for London upon it.

Mr. BRIGHT said, he owed an apology to the House and to the hon. Member for Peterborough (Mr. G. Fitzwilliam), for having omitted to mention that the petition before the House did not refer to the last election, because it had been drawn up, signed, and sent to London previously to the last election. The petition now pending with regard to the hon. Gentleman referred altogether to his qualification; and he could not, therefore, see how this petition could in any way have any bearing on that; and what he feared was, that were this postponed till the others were disposed of, it could not come on till next Session.

Mr. HUME said, that the petition was first put into his hands before the last election, but that as the petition against the seat was then pending, he consulted Mr. Speaker, and understood from him that it was desirable this petition should not then be presented. He accordingly refused to present it while the election petition was still pending.

Mr. DIVETT said, he was of opinion, from his experience of Election Committees, that it was utterly impossible fairly to enter into the inquiry affecting the seat, if another Committee of this nature was sitting at the same time. He quite concurred in thinking full inquiry into this case was absolutely necessary; but he hoped that it would be postponed until the other Committee had reported.

Lord JOHN RUSSELL said, that after hearing the hon. Member for Manchester, and the hon. Member for Peterborough, he was quite ready to concur in the Motion which was before the House.

He thought, in the case of a petition of this nature, which the hon. Member had moved, and which had been seconded by a relative of Lord Fitzwilliam's, it was right that the House should consent to the Committee which was asked for. The question, therefore, remained, whether the Committee should be appointed forthwith. They had a recent precedent which was nearly, if not exactly, the same as this, that occurred in the case of the city of Durham. A petition of a somewhat similar nature to this was presented in the case of Durham. But the election petition being at the same time the subject of inquiry, no Committee was appointed in the case of the other petition. The Election Committee was appointed on the 2nd of June; they reported on the 9th; and on the 14th the House named the Committee which was to inquire into the petition that had been postponed. There was a difference of this case from that, in so far as the petition now pending referred to the disqualification of the sitting Member for Peterborough. He did not think it reasonable, although the Session was drawing to a close, because there might not be time to proceed with this investigation, if there was a general rule of the House that two Committees touching the same borough in election matters should not sit at the same time, to say that that general rule should therefore be set aside. There was one petition pending against the last election for the city of Peterborough relative to qualification, and another alleging that undue influence had been used by a Peer of Parliament in the election of a Member of the House of Commons. Now, if it were a general rule that these two petitions should not be proceeded with together, he did not think it advisable that the House should contravene that rule. The Committee could be appointed on the election petition, and after they had reported on that, the second inquiry might be proceeded with.

Mr. BRIGHT said, he had not heard the concluding observations of the noble Lord, and was quite unable, therefore, to say whether the noble Lord meant to oppose the Committee, the noble Lord spoke so very low. His words were so very indistinct that, although he (Mr. Bright) wished to give notice of another Resolution for Thursday with regard to instructions to the Committee, he was at a loss to know what to do, for if the noble Lord were opposed to the appointment of the Committee, he had a few words to say in reply. The noble Lord said the Durham case was a very different matter from this. The petition before the House had no reference whatever to the hon. Member for Peterborough. At the same time he wished to state, that what he was doing was done neither in hostility to Lord Fitzwilliam, nor out of affection for the hon. Member for Peterborough (Mr. Whalley). This petition complained of the influence of a Peer of Parliament in the borough; the other referred to nothing whatever but the disqualification of the hon. Member, and, consequently, his ineligibility to sit in that House. The question affecting the hon. Member was one for the lawyers and the Committee, which, after much speaking, he had no doubt they would be able to settle; but the constituency of Peterborough would have considerable reason to complain if the House should put off a case of this nature merely because there was another inquiry pending into the eligibility of the hon. Gentleman to sit in that House. He hoped the House would do no such thing as put off the appointment of the Committee for which he had moved.

Mr. EVELYN DENISON said, that the General Committee of Elections was now in a peculiar position, three of its Members having resigned, and three more being required before it could pursue its duties. He thought that what the House had to regret, if not to complain of, was, that the gentlemen who had signed this petition did not present it in time for it to come under the provisions enacted by the noble Lord (Lord J. Russell) for this special purpose, by which provisions its allegations—though not immediately affecting the issue under consideration—might have been brought before the Election Committee appointed to try (Mr. Whalley's) right to his seat, and might, moreover, have been investigated on oath. The House should consider that there was important matter of precedent involved in this case; and, as a matter of precedent, they must consider whether it would be desirable that, when an election petition was pending, a petition relating to election matters in the same borough should be heard by another Committee—a Special Committee—not able to examine on oath, and yet inquiring before the Election Committee, which could examine on oath. It was important for them to adhere to some sound and strict rule upon this point. With respect to the numbers of the proposed

Committee, he suggested, if that Committee were appointed, that, as at that period of the Session it was extremely difficult to obtain the services of many Gentlemen as Members of Committee, it would be better to make the Committee consist of five Members instead of seven.

MR. WHALLEY said, he deeply regretted being obliged to say anything at that moment, but he would make but one remark. If it was desirable to lay down a new rule for any case similarly circumstanced as this, he hoped it would not be done in this case, for a reason which he would state. He said this petition was put into his hands when he was sitting in the House before for Peterborough; but objections having been taken by some to his presenting the petition, Mr. Speaker overruled these objections. However, he consulted his own feelings, and, considering that it might affect the petition which was then hanging over his head, he used all his influence to have the presentation of it put off as long as it was possible. He was eventually unseated, and the petition was then put into the hands of the hon. Member for Manchester (Mr. Bright), and it was in his discretion to have presented it at what time he thought best. He hoped the House would not put off the appointment of this Committee, seeing that the other petition now in existence referred only to his legal qualification. He begged, for his unfortunate constituents, that they would not prolong their present condition, which was one of internecine war. [*Laughter.*] He used but the allegations of the petition itself. If the House left his constituents to the mercy of Lord Fitzwilliam for six months longer, it would be a great injury to men who made sacrifices for conscience, and what they believed to be right, such as had not been exceeded by any instance in this country.

LORD JOHN RUSSELL said, the point which had been chiefly raised had not been brought to his attention until he entered the House, when the hon. Member for Berkshire (Mr. Palmer) raised the question as to the propriety of appointing this Committee now, with the prospect of the Election Committee sitting soon. He said he should therefore like to take till Thursday to consider what course he should advise.

MR. VERNON SMITH said, he considered the House had to consider its own dignity and its own order quite as much in this matter as anything which had been suggested. But not to dwell upon that, the position in which the petition stood was this. Application had been made to several hon. Members to present it; but no hon. Gentleman would present it, for the obvious reason that an election petition was pending. The hon. Member for Manchester had said that the case was not altered by that fact; but that hon. Gentleman was incorrect in his statement. This petition referred to the election that took place previously to the last, and complained of Lord Fitzwilliam having used his influence privately, and of having been guilty of other reprehensible conduct at that election. One of the accusations was, that the petition was not signed by the persons from it professed to proceed. That was a matter which ought to be submitted to the investigation of an Election Committee, and not to a Committee of that House. And what was the charge in the petition against the return of the sitting Member for Peterborough? Treating at the previous election; so that the instruction to this Committee would be to make inquiry whether or not the sitting Member was guilty of treating at that election or not; and in that way the whole question as to the previous election would be opened before the present Election Committee; or, if not, it would be referred to another Committee, sitting at the same time with the present Election Committee, which would take evidence upon oath. Against that course he (Mr. V. Smith) ventured to warn the House, for it would most assuredly supersede altogether the Election Act. He had no such anxiety as that entertained by the hon. Member for Peterborough as to the result of the proposed inquiry; but that was not the question before the House.

Motion *agreed to.*

SUCCESSION DUTY BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read a Third Time."

MR. LIDDELL said, as he had not had any previous opportunity of addressing the House on this question, he wished to state his objections to the Bill—objections which were of so substantial a nature that he could not ride off upon the mere Amendments to be proposed. The House, he said, would recollect that the Chancellor of the Exchequer, at the very outset of his observations on the financial state of the country, had demanded and obtained a continuance of the income tax, in its present shape, for a longer period than had ever been granted to that impost; and now the right hon. Gentleman proposed to impose a new tax upon landed property, which he (Mr. Liddell) conceived to be liable to the greatest objection. The Chancellor of the Exchequer had said that this new tax which he had proposed need not be regarded as a very heavy impost, for it could only be imposed once upon the owner of landed property. But he (Mr. Liddell) could submit details to the House which would show that the inequalities and injustices that would be occasioned by the imposition of this tax, ought to induce the House to reject this Bill. He certainly had known instances in which the same property had been held by the same individuals for about sixty years; but he also knew an instance, on the other hand, in which the same property had, by frequent deaths, changed proprietorship three times in three years. That instance occurred in the case of a family named Lovaine, who lived in the county of Northumberland. He could cite other instances in which successions had occurred with a like rapidity. Where, then, was the fairness of subjecting to the same tax one class of property upon succession to inheritance, which might take place four or five times in the course of twenty years, and another class, which might be in the possession of the same individuals for a period of sixty years? That objection of inequality was, in his mind, sufficient to condemn this tax. He gave the Chancellor of the Exchequer credit for the endeavours which he had made, by the tables which he had appended to this Bill, to counteract in some degree the inequality and injustice of this Bill. But he must remind the right hon. Gentleman that nothing could be more fallacious than calculations contained in those tables with reference to the duration of human life. The House, in dealing with this measure, should bear in mind the difficulties connected with the transfer of landed property. The right hon. Gentleman the Chancellor of the Exchequer, before he proposed the imposition of such a burden as this, should have laid before the House some plan for the reform of the present costly mode of transferring landed property. As long as the present stamp duties were imposed upon conveyances, no such burden as that proposed by this Bill should be sanctioned by the House. Suits of the most expensive and dilatory character had frequently to be introduced to enforce the completion of a purchase of landed property. Until the manner of proving title to land was rendered more simple and cheap, no such Bill as the present ought to be laid before the House. He was acquainted with a case in which the costs of stamps imposed upon deeds conveying an estate amounted to about 300*l*. The duties of trustees, if this Bill should pass, would be most perplexing and embarrassing, because it would be extremely difficult to say who should pay the succession duty on the decease of the owner of landed property. Another objection to this tax was, its coming at a period when the successor might be encumbered with many other payments, and whan, therefore, he would have very considerable difficulty in meeting this new charge, without, in many cases, bringing a portion of his property into the market, and thus, as long as the present complication of titles existed—as long as the present stamps upon conveyances existed—you would be exposing the individual in this condition to a double burden by the operation of this Bill. There was, further, very strong ground for objection in the inquisitorial character of the Bill. At the time when a man might be most embarrassed it would require the production of every title deed, of every mortgage, of every family settlement, even of the most delicate character; and, yet after all this, there were certain properties whose value could not possibly be accurately estimated under it. Such were mines and collieries; and how were railways to be estimated, for which a large rent might be got at one time, and, in consequance of the making of a new railway, or other similar cause, little or none at another? The right hon. Gentleman, by this Bill, would make every man a ward of the Crown. It would give the Crown the right to inquire about every man's landed property, the title by which it is held, and the rents received from it; and it would be necessary for him to send out a few Empsons and Dudleys to levy the tax. It was said that, because there was a succession duty on personal property, it ought to be extended to real property. Now, when was the succession tax levied on personalty? In Mr. Pitt's time, to enable the country to carry on an expensive and ruinous war; but even in the plenitude of his power Mr. Pitt was unable to impose it on real property. When every effort was being made to levy taxes in the least burdensome manner—and it was the study of the Chancellor of the Exchequer to remove all odious impediments from trade and commerce—it was most unjust to pass such a measure as the present; but, judging from the majorities which the right hon. Gentleman had already obtained, he was afraid his success was but too certain. He (Mr. Liddell) believed, if the Chancellor of the Exchequer succeeded in passing this Bill, that the country would not long submit to it. He should, therefore, say No to the third reading.

Bill read 3°.

MR. SPOONER said, he wished to call the attention of the Chancellor of the Exchequer to the great hardship which would arise under the second clause. Suppose a stranger in London to leave an estate to A for life, and for A's son in tail, A would have to pay ten per cent in the first instance, and his son would afterwards have to pay ten per cent interest. Surely the right hon. Gentleman could not intend such an estate to pay ten per cent twice? To remedy this injustice, he would propose to add to the second clause a proviso to relieve the difficulty.

Amendment proposed—

"In page 2, line 34, after the word 'derived,' to insert the words, 'Provided always, that when a father is tenant for life of a property, and his son is either tenant for life, tenant in tail, or tenant in fee, in remainder or reversion, of the same property, under the same instrument, the son shall be deemed to be a lineal descendant, and shall pay a duty accordingly."

The SOLICITOR GENERAL said, he did not think there was any hardship in the case suggested—that of a settlement in which a father is tenant for life with remainder to his son. Now the principle of the Bill was this. When an estate was derived from a person, the relation in which he stood to the giver of the bounty ought to govern the extent and character of the tax, and the tax would be measured according to the enjoyment of the estate and the relation of the giver. Supposing a will to be made under which the first taker should be eighty-five years of age, with remainder to his son, who might be only thirty-five years of age, the father's interest would be valued on the principle of its enduring probably not more than one or two years, and ten per cent would only be paid for that limited amount of enjoyment which would be measured by the value of the life interest of the first taker. If this exemption should be introduced, a great number of others must follow, and the Act would in fact become a mass of exemptions. The matter had received the most mature consideration, and he should vote against the proviso.

MR. MULLINGS said, he was glad his hon. Friend the Member for North Warwickshire (Mr. Spooner) had again raised the point, because it was desirable the public should become acquainted with the oppression to which they would be subjected.

MR. MALINS said, the case was one of considerable hardship, and he had hoped that the Chancellor of the Exchequer would have made some relaxation. On each succession ten per cent would have to be paid, and in some cases the Chancellor of the Exchequer might soon rejoice in having possession of the whole property.

The CHANCELLOR OF THE EXCHEQUER said, it was impossible to accede to the proviso, if it were only on the ground that the hon. Member had not laid down in his Amendment any distinct principle on which the exemption could be brought in without incurring other exemptions. The Amendment would leave the Bill in a state of great inconsistency, and would prove most unsatisfactory if it should be adopted in the case alluded to—that of illegitimate children.

SIR JOHN PAKINGTON said, until the Amendment was moved he was not aware that the Bill contained such an injustice. This was not the case of illegitimate children, but the case of all bequests by strangers in blood. He did not see why a legitimate child should have to pay ten per cent after the death of the father to whom the property was originally bequeathed.

Question put, "That those words be there inserted."

The House *divided*:—Ayes 100; Noes 138: Majority 38.

MR. FRESHFIELD rose to move an Amendment upon the 4th clause. He said, that under the General Legacy Act of 1796, the cases of persons to whom legacies were given to be enjoyed for life, or during some limited time, with a power to appoint the capital of the legacy for the benefit of any person or persons especially named or described, and of persons having any limited interest, and a general and absolute power of appointment, were provided for with an obvious intention on the part of the Legislature, that the legacy duty should attach equitably and fairly to the property as it passed into different hands according to the beneficial interest taken by each; and by the Act of 1805, 45 *Geo.* III., chap 28, which extended the duty to any legacy given to a child, or the descendant of a child, whether charged upon real or personal estate, and exempted from duty the husband or wife of the deceased. A further proviso was inserted, Section 4, exempting any specific sum or sums of money or any share or proportion thereof charged by any marriage settlement or deed upon any real estate, in any case in which any such specific sum or sums, or share or proportion thereof, shall be appointed or apportioned by any will or testamentary instrument, under any power given for that purpose by any such marriage settlement or deed or deeds.

This latter provision being a further affirmance of the same just principle, that the mere carrying into effect, even by a will of that power by which another was to benefit, should not be regarded as a part of the property of the persons entrusted with the exercise of a power of appointment; and that the benefit derived from the appointment should not be considered a legacy, as it really was not; but he (Mr. Freshfield) regretted to say, that the spirit of this Succession Act took a different direction; and Clause 4, which he sought to amend, enacted that—

> "Where any person shall have a general power of appointment under any disposition of property taking effect upon the death of any person dying after the time appointed for the commencement of this Act over property, he shall, in the event of his making any appointment thereunder, be deemed to be entitled at the time of his exercising such power, to the property or interest, thereby appointed as a succession derived from the donor of the power."

The clause so proposed would render the party possessing the power, no matter how he exercised it, liable to the succession duty, notwithstanding that person should from a grateful sense of the confidence reposed in him, so appoint the property, as from altered circumstances, or further knowledge of the wishes of the donor of the power, practise the most generous self-denial, by making the appointment as to the whole or part of the capital or income to be derived from it, in favour of some third person, who would clearly acquire a succession and pay the succession tax; and this he would pay because he acquired a succession, and the possessor of the general power would pay under this clause not because he did in fact acquire any direct advantage to himself, but because he might have done so had he chosen to act a selfish part; and thus the same property would at one and the same moment pay the tax twice. This was the spirit in which the power of the majority was used in carrying out the succession principle, not as to real property—the great object of taxation with a section of hon. Members—but as to personal property also, which would be found to bear more than was generally supposed by the change of the character of the tax from a legacy to a succession duty. He therefore proposed an Amendment which would leave the last branch of the 4th clause, namely, the provision relating to a succession derived under a limited power of appointment, untouched; but as to persons having a general power of appointment it would cause the tax to be paid by the parties deriving benefit under such power, and strictly and without favour or exemption to the full extent of that benefit; and with that view he moved that the clause be amended by inserting in line 12, page 3, after the word "power," as follows:—

> "In case the power shall be so exercised as to vest the said property wholly or in part for his own benefit, and in case the person having such general power of appointment shall exercise the same in whole or in part in favour of any other person, the property so appointed as last mentioned shall be deemed a succession derived by such last mentioned person from the donor of the power."

The SOLICITOR GENERAL said, the clause was in strict conformity with the principle and tendency of the Act, and was nothing more than an importation into the Bill of the rule which had been acted upon for nearly sixty years.

The CHANCELLOR OF THE EXCHEQUER said, the principle of this clause as to the duty payable, was precisely the same as that of the Legacy Acts.

Amendment *negatived.*

SIR JOHN PAKINGTON said, he wished to move the omission of all the words in the 21st clause, from the 35th line. The clause related to the interest of a successor in real property. The Amendment had for its object the prevention of the tax proposed to be levied in certain cases. He thought the provisions to which he objected most unjust and oppressive. But his objection applied most strongly, not to the bearing of the tax upon the wealthy, but upon the humbler classes of possessors of property. He appealed to the House against the infliction of this cruel hardship of the provisions in question, which, if allowed to stand, would, in many cases, amount to positive confiscation.

Amendment proposed, in page 8, line 34, to leave out from the word "payable" to the end of the Clause.

The CHANCELLOR OF THE EXCHEQUER said, the right hon. Baronet had discreetly abstained from attempting to demonstrate the truth of his assertion—that this tax would amount to confiscation. There was no foundation whatever for such a statement. The right hon. Baronet, on that as well as on former occasions, seemed to forget the mitigated burden which was to be enforced upou real property as compared with personalty. How did the matter stand? For the sake of giving to the tax the most lenient form of which it was susceptible, he had proposed, instead of coming down upon the successor with the whole tax at once, which was done in other cases, to give him the power of spreading it over four years and a half; and, therefore, because he had proposed to grant him that very great indulgence, he was now told it was cruelty to deny the other gift of the whole unpaid residue of the tax. If the successor had only a life interest in the property to which he succeeded, he would not be required to continue payment of the instalments due at the death of his predecessor; but if he had a continuing interest in the property, and if he was able to leave it behind him, there could be no reason why a tax due to the State should be remitted in his favour rather than any other debt to which he was liable. Was a tax to the State a legitimate debt or was it not? If it was, then he could only say that nothing could be more just than the clause as it stood.

MR. CROSSLEY said, he was astonished at this opposition to the clause. If the right hon. Gentleman (Sir J. Pakington) had moved, on behalf of the land, a vote of thanks to the Chancellor of the Exchequer for the consideration shown in this arrangement, he (Mr. Crossley) would not have been surprised; but he was puzzled to know on what ground they could complain of a most extraordinary indulgence and act of grace.

MR. MALINS said, that they (the Opposition) were not struggling for the great but for the small proprietors, and in this instance the small proprietary would suffer enormously. He predicted that the day would come when there would be an unanimous admission that this tax was in this respect a great blunder.

MR. HADFIELD said, he had consulted his constituents as to the Budget, and they had given a direct and distinct approval of the Budget as a whole; and of no portion of it did they more approve than of this succession tax.

MR. VANCE said, he represented, like the hon. Gentleman (Mr. Hadfield), a large civic constituency; and their opinion was the direct reverse of that conveyed by the hon. Member for Sheffield. They regarded this succession tax as a tax from which the farmers and small proprietary of Ireland would suffer a heavy blow. The capital of Ireland was in land, not in manufactures, and this tax would cramp the rising energies of the country. It was all very well for the hon. Member for Halifax (Mr. Crossley), who was a prosperous manufacturer, to look lightly on the consequences of this impost. The hon. Member very likely turned his capital two or three times over in a year, but the farmer only turned his capital over once a year.

MR. EVELYN DENISON said, it was a mistake to suppose that that was a tax which would be peculiarly burdensome to the smaller proprietors. The fact was, that small landed properties were usually divided equally among the different children of the owner, and when they were sold out for the purpose of meeting the charges so created, the successors became subject to the legacy duty. He believed that if the opinion of the smaller proprietors were taken with respect to the Bill, it would be found that they were not so hostile to it as hon. Gentlemen opposite seemed to imagine.

MR. MULLINGS said, that the hon. Gentleman who had preceded him appeared to labour under a mistake. He had to inform the hon. Gentleman, that if a property were equally divided among the children of the owner, it would not be subject to the legacy duty.

Question, "That the words proposed to be left out stand part of the Bill," put, and *agreed* to.

MR. MALINS said, he wished to propose an omission in Clause 23—the "timber clause." A great deal of confusion and irresolution had been manifested in their mode of dealing with that clause. No man of taste wished that the timber of the country should be cut down. It was now clearly evident that the Chancellor of the Exchequer had abandoned the original intention of his Bill, because as the Bill now stood, any nobleman or gentleman entering on the possession of his estate would pay nothing whatever for his timber. If timber was kept for the ornament of a demesne and the general beautification of the country, it was manifestly unjust and impolitic to tax it as though it were a source of profit. The duty on timber was either profitable or not. An estate might produce 20,000*l.* a year, and of that sum 1,000*l.* a year might be the produce of timber. If this were so, why should timber be made an exception to grass, corn, or any other crop? If the land produced 1,000*l.* a year in timber, it could not produce any other crop, and, therefore, if the successor were an honest man, he would make his return at 1,000*l.* a year, upon which sum the Chancellor of the Exchequer could get the duty. Timber was now actually excluded from the value of an estate; but then the Chancellor of the Exchequer said, "When once timber is cut, I will charge the duty upon it." By this magnificent scheme of taxation, whenever a son succeeded his father, and felled 10*l.* worth of timber, he would have to pay 2*s.*, and if he felled 100*l.* worth, he would have to pay 10*l.*, and so on. It was said that England could not bear a little war. She could not bear a little scheme of taxation, and this was one. Parliament had been removing small duties. They had taken off 1,500,000*l.* a year for the soap duty—a duty which, by the way, he did not think was any great boon. [*Cheers.*] He had no wish whatever to depreciate the importance of the manufacturing interests. They were not a greater, but he should concede they were as great and important a class as the landed interest. So in the case with bricks; the great thing appeared to be to get rid of the exciseman. When the right hon. Gentleman the Member for Buckinghamshire, when Chancellor of the Exchequer, wanted to get rid of the malt tax, the present Chancellor of the Exchequer objected to the proposition, alleging that it would do no good, as the expense of collection would still be kept up, and the exciseman could not be got rid of. But by the present proposition, the Chancellor of the Exchequer would retain something in the capacity of an exciseman, whose duty it would be to prowl over every estate in the kingdom to see what timber had been cut and disposed of by the proprietor, in order to levy a tax, which, when collected, would be utterly insignificant. He assured the House that he did not propose the omission in anything like a factious spirit; but he must say that the Chancellor of the Exchequer, in persisting with the clause, showed that he was not free from the infirmity of noble minds. His infirmity appeared to be, far too great a pertinacity with respect to every clause which had been proved in argument to be wholly unsustainable. It was one of the misfortunes connected with the proceedings of that House, that it rarely happened that the decision of a question was left to the Members who had listened to, or taken part in, the debate. If this question could be left to the Members present, he would leave it with confidence in their hands; but, as soon as Mr. Speaker rose to put the question, a number of Members would rush in who knew nothing whatever of the question, and who merely voted with the party with whom they were in the habit of acting. He believed, that, even on the ground of prudence, the Chancellor of the Exchequer would gain nothing by this tax, but would be a loser. If the successor were allowed to include timber in his return, in the usual way, the chances were, that in 999 cases out of 1,000, the return would be an honest one, and the Chancellor of the Exchequer would have the benefit of the timber duty; but by the proposed plan, the cost of watching and collecting the 2*s.* and the 20*s.* would be more than they were worth, while the question of determining the duty would have to be left open during the whole life of the successor. He saw no reason why timber should have any ground of exemption, or why it should be made the subject of a special enactment. He hoped, therefore, the right hon. Gentleman would consent at this the last stage of the measure, to the omission he proposed.

Amendment proposed, in page 9, line 1, to leave out from the beginning of the clause to the word "which," in line 4.

Mr. W. WILLIAMS trusted the House would not give way to the clamour of the hon. and learned Gentleman opposite. He would ask the hon. and learned Gentleman to descend with him to the humble cottage of the labouring man—to look at the old arm chair, in which, perhaps, his father died, and to contemplate the ancient oak chest, inherited, perhaps, from his grandmother. The value of these, and of everything else in the place, must be assessed at succession, and, if the sum amounted to 20*l.*, 2½ per cent of probate duty and 1½ of legacy duty must be paid; whereas but 1½ was to be imposed on the valuable hereditary property in question; and the injustice of the hon. and learned Member's observations was therefore at once apparent.

LORD JOHN MANNERS said, his object in rising was not to reply to the observations of the hon. Member for Lambeth (Mr. W. Williams), so much as to express his astonishment at the manner in which some hon. Gentlemen opposite, who represented agricultural constituencies, had dealt with the whole Budget of the Government, and especially the present Bill, and the clause more immediately under discussion. In endeavouring to account for the conduct of those Gentlemen in supporting this Bill, and more particularly this clause, he had been compelled to fall back on an explanation of similar conduct given many years ago by the celebrated Adam Smith, with reference to the political ancestors of Gentlemen opposite. He explained the matter in a very philosophical manner. When contrasting the success that attended the moneyed classes with that of the landed interest, he said—

> "Their—the moneyed interest's—superiority over the country gentlemen is not so much in their knowledge of the public interest, as in their having a better knowledge of their own interest than he has of his. It is by this superior knowledge of their own interest that they have frequently imposed upon his generosity, and persuaded him to give up both his own interest and that of the public, from a very simple but honest conviction that their interest, and not his, was the interest of the public."

He believed that in those words of Adam Smith was to be found the true solution of the success, so far, of the scheme of the Chancellor of the Exchequer. He would in a few sentences state his objections to the Bill. He objected, in the first place, to the clause now under consideration, because it treated timber, a product of the soil, in a manner in which no other product of the soil was treated, and subjected it to an unfair, odious, and inquisitorial system of taxation. Another objection to the clause was, that even if it taxed timber in accordance with, instead of antagonism to, the system of taxation hitherto prevalent in this country, there were peculiar circumstances connected with the timber of England which might induce the Government, on public and national grounds, to make exemptions in favour of rather than against it. With respect to a not considerable class of timber in this country—hedge-row timber and isolated field trees—it was unjust and unfair to subject them to any taxation. As the Chancellor of the Exchequer did not mean to tax hedge-rows when removed for agricultural purposes, he ought to exempt the timber forming a component part of the hedge from duty. With regard to isolated field trees, they grew either in arable or grass lands. Now, he presumed that no one would deny that the removal of timber from arable land was *pro tanto* an improvement of the estate. Then, the Chancellor of the Exchequer, in estimating the net value of a tree removed from such land, ought also in fairness to estimate the detriment to the property caused by the tree having stood so long there, and it would be found that the latter would balance, or more than balance, the net value of the tree. He, therefore, conceived himself justified in asking the right hon. Gentleman to exempt timber growing on arable land from the tax. In grass land, again, no one would contest that the maintenance of an isolated tree was a benefit to the field in which it stood, for it formed a protection to the cattle against storms and rains in winter, and against scorching heats in summer; and when the Chancellor of the Exchequer estimated the net value of such a tree on removal, he ought also to estimate the diminution in value of the grass land by the removal of the tree. Without speaking of great forests, such as the New Forest, he asked the House to look at the case of ordinary woodlands scattered here and there throughout the country. Let the House consider the moderate value of those woodlands, and the competition to which that property was subject with foreign timber, and then say whether it was fair and just now, for the first time, to impose a new excise duty on home-grown timber—for, disguise it as they might, such was the effect of the law. The argument used in favour of the reduction of the duty on the importation of foreign timber was, that it was just and right to diminish as much as possible the cost of that timber, which was used by the artisans, the peasants, and the shipowners of this country in the construction of their implements, workshops, cottages, and vessels. Then, upon what poinciple could hon. Members now call on the House to impose an excise duty on timber the product of their own soil? From the time of Charles II., when Evelyn published his treatise, with the direct sanction of the administrators of the King's Navy, to the days when a great modern authority, Mr. M'Culloch, denounced all timber duties, whether on foreign or home-grown wood, he ventured to say no Chancellor of the Exchequer ever proposed to impose an excise duty on timber. Mr. M'Culloch said—

> "If there be one article more than another with which it is of primary importance that a great commercial and manufacturing nation like England should be abundantly supplied on the lowest possible terms, that article is timber. Timber is not to be looked upon in the same light as most other commodities. It is against all principle to impose duties on materials intended to be subsequently manufactured; but timber is the raw material of the most important of all manufactures—that of the instruments of production. Suppose it were proposed to lay a heavy tax on ships, waggons, looms, or workshops, when completed; would not such a monstrous proposal be universally scouted? And yet this is what is being really done."

Upon such considerations it was, that though a duty was nominally on all foreign timber, the exemptions made by the Legislature were extremely numerous, as the following heavy list would show. At the present moment the following timber and wood goods were admitted duty free: Birch and fir wood imported for making barrels for the use of fisheries; poles, being imported for shovel hilts; teak and Cuba timber, admitted for shipbuilding; locusts, trenails, greenheart, and morawood; all furniture woods, except ash, beech, birch, elm, fir, oak, or wainscoat, and all dye woods. If it were right and just, then, that these articles should be imported duty free, upon high and national considerations, would the House of Commons set the example of taxing corresponding articles the produce of the English soil? In justice, the Chancellor of the Exchequer must either discontinue these exemptions in favour of foreign timber, or he must permit similar English-grown articles to be exempt from the operation of the present Bill, and then the tax on the remaining timber would not be worth the collection. There was, to be sure, a third course, contrary to all justice and equity, and that was, to continue the exemptions which foreign timber enjoyed, and at the same time to impose this succession tax in all its rigour, annoyance, and injustice on timber the produce of the English soil. If the Chancellor of the Exchequer did that, he would but confirm the suspicion which the landed interest had hitherto reason to form of the insincerity of right hon. and hon. Gentlemen opposite, as freetraders. The Chancellor of the Exchequer would then give ground for belief that *Voe victis!* was the only rule of legislation as applied to the landed interest of the country, and would create the conviction that at the hands of the present Government that interest had no reason to expect either justice or fair consideration. For the reasons he had stated, he should most cordially support the Motion of his hon. and learned Friend (Mr. Malins).

MR. DRUMMOND said, he was surprised that the noble Lord did not perceive the fallacies of his own argument. The duty which was about to be imposed had nothing of the nature of an excise duty, but was only a duty on successions to property, including timber. Not only the timber, therefore, which the noble Lord mentioned, but all those herring barrels and shovel hilts, and all the other articles, would be included for payment in like manner. The argument, therefore, of the noble Lord was wholly futile. It was not his desire to have made a single remark on that occasion if it had not been for the course of observation pursued by the noble Lord with regard to the landed interest. He deprecated these appeals to separate interests. Selfishness was bad, but it produced no public evil; but the separate interest of particular classes, if exclusively considered, went far to bring Government altogether to an end. With regard to this Bill he must say that he disliked it as much as any one else; but could they give him a reason why real property should be exempted from a duty to which personal property was liable? No doubt there would be great difficulty and expense in collecting it—expense and difficulty beyond anything that Parliament could see. They had reason to admire the great abilities of the Chancellor of the Exchequer and the Solicitor General in dealing with the Bill against the objections of hon. Gentlemen opposite. They made many objections; and it was very easy for captious men to object. However, the lawyers were equally ignorant as the rest of them, for they rose and debated continually. Nevertheless, this was called a well-drawn Bill. He had no doubt it was so, for to him it was quite unintelligible. But, indeed, the Judges would not care a single rush for anything that was said in that House; and he believed that, until they had a judgment on every clause of the Bill, it would continue to be impossible to know what they were to do under the Bill. But the expense of these actions would create great irritation in the country. It was not with the great landed interest, but among the small landed proprietors, who would not be able to find money enough to pay the succession duty, that the difficulty occasioned by this Bill would arise. But with the prospect of so admirable a harvest in the Courts of Law, it was not likely that the noble Lord the Member for Middlesex (Lord R. Grosvenor) would have any great chance of bringing in his Bill during the present Session.

Question put, "That the words proposed to be left out stand part of the Bill."

The House *divided*:—Ayes 112; Noes 77: Majority 35.

Mr. CAYLEY said, he would now beg to move the introduction of a proviso of which he had given notice. He contended that timber land did not, generally speaking, pay a higher rent than arable or pasture land.

Amendment proposed—

"In page 9, line 12, after the word 'accordingly,' to insert the words 'or at the option of the successor, such timber or woodland shall be estimated for the purposes of this Act at the same rate of value as the arable, pasture, or other land of similar quality immediately adjoining or nearest thereto.'"

The CHANCELLOR of the EXCHEQUER said, he could not agree to the insertion of these words. There was a large department of timber which was not applicable to the proviso, such as hedgerow and park timber, and there would be great difficulty in the assessment of the duty. How would they act with regard to Scotland? The wood there was the boundary between the arable on the one side, and the moorland on the other. But the main ground of his objection was, that he did not think the hon. Gentleman had shown that any successor would endure hardship under the Act, as he had the option of having his timber assessed in whatever way was most favourable to himself.

Question, "That those words be there inserted," put, and *negatived.*

Sir JOHN PAKINGTON said, he would now move, pursuant to notice, an Amendment in Clause 34, the object of which was to prevent the charge upon encumbrances created or incurred by the succession taking effect till "after the time appointed for the commencement of this Act." He could not allow this Bill to pass without again expressing the strong objection he entertained to the excessive injustice of its retrospective effect. He had already stated that in his opinion it was an unjust measure altogether—not, as the hon. Member for Lambeth (Mr. W. Williams) and others had argued, because it placed a tax on landed property; for he had the strongest possible opinion that all the property of the country ought to be equally rated to the public burdens, but because rateable property was already so heavily taxed, as compared with other kinds of property, that it would be exceedingly unjust now to increase it. He still entertained that opinion; but he especially objected to the enactment of this particular clause, because, whatever might be the opinion of the House with respect to the general injustice of the measure, he really thought there could not be a difference of opinion with respect to the injustice of *ex post facto* legislation. The effect of it in this case would inevitably be to deprive mortgagees of the securities on the faith of which they had made their advances, and would fall heavily and unjustly on reversioners who had burdened the property they were to possess on the faith of the law continuing as it was at the time they created the burdens. He feared that the opponents of the Bill were not numerous enough in that House to prevent its passing into a law; but he was glad that they had, at least, been able to open the eyes of the public to the oppressive and unjust nature of the burdens which the present Government were attempting to impose upon them. He was sure that the public would feel exceedingly grateful to the hon. and learned Member for Wallingford (Mr. Malins), and the hon. Member for Cirencester (Mr. Mullings), for the part they had taken in exposing the details of a Bill which went to enact a tax which he sincerely believed would be one of the most detestable and detested imposts that was ever thrown on the kingdom. Unless in another place the proceedings of that House were reversed, it would remain for the country to say what view they took of the course which Parliament had pursued on this question. He believed now as firmly as ever he did that the burden would be found intolerable by the country—that it would be found so oppressive and inquisitorial in its operation that not many years would elapse before the country would protest against it, and declare in terms which neither Government nor Parliament could mistake, that, whatever funds were required to meet the public expenditure, they must be raised in some other mode than that proposed in the present Bill.

Amendment proposed, in page 11, line 36, after the word "successor," to insert the words "after the time appointed for the commencement of this Act."

MR. MALINS said, he wished again to call the attention of the right hon. Gentleman the Chancellor of the Exchequer to the hardship and unfairness of the 34th clause, which would compel the son who had joined his father in encumbering the estate to pay the full tax upon succeeding to the property, although he would be only the nominal successor. He knew a case in which property to the value of 50,000*l.* per annum was encumbered to the extent of 45,000*l.* or more, and the successor in that case was only in receipt of 4,000*l.* or 5,000*l.* per annum, although he would have to pay upon the entire rental. He must complain that the right hon. Gentleman had not answered that objection.

The CHANCELLOR OF THE EXCHEQUER said, that his reason for abstaining from taking part in the discussion on the timber clause was, that in the course of four debates on this subject he had already spoken on it to the best of his capacity; and having trespassed so often and so long upon the time of the House, he felt that he should be doing injustice to its patience if he entered any further upon the question. The hon. and learned Gentleman opposite inquired if he (the Chancellor of the Exchequer) thought the clause on which the present Amendment was moved, a just clause? He had no hesitation in saying that he thought it was just; but they must judge of its operation, not by an exceptional case, but by its general effect. The hon. and learned Gentleman had said that the principle of the clause was to make a man pay upon that to which he did not actually succeed; but that was not a correct description of it. The principle of the clause was to make a man pay upon that which it was in his own choice or option to succeed. If a person, having expectations of a succession, should spend any portion of that succession before coming into its actual enjoyment, he ought not to complain, if, upon coming into possession, he was made to pay upon the whole. Extreme cases might, no doubt, be conceived, but it was impossible to frame a Bill which was to touch property at all without harshness in some instances. He asked the hon. and learned Gentleman, was it desirable, in the general interest of the country, or for the individuals themselves, that those who had pledged the greater portion of their properties should continue to be the nominal proprietors? This was the whole case which had been put. But it was a principle, not only of policy and prudence, but a principle absolutely required by justice, that successions which were made away with beforehand, by a course of anticipation, should not be placed in a position more favourable than those of parties who had waited for their successions till the time appointed by nature and Providence.

MR. MULLINGS said, he could only repeat that he entertained a strong objection to the measure, because there were many persons who had advanced sums of money on mortgage without at all anticipating any such enactment, and it would press upon them with undue severity.

MR. NEWDEGATE desired to show the House the erroneous manner in which the public mind was impressed with regard to this question by some of the public journals. In one of the leading journals an article on this question appeared on Saturday, which commenced with—"The project of substituting a tax on successions for one upon income has met with but little opposition, or even criticism, in Parliament, and is not unpopular out of doors." That was the comment of the *Times* on what was doing in that House. The *Times* had taken care not to convey to the public in its columns the able objections urged against the measure by his side of the House, and was now taking advantage of that circumstance; and the public were consequently led to believe that the Bill was passing through the last stage with but little opposition, or even criticism, from that House. He had heard a good many Bills discussed in that House, but never with more ability than the present measure. He felt that the thanks of the Members opposed to this Bill were eminently due to the right hon. Member for Droitwich, and he must add a tribute to the hon. Member for Cirencester, and the hon. Member for Wallingford. If this Bill was considered tolerable by the country, it would be made so by the resistance and amendments of those hon. and learned Gentlemen. The hon. and learned Member for Wallingford had commented on the fact that the right hon. Gentleman the Chancellor of the Exchequer had never attempted to reply to the speech of the right hon. Gentleman the Member for Droitwich. The right hon. Chancellor of the Exchequer had now, as on a previous occasion, observed a discreet silence: he was silent now, as before, after the right hon. Member for Droitwich had, in a most able statement, shown that of the whole taxation of the country, local and general, real property was taxed to the extent of 17,000,000*l.* in excess of personal property—that personal property was exempted from those taxes—and that if this excess of taxation on real property were set against exemption from the legacy duty, it would be found that real property contributed far more in proportion than personal property to the taxation of the country. The right hon. Gentleman the Chancellor of the Exchequer had never ventured an answer to the statement that there were 17,000,000*l.* of annual taxation to which real property was subject, and from which personal property was exempt. The reason was obvious. The right hon. Gentleman, when detailing his measure for the renewal of the income and property tax, candidly admitted there were about 14,000,000*l.* of taxation which exclusively pressed on real property; that under Schedule A real property paid 9*d.* and personal property but 7*d.* in the pound of annual income. The right hon. Gentleman was quite right in not attempting to answer himself, for he must have done so, had he attempted to answer the statement of the right hon. Gentleman the Member for Droitwich. They had had another species of injustice, which, indeed, was the characteristic tenor of the Bill. This was, that successors were to be taxed for property which they never would have; and mortgagees, who had never contemplated the interposition of this tax, would not only find their capital taxed, but the security on which it rested invalidated in many cases. But the right hon. Gentleman was going to do more by this Bill. He was going to show his predilection for mediævalism, by going back to the feudal tenure. The right hon. Gentleman proposed to invalidate the absolute title to all real property, which now by law exists, in favour of the possessor, by creating a debt to the Crown, and levying fines on the transmission of real property. Feeling, as he did, the injustice, the inequality of taxation, which already pressed on real property, he could not help saying, if additional taxation were to be imposed, that this injustice was rendered more unbearable by the necessity for such inquisition into the title to property as would probably invalidate the title as between man and man, and by the establishment of the principle that the Crown had the first right to all real property—by this re-establishment of the basis of the feudal system, abandoned years ago—abolished by statute, and condemned by public opinion. If it was right to impose additional taxes, why not resort to the income and property tax, and the machinery by which that tax was levied, which had been re-enacted this very Session? Why did not the right hon. Gentleman the Chancellor of the Exchequer use that machinery for his purpose? If he wanted additional revenue, he had only to add an additional 3*d.* in the pound under Schedule A until 1860, and 6*d.* after that, if the existing income and property tax were not renewed, when the term for which it was this Session re-enacted had expired. He might then easily adjust the irregularity complained of in the case of leasehold property, by including it under this additional taxation, but excluding it from legacy duty. But the right hon. Gentleman would not listen to what reason and justice pointed out; for the sake of reverting to a mediæval system condemned by statute, the last vestiges of which the Legislature were about to abolish by dealing with copyhold tenures, he preferred to revive the feudal title of the Crown to all real property throughout the country.

Mr. DISRAELI said, he wished the right hon. Gentleman the Chancellor of the Exchequer to reconsider the case, as it appeared to him that the hardship it would occasion would be very severe. The right hon. Gentleman partly acknowledged that it was doubtful the amount which would be gained by this clause. It would be very desirable for the right hon. Gentleman to give the House some idea of the amount he expected. It would be, in his opinion, much smaller than the House imagined. With regard to the case which had been mentioned by the hon. and learned Member for Wallingford, he could not help fancying that he was acquainted with that case, and if he were, he did not consider that it was met by the observations of the right hon. Gentleman the Chancellor of the Exchequer. If the case were the one with which he was acquainted, an estate had been left to a person who had a life interest in it; it was not an entailed estate, nor could father and son by combination alienate any part of the property. In such a case the present would be about as severe an act of legislation as could be devised by man. All the cases under this clause would be exposed to great injustice; and if the right hon. Gentleman, on consideration, should not feel convinced that he was likely to obtain a certain sum from this clause, he trusted the right hon. Gentleman would make it more in consonance with the soundest and purest principles of legislation by causing the Act to be prospective, and not retrospective.

The SOLICITOR GENERAL said, he entirely dissented from the idea of legislating with regard to a particular case; and he must say, when a particular case had been repeatedly urged, hon. Gentlemen ought to recollect that that case might have been avoided. The father and the son, instead of alienating their estates, had chosen to preserve them. They had done this voluntarily; whereas, in their circumstances, prudence and discretion would have suggested a sale for the purpose of paying off the debts. To allow this as a reason for breaking down a general rule, would be most unjust. If it were allowed, a party succeeding to an inheritance worth 100,000*l.* might borrow 20,000*l.* or 30,000*l.*, and either keep the money in his pocket, or lay it out upon some profitable investment. Suppose the life estate to cease, then the successor would be allowed to deduct from it, as to duty, the 20,000*l.* or 30,000*l.* he had in his pocket, or might apply in some more profitable manner. It was impossible to permit this to be done. Hon. Gentlemen opposite had spoken with much sympathy about the severity with which the tax would fall upon the small proprietors; but they were now endeavouring to exempt large proprietors from a burden which he thought was consistent with the principles of justice and equity.

Mr. WALPOLE said, it had been asserted that the case had been argued with reference to a particular class. This he denied. The case had been argued with reference to this particular clause on the general rules of justice and the common interest. Hon. Members on his side of the House complained of the general injustice of the measure if the clause were to pass as it at present stood. And if it could be shown the Government were wrong, and they refused to give way, the consequence would be that first of all public opinion would be entirely against them; and next, when the measure was submitted to another House, where it would be looked at more judicially, the clause could not pass in its present form. The hon. and learned Solicitor General had said the arguments were applied to the case of large landed properties. He denied it. He agreed that a particular case of a large landed proprietor was used by way of illustration, and to show the operation of the clause; but the case might equally well have been taken from a number of small landed proprietors who had already mortgaged their property, the value of which was affected by *ex post facto* legislation, and the surplus value of which was also affected by the same law. The hon. and learned Member for Wallingford said that the principle of the Bill was, that everybody should pay for what he succeeded to. But the right hon. Gentleman the Chancellor of the Exchequer said that was not the principle of the Bill. Then, if it were not, he said it ought to be. But the right hon. Gentleman said successors were to pay not on that which they succeeded to, but on that which they might have succeeded to, if they had not anticipated their interest. He would accept that definition, but he would not give up the definition of the hon. and learned Gentleman the Member for Wallingford, as the two definitions were not inconsistent. As a general Bill, the Bill ought to charge the duty on that which a person succeeded to, and nothing more. What was the right hon. Gentleman doing by this clause? He was taking from the creditor's security a large portion of that security, and taxing the successor on that which he never might receive, on the assumption that he was going to receive it. If he knew what justice and equity were, he should say it was the very opposite to this clause.

Question put, "That those words be there inserted."

The House *divided:*—Ayes 93; Noes 134: Majority 41.

Mr. MALINS proposed an Amendment, to insert in Clause 49, after the word "documents," the words "except title deeds relating to land." He did not put forward any objection to the right hon. Gentleman the Chancellor of the Exchequer having all such power as he should think desirable and necessary to enable him to collect the new duty; but he did urge upon his attention that he should not arm himself with powers which were offensive to the owners of property, and repugnant to the feelings of Englishmen, more especially so to the lower classes of the people. He submitted that the power of compelling the production of the sedeeds was unnecessary, whilst it would be extremely inquisitorial. As this was the last time he should have an opportunity of addressing the House upon the Bill, he could not sit down without expressing his regret that some clauses, which would do the Chancellor of the Exchequer no good, but would offend the feelings of the country, had been insisted upon.

Amendment proposed, in page 16, line 24, after the word "documents," to insert the words "except title deeds relating to lands."

The CHANCELLOR OF THE EXCHEQUER said, the hon. and learned Gentleman gave him no option but to place assertion against assertion. The hon. and learned Gentleman stated that both his (the Chancellor of the Exchequer's) hon. and learned Friend the Solicitor General and himself had not attempted to show the necessity of investigating title deeds. He (the Chancellor of the Exchequer) would not only reiterate the assertion, that he had shown the necessity of having the power they sought, but in addition thereto, he would assert that the hon. and learned Gentleman had never attempted to answer the point put in regard to the variety of interests in, and the different rates charged on, property. The hon. and learned Gentleman had not only not endeavoured to address himself to the point, but he had always eschewed the subject, and had not shown any reasons to the House against the proposition. He would ask hon. Gentlemen how it was possible to get at the amount of the tax payable, without having some such power as that now proposed, in order that an investigation might take place? He (the Chancellor of the Exchequer) wished only to add one word in explanation of something he had said on a former evening, and which he found had been misunderstood by some persons. He had been understood to say that the Commissioners of Inland Revenue would have no concern with the collection of the legacy duty. It was not his intention to convey such an impression; but what he intended to say was, that the ordinary duty of investigating the deeds, for the purpose of fixing the amount of duty, would rest with the Comptroller of the legacy duty.

Question put, "That those words be there inserted."

The House *divided*:—Ayes 110; Noes 146: Majority 36.

MR. CRAUFURD then moved an Amendment, giving a power of appeal in cases where the difference between the assessment of the successor and of the Government officer might amount to 50*l*., instead of, as originally provided in the Bill, in cases where the duty to be paid amounted to that sum.

The CHANCELLOR OF THE EXCHEQUER said, there was no objection to the Amendment, which was accordingly agreed to.

Motion made, and Question put, "That the Bill do pass."

The House *divided*:—Ayes 176; Noes 104: Majority 72.

Bill *passed.*

GOVERNMENT OF INDIA BILL.

Order for Committee read.

House in Committee.

Clauses 15 to 19 inclusive *agreed to.*

Clause 20 (Appointments of Members of Council shall be subject to the approbation of Her Majesty).

MR. HUME said, he wished to know what reason there was for this clause? If there was one part of the administration of the Company which deserved and had received more credit than another, it was the manner in which they appointed the members of the Council, and in which they had provided in expectancy for the filling up of vacancies which might occur from death or other causes. He certainly considered that to take away this power from the Company would be to deprive them of much of the *prestige* and influence which they had hitherto enjoyed among the Natives, and which was necessary for the good government of the country. He thought the clause ought to be rejected.

SIR CHARLES WOOD said, this restriction was considered necessary for the proper working of the Indian Government, and he could not consent to give it up.

Clause *agreed to;* as was also Clause 21.

Clause 22 (Legislative Councillors added to the Council of India, for making Laws and Regulations).

SIR HERBERT MADDOCK said, he wished to move the omission from the clause of the words "two persons having been ten years in the civil service of the Company," and the substitution of the words "three persons, being European or Native Indian subjects of Her Majesty, not in the service of Her Majesty or the said Company." He contended that it would not be necessary to have all the year round so large a body of men employed in the duties assigned to them by the clause as it stood, and paid at so great a rate as was there proposed. But if they were to form a Legislative Council on so extensive a basis as was proposed by the clause, it would be far more desirable, instead of nominating every Member of that Council, except the lawyers, who were gentleman of the civil service, either to adopt the Amendment of which the hon. Member for Montrose (Mr. Hume) had given notice, or, what he (Sir H. Maddock) should greatly prefer, to leave it optional with the Government to appoint to that Council European gentlemen residing in India, or native Indian subjects of Her Majesty, but who should not be in the service of the Crown or of the Company. Besides, he submitted, it was desirable to have other persons in the Council, representing interests other than those of the governing body. It would be much more becoming of Parliament to form such a court as would give satisfaction to the people of India, than to confide the making of laws and regulations to those who were interested only in the governing body. There were many persons in Calcutta unconnected either with the Crown or with the Company whose respectability and abilities fully entitled them to be placed in such a position.

Mr. HUME said, that before the Amendment of the hon. Member for Rochester was put, he had an Amendment, of which he had given notice, that he wished to propose—namely, that of the councillors to be appointed, one of them be a Hindoo, and the other a Mahomedan. Some persons thought that the natives had not conducted themselves so well in other situations that they should be appointed to the Legislative Council. He differed very much from those persons, because when he was in India he was as well and faithfully served by natives as ever he was in England. He believed that if a Hindoo and Mahomedan were appointed, it would tend to give confidence to the natives of the country, and would prevent those mistakes with respect to their customs and usages which often led to so much mischief.

Amendment proposed—

"In page 10, line 12, after the words' Governor General,' to insert the words 'two natives of India, one being a Hindoo and the other a Mahomedan, to be members of the Legislative Council.'"

Sir. HERBERT MADDOCK said, he should be glad if either the Amendment of the hon. Member for Montrose, or his own, were adopted, as the President of the Board of Control should consider best. But with reference to what fell from the hon. Member (Mr. Hume) with regard to the evidence before the Indian Committee, he wished to say to say that though there was a difference of opinion as to admitting natives into the councils generally, yet he was not aware that any of the evidence given went further than this—that they would be useless. He believed that two or three native gentlemen associated with seven or eight English gentlemen would have much weight in a council. The main reason for which he asked a consideration of this matter was, that if it was desired to inspire the people of India with a belief that we were interested in their welfare, and were anxious that they should have an opportunity of declaring their feelings and advocating their interests, it would be only an act of wisdom and justice to place two native gentlemen in the Legislative Council. He would not place them in the Executive Council, for he believed that the Executive and the officers of the army should be English, and that the civil service should also be English, and a close service, and that no natives should be admitted into it.

Sir ROBERT H. INGLIS said, he presumed that the objections taken to the clause had two objects in view—first, to satisfy the natives of India, and next to improve the Legislative Council. He doubted whether the proposed remedy would accomplish the one object or the other. In the first place, he doubted whether it would satisfy the natives; for where there were so many nations and sects, the probability was that from whichever you took, you would displease all the others. The question then was, whether they were to govern India on English or Indian principles. He was convinced, also, that there was as much, if not more, knowledge of Mahomedan laws and customs to be found among the civil servants of the Company as among the natives; and it was not likely, therefore, that the efficiency of the Legislative Council would be increased by the appointment of two natives. It was not to save money that he objected to the Amendments, but because he believed that neither the Council would be improved, nor the people of India satisfied by the change.

Sir CHARLES WOOD opposed the Amendment. He thought it was strange that the hon. Gentleman who complained of the excess of Members in the Legislative Council should seek to remedy it by appointing two additional members. It was advisable to employ natives in administrative affairs; but the whole tenor of the evidence on this point was against putting them into the Legislative Council. It would, moreover, be impossible to do so without creating the greatest jealousy among the numerous sects which would necessarily remain unrepresented. He did not believe it would be possible to find two natives who should represent the whole native population. For the purpose of legislation it was exceedingly desirable to have a Council to assist the Governor General. Lord Ellenborough was of opinion that the Council should not exceed twelve in number, and that among them should be gentlemen from the other Presidencies. He (Sir Charles Wood), thought it of great importance that there should be gentlemen from other Presidencies; but he did not think it desirable to increase the Executive Council. With regard to the Legislative Council no such objection to their number being increased existed. With regard to residence, he was of opinion that there ought always to be a quorum of the Legislative Council capable of being called together at any time at Calcutta. With regard to the law commission, he thought that great advantage had been derived from their labours in improving legislation in India; but the fault of the Act of 1833 was in the machinery by which the law commision worked. The commission considered the various laws and customs of India, and collected materials for framing a code of laws, but they had no power to carry any of their labours into effect. The question had been raised, whether it would not be advisable to reconstruct the commission? His own opinion was, that it would be better to proceed as the Government had proposed to do. They would have, in the Legislative Council, a certain number of gentlemen from the other presidencies, and also the Chief Justice of the highest Court in Calcutta, and also one of the other Judges of the Supreme Court. This would insure not only a knowledge of India, but a knowledge of the law; and the result of the labours of these two elements combined would be not merely a recommendation, but a legislative act. On these grounds, he did not think it advisable either to reduce or to add to the numbers proposed by the Bill.

Lord STANLEY said, he thought the Amendment raised one of the most important questions connected with Indian Government—namely, the admission of natives to, or their exclusion from, the highest legislative offices. He would go as far as the hon. Member for Montrose or any Member of that House in desiring to see native talent and intellect admitted into the highest offices in India, and did not think they possessed the defects intellectually or morally that some persons seemed to consider. He was inclined to go on that head a little further than perhaps he was altogether warranted in going by the evidence received before the Committee, because, though he admitted the ability and fairness of those who gave that evidence, he felt it was impossible that men should not have some bias from their occupation; and the great majority of the witnesses that had been examined were themselves members of an exclusive civil service. Anxious, however, as he was, to admit natives of talent to the highest offices in India, and, if practicable, to admit them even into the Legislative Council, he saw great difficulty in taking that course in the manner which was proposed by the Amendment of the hon. Member for Montrose. Because, if natives were to be constituted members of the Legislative Council without having any effectual provisions made for their admission into the civil service, there would be an obstacle thus raised to the fair working of the measure. Those seats in the Legislative Council conferred upon the natives would not be earned by competition, or given according to merit, but would become rather matters of reward and favour and patronage in the hands of the Government. That was not the manner in which he should wish to proceed; he did not think that in this measure they had made effectual and sufficient provision for the admission of natives to the civil service. That was a point on which the Bill was susceptible of amendment; and he believed it would be in the power of the House to introduce clauses by which practically the natives of India would be placed on the same footing as natives of England with regard to eligibility for the civil service. At present he had no alternative, though he sympathised with the hon. Member for Montrose in the object he had in view, but to support the clause as it stood.

Viscount JOCELYN said, he entirely agreed in the principle of the Amendment proposed by the hon. Member for Montrose. He thought it most important to open to the natives of India the door to the very highest offices in the Government of that country; but at the same time it appeared to him that the mode by which his hon. Friend proposed to do this was liable to objection. His hon. Friend proposed to make it imperative on the Governor General to appoint two natives to the Legislative Council. He (Lord Jocelyn) could not concur with him in that opinion. It appeared to him that the better course would be to give to the Governor General the power of appointing natives of India to the Legislative Council, leaving it to him to exercise his discretion as to making those appointments or not. They had seen native gentlemen from India, to whom, he believed, in ability and character, few would be found equal in this country. He might refer for example to Ram Mohun Roy and Dwarkanauth Tajore, two gentlemen of the very greatest ability, and whose knowledge of the character of the people, of the laws and of the religion of their own country, would have made them a most valuable acquisition to the Legislative Assembly of India. He believed it was owing to the exertions of Ram Mohun Roy that Lord William Bentinck was enabled to carry into effect his great measure for the abolition of suttee, which had been so long a disgrace to our rule in India. He thought, therefore, it would have been an advantage if the right hon. Gentleman (Sir C. Wood) had expressly stated in the Bill that the Governor General should have the power to appoint natives to the Legislative Council, although he did not think it ought to be imperative on him to make such appointments. The right hon. Gentleman was perfectly justified in stating that no evidence had been given to justify the Government in proposing to Parliament that such a power should be given, and that it should be rendered imperative on the Governor General to make the appointments. In fact, the evidence went exactly in a contrary direction. When Sir George Clerk, whose knowledge of the natives of India was, perhaps, greater than that of any other man, and who was in favour of giving employment to the native population, was asked what was the grade in the service which he would propose should be assigned to the native population, he said that, perhaps, in the course of ten years they might look forward to being appointed to the office of collector. Yet no man was more earnest than Sir George Clerk for the improvement of the native population; and whenever he had the power he himself acted upon that system. With these views, therefore, he could not support the Amendment of his hon. Friend, although he cordially concurred with him in principle, and he trusted the time was not far distant when the natives of that great empire would be associated with us in carrying on its government, and thereby enabling us permanently to maintain our rule in that country.

Mr. BLACKETT said, he agreed with the noble Lord the Member for Lynn Regis (Lord Stanley), that, in proposing to appoint natives to the Legislative Council before they had been admitted into the civil service of India, was beginning at the wrong end; still he should support the Amendment, for this reason, that after admitting natives of India to be appointed to the Legislative Council, in consistency, and as a natural consummation, the right hon. Baronet the President of the Board of Control must admit them to the civil service. It was impossible to find an Englishman who had more decidedly pronounced in favour of English supremacy in all things than Lord Ellenborough, and yet both Lord Ellenborough and Mr. Elphinstone had strongly recommended, not that the natives should have seats in the Legislative Council, but that they should be members of a consultative council, which might be in attendance on the Governor General, to whom he might refer to ascertain the wishes and feelings of the natives on several points. It was impossible to look at the evidence before the Committee without being convinced that much difficulty had arisen in carrying into effect laws devised with the best intention, simply owing to the absence of means of obtaining a proper knowledge on the part of the Governor General in Council as to what the feelings of the natives really were.

Sir HENRY WILLOUGHBY said, he did not think that it would be possible to maintain British power in India through native agency. Were hon. Gentlemen, he would ask, prepared to hand over the higher offices of the Indian army to natives? He thought the only answer could be in the negative, and he would apply the same principle to the offices in the Legislative Council and in the Executive Department, and reserve them for our own countrymen. Any one acquainted with the state of India—an empire comprising many nations, among whom the greatest hatred and jealousy existed—must be aware that the elevation of a Hindoo or a Mussulman to the Legislative Council would be likely to cause much excitement and ill feeling.

Mr. MANGLES said, he objected to the Amendment, on the ground that there was no feeling of nationality in India. Indeed, they might as well give a seat in that House to a Spaniard or a German, and call him a representative of England, as place a native of Bengal in the Legislative Council of India, and suppose that he would represent the feelings or the interests of the inhabitants of the Lower Provinces. There was no approach to a community of interest or of feeling among the natives of India. With regard to the complaint that the natives were not represented in the Legislative Council, he would say, without hesitation, that there were hundreds of European servants of the Company who knew far more of India and of its inhabitants than any of the natives themselves. The noble Lord (Viscount Jocelyn) was mistaken in supposing that Ram Mohun Roy had anything to do with the abolition of suttee. He had no doubt that due weight was given by the Legislative Council to the opinion of the natives; but would it be supposed, if natives had been in the Council when Lord William Bentinck proposed the abolition of suttee, or when Lord Wellesley sanctioned the law which prevented Hindoos from flinging their children to the sharks, that they would not have opposed these measures? He was ready to go even further than the President of the Board of Control in advocating the employment of the natives; and he regretted that persons engaged in the judicial service, and especially in the Courts of Principal Suddur Ameen, and Sudder Ameen, did not receive more adequate remuneration. He desired to see prizes given to the natives in such departments; but he did not think they were fit, or that they would for many years to come be fit, to be intrusted with legislative functions. He considered that it would be an act of unkindness to thrust them forward to positions for which they were unfit, and he hoped, therefore, that the Committee would not assent to the Amendment.

Viscount JOCELYN said, he begged to explain that Ram Mohun Roy gave an opinion which led to the abolition of the suttee law.

Mr. DANBY SEYMOUR said, he should support the Amendment of the hon. Member for Montrose, because he thought it ought to be made imperative on the Governor General to appoint natives to seats in the Legislative Council. In the last Charter one of the clauses gave leave to the Governor to employ natives, but that clause had remained a dead letter in consequence of the Company employing their own relations and friends. That charge had been publicly made in that House by a gentleman who had been a Legislative Councillor for many years, and also had been President of the Council of Education, and the charge had never been answered; and the same hon. Member said that their interest had been antagonistic to their duty, and that they had taken every means to prevent the people from becoming qualified for those high appointments. Now, when such imputations remained unanswered, he had been astonished to hear Members of the Government eulogise so highly the conduct of the Company. The right hon. Baronet the First Lord of the Admiralty had given utterance to a sentiment which he trusted never to hear again in that House; for he avowed that India was kept as a means of plundering and subduing other kingdoms; and he declared that it would afford plenty of places for the middle classes. Such sentiments were very different from those contained in the celebrated Resolutions which had been twice affirmed, that it was contrary to the interest of Great Britain to conquer foreign kingdoms, or to bring home the spoils gained by robbery and war. With respect to the employment for the middle classes, the right hon. Baronet very much underrated them if he thought they would ever desert their country for any baits he might hold out to them. With regard to the hon. Member for Guildford (Mr. Mangles), any one reading the evidence must clearly see how he was disposed to deal with the natives; for, whenever any sentiment was uttered favourable to them, a dozen questions followed for the purpose of impugning the testimony of the witness, or some sneering remark was made to efface the good impression made on the Committee. That was a specimen of the affection with which the people of India were treated; and he did not believe there was any country where a so-called paternal government treated the people with such a want of proper feeling as was shown by the Company. If our power in India was to be kept by such atrocious measures as these, to use the words of Sir Thomas Munro, "the sooner we are driven into the sea, the better would it be for the cause of humanity." Our danger consisted in following up such a policy as we had hitherto pursued, and not in departing from it, and whatever evils might happen in India, they would be attributable to the right hon. Baronet the President of the Board of Control, and the noble Lord the leader of that House. They were taking upon themselves an awful responsibility, and the House ought to pause before it sanctioned principles at variance with the highest Indian authorities, and coming from men who had proved themselves not to be infallible. It had been said that the evidence went to show that the natives were unfit to become members of the Legislative Council, and the evidence of Sir George Clerk had been referred to; but that evidence did not go to show that the promotions ought to stop at the office of collector, but to go higher. Mr. Halliday said, he knew native gentlemen as well qualified to fill high offices as any man of his own acquaintance, and that the people of India were generally against the government of the Company, and wished to see the power transferred to the Crown. The right hon. Gentleman the President of the Board of Control had also stated, that the evidence of Mr. Halliday was in favour of a double government; but he did not think that any one could possibly have been more astonished than Mr. Halliday himself, when he read that statement. He had never seen a sentence so twisted, and its meaning so perverted, as that quoted from Mr. Halliday's evidence as regarded the double government; and he must say that he thought, when Ministers descended to such a quibble, that they had a bad cause indeed to advocate. Mr. Mill said, in one of his works, that "a conquering nation, which does not amalgamate with the conquered, always ends in being vanquished." The former part of this passage described the state of things now existing in India, and as he could not think that that could last, he wished to see the change begun in time. Twenty-five years ago the natives had two distinguished friends in India—Sir Thomas Munro and Lord William Bentinck, the first of whom obtained for the natives employment in judicial offices, while the latter began the settlement of the North-west Provinces, in which the institutions of the natives first received some attention, and those provinces from being the worst had become the best governed in India. Both these experiments had thus been attended with the most signal success, and he contended that we should therefore proceed in the same course. Instead of doing so, however, the very opposite policy had been for the first time enunciated in that House by the Government in the course of this debate. He was glad to see that the number of the members of the Legislature was to be increased; but he thought that if the Government in India had been touched, it should have been more perfected than this Bill aimed at doing. At present the Governor General was never with his Council; the seat of government was the most unhealthy place in India; and the functions of the Legislative Council were delegated to five foreigners, not connected with the country by any ties, or going to live in it, but, on the contrary, anxious for the ship that should take them away from it for ever. It was impossible that any Council could be more unsatisfactorily constituted; nor could any scheme for the government of India be satisfactory which did not provide for the removal of the capital to a more healthy place, for the presence of the Governor General with the Council, and for the admission of natives to the seats in that Council.

Mr. HUME, in reply, said, he must still maintain that the evidence of Mr. Halliday showed the fitness of the natives for places in the Legislative Council, and that the appointment of two of their number to that body would have a most valuable moral effect, as a proof of our sympathy with them, of our desire to study their wishes and interests, and to ameliorate and elevate their position.

Question put, "That those words be there inserted."

The Committee *divided:*—Ayes 39; Noes 168: Majority 129.

Clause *agreed to.*

House resumed; Committee report progress.

THAMES EMBANKMENT BILL.

Order for Committee read.

Sir WILLIAM MOLESWORTH said, he promised the hon. Member for Honiton (Mr. Locke), that on moving that the House go into Committee on this Bill, he would make a statement with regard to it. In 1845, the Royal Commissioners for Metropolitan Improvements, in their second and fifth Reports, recommended that a new park should be formed in Battersea Fields, and that, in connexion with it, a bridge should be built across the Thames at Chelsea, and that a new street communicating with Lower Sloane-street should be made on the embankment from Vauxhall-bridge to Battersea-bridge, and along that embankment a road was to be made about two miles long. In consequence of this Report, in 1846 two Acts were passed—one to make a park in Battersea Fields, and the other to empower the Commissioners of Works to make a bridge at Chelsea, and to make an embankment from Vauxhall to Battersea. For the making of the bridge and the new street, the Commissioners were empowered to borrow 120,000*l.* from the Exchequer Loan Commissioners, which was to be repaid partly by means of a general rate, and partly by contributions from persons whose property would thus be improved. Those contributions were not to be commenced till agreements, approved of by the Treasury, had been entered into by the parties whose property was to be improved. The time for making those agreements would expire on the 1st of August next, and one object of the Bill was to extend the time till July next year. The bridge at Chelsea was in process of construction, but the embankment had not been commenced, except a portion of it which had been commenced by Mr. Cubitt, in consequence of a *quasi* agreement with the Commissioners of Works. The estimate for the bridge was 70,000*l.*, and for the embankment and new street, 146,000*l.*, making 216,000*l.* altogether. It was expected that 62,000*l.* would be received partly from persons whose property would be improved, and partly from the resale of property along the embankment and the new street. The net expenditure, therefore, would be 154,000*l.*, in return for which it was expected there would be a net income from tolls on the bridge, and from the piers, amounting to about 6,600*l.* a year, making a return of about four per cent on the outlay. The park of Battersea would be comparatively of little use to the inhabitants on the north bank of the Thames, unless there was a bridge at Chelsea; and the bridge would be of little use to it unless approaches were made to it from the east and west, from Vauxhall-bridge and Battersea. The embankment and roadway would be of the greatest benefit to the public; and he considered that they ought to be sanctioned by Parliament.

Mr. LOCKE said, that the observations he made the other night were not intended to throw any obstacle in the way of the proposed improvements. What he objected to was, the bringing forward of measures of this kind, without at the same time producing an estimate of the expense. They were now told for the first time that the new works would cost 216,000*l.* It was not his intention to object to that expenditure, but he desired to know whether the funds were now forthcoming, or whether the operation of the Bill was to be delayed for another four years? He had received communications from various parties, complaining that their property had been hung up since 1846, and he really thought that something decisive should now be done in the matter.

Sir De LACY EVANS said, he agreed with the sentiments expressed with regard to this Bill by the hon. Member for Honiton (Mr. Locke). He objected to the plan for creating a new turnpike under this Bill.

Sir HENRY WILLOUGHBY said, he thought it was utterly impossible to know what changes were contemplated by this Bill, until a map or plan of the proposed works was submitted to the House.

Sir JOHN SHELLEY said, he believed there was but one feeling amongst the inhabitants of the metropolis with regard to improvements, and if the representative system were introduced into the metropolitan districts, he was satisfied that the public would be ready cheerfully to agree to an improvement rate. He thought it was extremely impolitic in the present day to create a bridge toll by this Bill.

Mr. HENLEY said, he hoped the Government would listen to the objections that had been urged against establishing a toll bridge in this instance, and would therefore, desist from pressing that part of the measure. It was contrary to the direction of public feeling in the present day to be creating new tolls upon bridges, when they were doing away with the tolls upon turnpike trusts.

Bill *considered* in Committee.

House resumed.

Committee reported.

ASSISTANT JUDGE (MIDDLESEX SESSIONS) BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read a Third Time."

Mr. ALCOCK said, he should move as an Amendment that the Bill be read a third time that day three months, as the people of Surrey thought the Judge was already paid most handsomely, considering the honourable position which the office gave him.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

SIR DE LACY EVANS said, he was never more surprised in his life than when he heard of the introduction of this Bill; for it would be in the recollection of the House that it was only a short time ago that he brought the conduct of this Judge under the notice of Parliament with reference to the case of Mary Hill, and then not all the adroitness, and all the talent, and all the pleasantry of the noble Lord at the head of the Home Department could get rid of the bad impression which the conduct of the learned gentleman created in the minds of hon. Members. And yet within three months after that occurrence the House was asked to increase the learned gentleman's salary, thus as it were passing a vote of confidence in the Judge, and stultifying its own previous decision. The eccentricities and peculiarities which characterised the administration of justice in the learned Judge's Court were too well known to need recapitulation; but, nevertheless, there were one or two instances of scenes in the Court which he must be permitted briefly to refer to. He held in his hand a report of the proceedings in the Middlesex Court, wherein it was stated that a person was brought before this gentleman to be re-examined, and he told the accused that he was convinced he was a thief, although there was no evidence adduced against him, nor had any trial taken place. Immediately another prisoner was brought before him, a woman who was not blessed with handsome features, and the learned Judge becoming jocular upon the villanous character of her countenance, a juryman was induced to ask whether the woman was to be tried according to her physiognomy or according to the evidence. Scenes of this unseemly nature were constantly taking place in the Court over which this gentleman presided, and they did not always partake of the ludicrous—since in two cases where an acquittal had taken place, the Judge went the length of pronouncing the parties to be guilty in spite of the verdict of the jury of the contrary. Now, he would ask the House to add these cases to the medium instance of the poor woman who had three years' transportation clapped on to her sentence for simply using an offensive expression, and then to say whether they could with common decency pass this Bill? There was, however, another case to which he must call attention in the hope that the noble Lord at the head of the Home Department would be enabled to give some satisfactory account of it to the House. It might be entirely unfounded, for aught that he knew to the contrary, but at the same time it was to be found in the published reports of the trials of this gentleman's Court, and he should treat it as a fact unless it was contradicted by the noble Lord. It occurred on the 22nd of June, 1852, and was the case of a man named James, who was charged with having stolen a purse containing 1*l.* 1*s.* 6*d.* For this, on being found guilty, he was sentenced to ten years' transportation—

VISCOUNT PALMERSTON said, he was sorry to interrupt the hon. and gallant Member; but he found that an understanding had been come to with an hon. Baronet opposite, that this Bill should not be discussed until Thursday. It would perhaps be convenient, therefore, if the debate was adjourned till then.

SIR DE LACY EVANS said, he could not consent to this delay without concluding the only other statement of importance that he had to make with reference to this Bill. Well, then, this man was said to have been sentenced to ten years' transportation. Certainly a very severe punishment, considering the insignificant nature of the offence; and upon hearing the sentence, the man, who was of a rather violent temper, somewhat after the manner of Mary Hill, let fly a penny ink-bottle at the Judge, who thereupon, without any trial whatever, or without going through any legal proceedings, sentenced him to five years' additional transportation. He would say no more at present upon this to him painful topic; but before this Bill passed, he begged the noble Lord to inform the House whether what he had stated was a fact or not.

Question put, "That the word 'now' stand part of the Question."

The House *divided*:—Ayes 42; Noes 53: Majority 11.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Third Reading *put off* for three months.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Tuesday, July 19, 1853.

MINUTES.] PUBLIC BILLS.—1^a Customs Duties; Courts of Common Law (Ireland); Landlord and Tenant (Ireland); Succession Duty.

2^a General Board of Health (No. 3); Coinage Offences (Colonies).

Reported. — Bankruptcy (Scotland); Battersea Park; Westminster Bridge.

3^a Metropolitan Building Act Further Amendment.

BANKRUPTCY (SCOTLAND) BILL.

Order of the Day for the House to be put into a Committee read.

The LORD CHANCELLOR *moved* that the House do now resolve itself into a Committee on the Bill. The noble and learned Lord stated that the principle of the Bill was contained entirely in its details, the object of which was to effect a number of small, but important, amendments in the law of bankruptcy as it at present existed in Scotland. The Bill did not propose to do much; what it did, however, was in the right direction, and as such the measure deserved the sanction of their Lordships.

LORD BROUGHAM considered that in dealing with so important a subject as that of the bankruptcy law in Scotland, in which many defects were admitted to exist, the proposed Bill did not go far enough, while some of its details would, he thought, be found insufficient for supplying the required remedy. Among those who had brought the subject before their Lordships' notice by petition, were 200 of the largest firms in the city of London, whose united annual trade with Scotland amounted to not less than 5,000,000*l.*; and they complained greatly of the delay, uncertainty, and expense connected with the present law. Not only was the constitution of the Scottish Courts extremely defective, but the mode of appointing trustees or assignees was highly objectionable; for a week, or even a fortnight, after the fiat had been issued, the bankrupt was permitted to retain the entire control over his property and account books, by means of which last he was enabled to influence the choice of assignees, and possessed facilities for making away with his property to the detriment of his creditors, which ought not to be allowed to exist. The mode of granting discharges or certificates was also a subject which required radical reform, as well as the manner in which the examinations of the bankrupts were conducted. He regretted that these matters were not more fully and effectually provided for in the proposed Bill than they appeared to be. He contended that, where the Bill went in the right direction, it did not go sufficiently far, and that it was a doubtful propriety in others. It left nine parts in ten of the existing evils unredressed, and without even an attempt at redress. He thought, without further detaining their Lordships, that he had said enough to show that this was not the time to carry through a change in the law which was not more urgent now than it had been for the last six or seven years. He had not called on their Lordships to pass his Bill on this subject during the present Session; but he proposed submitting it to the Commission which had been appointed under the Administration of the noble Earl (the Earl of Derby), to inquire into the assimilation of the laws of England and Scotland; and what he wished to know was, why this present Bill, which was so much objected to as not going far enough in any direction, as well as his own, should not be referred to the Commission? This was a subject which excited the greatest interest among a most numerous, a most respectable, and a most important, body of their fellow-subjects; and he thought their Lordships' time would not be ill employed in giving attention to their remonstrances and their suggestions.

The LORD CHANCELLOR said, the subject on which his noble and learned Friend had addressed their Lordships was one of the deepest interest and importance, and if he could think that the pressing on of the measure now under consideration would in the slightest degree interfere with or damage the ulterior prospect of permanently improving the bankrupt law of Scotland in a different direction from that aimed at by the present Bill, or would at all interfere with the labours of the Commission, he should at once defer to the suggestion of his noble and learned Friend. But he submitted that this Bill did not in the slightest degree interfere with that view, its object being simply to improve the provisions of the existing law of Scotland. That being so, he trusted his noble and learned Friend would not suppose that it was with the slightest inclination not to give the fullest attention to the suggestions he had made for a more extensive improvement of the bankrupt law, or to divert the Commission from a full consideration of the laws of the two countries on this subject, that he (the Lord Chancellor) now pressed forward this Bill. His simple and sole object was to concur with the other House of Parliament in amending the existing law in the few particulars to which this Bill related; and he therefore trusted their Lordships would allow this Bill to go into Committee.

LORD BROUGHAM said, the apprehension out of doors was that this Bill would stand in the way of more radical amendment of the law. His own opinion was in favour of taking what he could get, looking forward to the prospect of obtaining more at some future time; but undoubtedly, when their Lordships had regard to the great number of petitions which had been presented in favour of his Bill, to the great importance of the stake in question, and to the respectable position of the petitioners, they being the very cream of the mercantile men in the kingdom, he thought they ought to allow that larger Bill which he had the honour of introducing to go to a second reading.

The LORD CHANCELLOR said, so far as he was concerned, he was anxious that that should be done; but as his noble and learned Friend's Bill contained about 200 clauses, his noble and learned Friend would not suppose that their Lordships would pledge themselves to assent to all the details of the measure. He (the Lord Chancellor) could not even say as yet that he understood the whole of his noble and learned Friend's Bill; but he could assure their Lordships that it was a measure exceedingly well deserving their attention, and one which ought to be referred to the Commission which was now sitting.

On Question, *agreed to.*

House in Committee accordingly.

LORD BROUGHAM said, he had consulted with his noble and learned Friend on the woolsack as to the most convenient time for proposing the Amendments he sought to make in the measure; and the result was, that he (Lord Brougham) thought it prudent to postpone those Amendments until a future stage of the Bill.

Bill *reported*, without Amendment, and to be read 3ª on Thursday next.

THE IRISH LAND QUESTION—LANDLORD AND TENANT (IRELAND) BILL.

The MARQUESS of CLANRICARDE begged, pursuant to notice, to introduce a Bill in relation to the law of Landlord and Tenant in Ireland. Of course, he was not going to enter upon the subject at length, but he would state the circumstances under which he ventured to bring the subject under their Lordships' consideration. The subject, as their Lordships knew, had engrossed a great deal of attention in Ireland for a considerable time; and in the year 1851 Lord John Russell, and the noble Earl then at the head of the Irish Government, and now the Secretary for Foreign Affairs (the Earl of Clarendon), being determined to take the matter up on sound principles, but as far as possible in a comprehensive manner, the draft of the Bill which he held in his hand was prepared by Sir W. Somerville, assisted by Mr. Tighe Hamilton, a gentleman who brought a great amount of learning and knowledge to the subject. That Bill was prepared in 1851, and was under the consideration of the then Government; but they went out of office in 1852, and it was never brought before Parliament. If their Lordships should look to this Bill when it was printed, they would find that it rested upon the soundest principles, and that it violated no rights of property, nor any principle on which legislation ought to be conducted, while it embodied in its details several important amendments of the statute and common law. The Bill was intended to deal with the whole of the subject, and he thought their Lordships would agree with him in considering that it was of the utmost importance to consolidate and codify the laws, so that they should not only be accessible to legal persons, but also that persons whose property was concerned might be able to ascertain without difficulty what was the law under which they might be called upon to act. It proposed to deal with the whole subject, for which a code consisting of four or five Bills had been brought before the other House of Parliament, namely, the Land Improvement Bill, the Leasing Powers Bill, the Tenant-right Bill, as it was called, and the Tenants' Compensation Bill. He considered it was of the greatest importance to codify and simplify the law; and their Lordships would at once see the difference of manner in which it was proposed to be done by the Bills to which he had referred, and the Bill which he had the honour to present to their Lordships. There were fewer clauses in it than in the Bill for the regulation of Leasing Powers which was on their Lordships' table waiting for a second reading, and which contained fifty clauses. Their Lordships would not fail to observe that there was in that Bill a remarkable clause, which distinctly provided that it was not to affect any right or remedy which either the lessor or lessee possess at present. Let their Lordships seriously reflect on the condition to which litigation would arrive if they permitted such a Bill to become law. There had been a controversy out of doors and in Parliament, as to the person with whom this or that principle originated, who was to get the merit of first mooting some particular mode of dealing with the subject; but he held it to be a great merit in the Bill he held in his hand that he did not believe it contained one original view, being founded on provisions which were already embodied in former Acts. It respected the rights which were recognised by the statute and common law, and kept in view the great principle of the rights of property. The great principle which this Bill proposed to establish with reference to the dealings of landlord and tenant was, that the rights of both parties should rest upon contract; that there should be great facilities given for entering into those contracts; and that there should be an invariable and easy remedy given to both parties to enforce them. That was the principle on which legislation on this subject ought to be founded; but of course it was not necessary to go into the details of the provisions of the Bill, as it would be shortly in their Lordships' hands. Resting on the principle to which he had referred, the Bill was divided into five parts. The first part related to leasing powers, which it regulated and in some degree created under sound limitations—and there was a difference in dealing with the subject from the way in which it was dealt with by the Bill on their Lordships' table. The second part referred to the creation of tenancy and the rights of the landlords and tenants. The third part referred to the additions the tenant might make to the tenements held by him. The fourth part related to the compensation for improvements by agreement. The fifth part related to the procedure by which those rights and contracts might be enforced. It was proposed by this Bill to appoint a single tribunal for the decision of all questions, properly so called, arising between landlord and tenant out of those contracts. It was intended that all such cases should come before the assistant barrister, of course not giving him the right to decide upon title. The points of law would be also referred to the Judge of assize, but power was given to the assistant barrister to decide upon all those points that usually arise between landlord and tenant. He would lay this Bill on their Lordships' table with the hope that before the Bill now in the House of Commons, and the whole subject, came to be considered by their Lordships, they would refer to this Bill, and compare it with the other measures that were proposed. The subject was one of great magnitude and importance, and they should consider the opinions of all those persons who were qualified to judge of the subject before they proceeded to deal with it, because if they should take a hasty or false step they could not retrieve it. They might, by taking a wrong step, create an impression in the public mind that they had given their sanction to a measure for the violation of the rights of property, and of the common law of the country. What had made this country so great but the respect that was entertained for the common law, and for the rights of property? He desired to excite a similar feeling in Ireland, so that every man should feel that his property was safe, and the law on which it rested was secure and sufficiently simple to understand. He trusted their Lordships would look carefully over this Bill as well as over all the Bills. In the Bills already before Parliament there were enactments that would astonish their Lordships when they came to the consideration of those measures. In the Land Improvement Bill, which had gone through a Select Committee of the House of Commons, there were clauses at that moment which, in specific terms, made the landlord liable for a charge incurred by the tenant. He would engage to point out, in five minutes, to any person learned in the law, that the landlord was specially and *nominatum* made the person on whom the charge would rest for a loan that was raised by the tenant. In the Leasing Powers Bill there was a multiplicity of clauses, that must be looked to most carefully; and yet although that Bill was a long time before the Committee of the House of Commons, and had been most beneficially altered, it contained one provision by which a tenant for life could totally defeat all the powers of the settlement under which he was bound; and a tenant for life, no matter in what state of health, or at what time of life, might in fact create a tenant right that would entirely prevent any of his successors from having the full value of the property, or one shilling more value out of that property; and which laid down as a law, without any limit whatever as to time or the amount, that a man could not re-enter into possession after an agreement for improvements was made, no matter whether the party held on lease or occupied from year to year, unless he paid the full value at the time possession was required of any improvements that had been made. See how that would affect building ground. Suppose that was applicable to the neighbourhood of the metropolis, where towns and districts were springing up. The proprietor of one of these districts might take a fine to let the builder into possession of the property at the rate at which he let it for grazing ground, namely, 8*l*. or 10*l*., and the builder might erect houses thereon that would be of the value of 50,000*l*. or 60,000*l*.; and it would be utterly impossible for any successor to receive one shilling more rent until he had paid the builder back 40,000*l*. or 50,000*l*.; or he might, if the value of the land should increase, have to pay 100,000*l*. before he could receive one shilling more in the shape of rent. He mentioned this circumstance to show their Lordships that, if they did not look closely into the provisions of these Bills, they might pass measures that would be of the greatest injury to the country when they were only desirous to do good. For these reasons he hoped the whole subject would be most carefully considered by their Lordships before they passed these Bills. He did not want to make any complaint with respect to the advanced period of the Session. He was ready to sit on until winter, if necessary, to pass this Bill before they separated; but he asked their Lordships what comparison could be instituted between the possible mischief and dissatisfaction that might be incurred by delaying legislation on this subject for a few months, and the evil that would be caused by passing Bills with such provisions in them as he had named? They should not proceed hastily when these Bills came before them, but should examine them attentively and leisurely; because, in the present state of Ireland, nothing was so desirable as to show the people of that country that they were under the protection of the great common law of England, and that the rights of property in that country should be respected; and he had no doubt that, under such circumstances, the people of Ireland would be as ready as Englishmen to observe the law. The noble Marquess then *presented* the Bill.

The Marquess of Clanricarde

The EARL of DONOUGHMORE said, the proper time of discussing the subject to which the Bill of the noble Marquess referred, would be when the Bills now pending in the other House of Parliament were before their Lordships. The question was one of vast importance to the people of Ireland; but he thought that, considering the many questions that were involved in it, the only proper mode of proceeding would be to refer all the Bills to a Select Committee of their Lordships' House, where they could be deliberately considered, and the clauses carefully weighed, and he had no doubt the result of their deliberations would be to confer a real benefit on the people of Ireland.

Bill read 1ª.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, July 19, 1853.

MINUTES.] NEW WRIT.—For the County of Clare, Sir John Forster Fitzgerald.

EDINBURGH AND CANONGATE ANNUITY TAX ABOLITION BILL.

The LORD ADVOCATE, in moving the Second Reading, said, that this Bill was introduced by the Government with a view to the settlement of a very troublesome local question. Undoubtedly it was a local question, but at the same time it was a question of that class and character which might very fairly form a subject for the consideration of the Government and of Parliament. It had been a subject of inquiry on the part of the previous Administration, and by a Select Committee of that House. Two different Administrations had brought in Bills with respect to it, and this Bill which he now asked a second reading for, in the most material points, was exactly the same as the Bill handed to him by his predecessor in office. It was not difficult to see why the Government thought this question deserving serious consideration. The annuity tax was a tax imposed on the house property of Edinburgh for the support of the clergy of Edinburgh. It was imposed in its present shape as early as the year 1661, or even previous to that date, upon the owners of house property in Edinburgh, for the support of the clergy of Edinburgh, and amounted to a tax of 6 per cent on the rentals. At the time the tax was imposed, the city of Edinburgh was deprived of a considerable amount of ecclesiastical property. The deaneries of the Bishopric of Orkney had been granted to the city of Edinburgh for the maintenance of the clergy; but when Episcopacy was abolished, the deaneries were resumed by the Crown, and in 1661 the annuity tax was imposed. The number of ministers had increased, and the amount of stipend had also increased; and in the year 1833, owing, perhaps, to the general agitation about church rates, the levying of the tax came to be attended with very considerable discontent, and that discontent increased year by year until 1848, when it was actually found necessary to call out a troop of military in order that a sale might take place of property seized by the ministers of Edinburgh, because the owner refused to pay the tax. That was only one of many instances of the same kind, and respectable persons who refused to pay went to gaol, amid the enthusiasm and clamour of those who agreed in resistance to the tax. He did not mean to defend that resistance, or to base this Bill upon any such argument; but if he were to venture an opinion, he should say that any resistance to the law was unjustifiable. He looked upon the proposed measure as a matter of general social and political expediency. In 1848, his noble Friend the Member for the City of London, who was then in office, sent Mr. John Shaw Lefevre to Edinburgh—a gentleman of great ability and experience—to inquire into the subject; and having made his Report, a Select Committee was appointed, which, after a most elaborate and minute inquiry, recommended a settlement of the questions, which in all material parts was substantially the settlement intended to be made by this Bill. After the Report of the Committee, his friend Sir William Gibson Craig, who was then Member for the City of Edinburgh, introduced, with the sanction of the Government of the day, a Bill for the same purpose, which unfortunately was not carried, because the Government was changed; but his learned friend, the present Dean of Faculty, who then became Lord Advocate, addressed himself assiduously to the subject. This Bill, with one exception, was the result, and he hoped a successful result, of the labours of his hon. and learned friend. The nature of the settlement proposed, he would explain in a few sentences. The tax was a tax of 6 per cent levied upon house property within the ancient and extended Royalty of the City only; and the College of Justice, comprising the Judges, barristers, writers to the signet, and solicitors, were exempted from the tax. There were at present eighteen ministers who were paid their stipend by means of this tax. He proposed to settle the question in this way—to abolish the exemption of the College of Justice, to reduce the number of ministers from eighteen to fifteen, to abolish the annuity tax altogether, and to charge, instead of a municipal tax of 3 per cent, with which the clergy should not in any degree interfere. That, to a certain extent, would make up the stipends of the clergy; and it was proposed to apply ultimately the emoluments of some of the deans of the Chapel Royal of Stirling. Since the abolition of Episcopacy, the emoluments enjoyed by the deans of the Chapel Royal had been applied by the Crown to pious uses, and, until very recently, had been conferred on eminent divines of the Church of Scotland as remuneration for their services or standing, without any duties being attached to the office. Recently, very recently, these deaneries had been conferred on two Professors of the University of Edinburgh; one the Principal, and the other Dr. Lee, Professor of Biblical Criticism. Until very recently the amount of these deaneries was inconsiderable, yielding only some 70*l.* or 90*l.* a year to each of the deans. The reason was, that long leases had been granted upon very favourable terms: these in course of time fell in, so that in 1846 the amount was 300*l.* a year to each of the deans, and since 1846 had risen to 700*l.* or 800*l.* a year, which was certainly a much larger sum than had been originally intended. It would be observed that the deaneries had never been applied to any other than an ecclesiastical purpose. It was estimated that in future the sum derived from the revenues of the deans of the Chapel Royal would amount to 1,500*l.* a year. He believed it would be a great deal more. The present amount was 2,300*l.*, which was, however, liable to be reduced by an increase of the stipends of the parishes from which the fees were drawn. It was calculated, however, that it would never fall below 1,500*l.* per annum. Accordingly, from these sources—the municipal tax of 3 per cent, and the general revenues of the Crown deaneries, when they fell in—it was expected the town of Edinburgh would have sufficient to pay in to the Consolidated Fund the amount necessary for the payment of the ministers. Before the deaneries fell in, because all existing rights were to be saved, an additional tax of 1 per cent would be levied on the town of Edinburgh. The present stipends of the ministers were about 600*l.* a year, which were collected, if not with a great deal of odium and obloquy, with a great deal of social turmoil and discord. It was, therefore, thought a not unreasonable proposition to fix the stipends at 550*l.* a year; and he believed that even by the clergy themselves that was not considered an unreasonable proposition. With regard to the number of ministers, as he had already said, it was proposed to reduce the number from eighteen to fifteen. Without approving of the principle, he might say that, if it were proposed to measure the number of clergy by the number of persons who attended on their ministrations, nothing could be said against this reduction. But, besides that, it appeared the double charges of three collegiate churches did not impose greater duty than the other twelve churches, which were served by single ministers; he believed the statistics of Edinburgh rather showed the heaviest work was in those parishes which were not collegiate churches, and therefore, when it was a question of settlement for the benefit of the Church of Scotland and the community generally, it was not doing anything to impair the efficiency of that Church in reducing these three collegiate churches to the same status as the other parishes, the duties connected with which were not beyond the strength of any one man. Although he was not inclined to put this reduction upon the amount of attendance, he thought the established clergy should not forget the position in which they stood. They should not forget that in 1843 there was a division in the Church, which every one must deplore, but the effect of which had been to create many numerous congregations beyond the pale of the Established Church, and to diminish the number of persons attending those churches. The secession of so many men, popular preachers, the towers of the Establishment, carrying with them their congregations, must have put the Established Church in great difficulty to supply their places; and it was not to be wondered at that ten years afterwards the effect of that blow should still be felt. There certainly was a strong feeling that fifteen clergymen under the above circumstances were too many; but it must be recollected that this Bill endeavoured to settle a much vexed question by a fair compromise, and had received the general concurrence of all parties—that the Town Council, the members of the Established Church, those who professed the voluntary principle, Free Churchmen, Episcopalians, and men of all shades of opinion, unanimously concurred in the reduction of these three collegiate charges as a moderate proposition, and one which would not, in the slightest degree, impair the efficiency of the Established Church. He had dealt with the first objection—the diminution of the number of ministers; but there were two other objections, the first of which was the intervention of the Consolidated Fund. He wished it to be distinctly understood that there was no intention to take anything out of the Consolidated Fund. The object was to prevent the possibility of these unfortunate disputes being revived, and they hoped to effect that object by giving the new tax a purely municipal character, and removing the payment of the ministers from the town council of Edinburgh, but not making the Consolidated Fund a guarantee for that payment. He had heard the objection very strongly put against the intervention of the Consolidated Fund; and he was disposed to consider very seriously whether it was necessary to preserve that provision, or whether they should introduce a provision that they should not pay more than was paid into the Consolidated Fund by the town council of Edinburgh. It was not proposed to give any security on the Consolidated Fund for more than was paid in, and beyond that he should wish the authorities had the means of compelling payment from the town council of Edinburgh. At the same time that was no vital part of the Bill; he did not consider it essential, and he felt it was perfectly open to the Government to give up that part of the machinery. The only other objection related to the revenues of the deans of the Chapel Royal. It seemed to be supposed they would be dealing improperly with Crown property. He confessed he did not see the weight of that objection. These revenues were absolute sinecures, and down to 1846 were held without any corresponding duties, but always applied for ecclesiastical purposes in connexion with the Church of Scotland. From the time of the abolition of episcopacy they were paid, in the first instance, to those who held civic appointments, and in 1846 they were granted to the Principal and Professor of Biblical Criticism in the University of Edinburgh;

but the House would recollect that the amount now drawn was 700*l.* a year, and without going into the question whether additional endowments should hereafter be given to the University of Edinburgh, there was nothing in the connexion between the funds and the professorship to prevent the House dealing with these funds. He could not understand, therefore, what objection there could be on principle to applying those revenues to the most useful purposes, and so as to produce the greatest good to the general community. He hoped that in submitting this measure to the House, he should have the support and assistance of the Members of the previous Administration, because the principle of the Bill was precisely the same as that introduced by the late Government. The only difference was, that the late Government proposed to value the deaneries higher, and to maintain the number of ministers in Edinburgh; but the effect would have been to throw the cost on the Consolidated Fund. It might be said that Edinburgh had no claim to these deaneries—that these ecclesiastical funds ought to be applied to general public purposes. If he were inclined to go into that question, he could make out a very strong case indeed for Edinburgh. He would simply say this: that Edinburgh maintained a larger staff of ministers in proportion to its population, with higher salaries, than any other part of the country, although it was the only place in Scotland where ecclesiastical revenues contributed nothing to the support of the Church. The eighteen ministers in Edinburgh were paid 600*l.* a year each, whilst the ministers in Glasgow were paid only 425*l.* each. Edinburgh was the only town where the ministers were paid by a tax on the inhabitants; and when it was recollected that in 1661 the ecclesiastical revenues were taken from them, he thought, if they went into it as a matter of history, there was a great deal to be said in favour of the claim of the city of Edinburgh for relief out of these funds. He contended that this application of the funds was a just application for the benefit of the Church of Scotland itself. It appeared to him nothing could be more injurious to the Church than to allow this matter to go on. In England they had seen the agitation about church rates carried to such an extent that it became almost impossible to collect them. He wished hon. Gentlemen would look this matter fairly in the face, because if this Bill were thrown out, he could not doubt that the agitation which was now kept down by the hope that Parliament would redress the existing grievance, would greatly increase. With regard to ministers' money in Ireland, which was a corresponding grievance, they had seen a Bill introduced, and very successfully introduced, on the part of the Government for its remedy. [" No, no!"] He could conceive some who objected to the principle of Church establishments being sorry to lose this standing example of its evil effects. He could only say, even if he wished, and he did not wish, to see the Church of Scotland abolished, he did not consider that a legitimate weapon to use in such a warfare. He looked upon this question as one affecting social order, the efficiency of the clergy, and the cause of religion; and, holding that they were perfectly at liberty to modify the details of the measure in any way they thought proper, in Committee, and being perfectly ready to give every facility to the statement of the views of all classes, he trusted the House would consent to read the Bill a second time.

Motion made, and Question proposed, " That the Bill be now read a Second Time."

Mr. J. B. SMITH said, the House was not yet aware of the facts of the case respecting this discreditable Bill. The right hon. and learned Gentleman, like a dexterous advocate, had left out the strong points against the Bill, which he was able to supply from having been a Member of the Committee which sat in 1851, to inquire into the operation of the annuity tax. The Parliamentary borough of Edinburgh contained a population of 160,000. The ancient and extended Royalties contained 66,000 out of the 160,000, and that was the only part of the city liable to the annuity tax. This tax, as the right hon. and learned Lord Advocate had stated, was 6 per cent on the whole of the occupants. There were eight churches in the old Royalty, and two that had been taken down; but the congregations still assembled in other buildings, and for the ten churches there were twelve ministers. There were five churches in the extended Royalty, and six ministers, being eighteen ministers for fifteen congregations. Up to 1810, the annuity tax was collected by the corporation, who paid the stipends of the ministers. They gave the ministers fixed stipends, and the surplus balances were applied to municipal purposes. The profits of the annuity tax for twenty years, ending in 1809, over and above paying all the ministers, was 37,120*l.* A change, which was the origin of all the subsequent disputes and disagreements between the ministers and the people, then took place. In that year (1809), an Act was obtained to extend the Royalty; but it was discovered after the Bill had passed that a pious fraud had been perpetrated upon the inhabitants of Edinburgh—a clause had been smuggled in, of which no previous public notice had been given, making an important change in the application of the annuity tax, namely, empowering the clergy, instead of levying for six—which was all they previously could claim for—to levy for eighteen stipends, and to pay as much money as was required for new churches. No sooner had the Act passed, than the ministers claimed from the corporation increased stipends. They had previously received 350*l.* a year each, but after the Act passed they asked for 750*l.* a year each. The corporation refused to give them that sum. The clergy went to law, and then set up claims for the whole of the annuity tax, the right of manses, the seat rents, certain church lands, revenues, and other advantages. At the end of four years' law proceedings, the ministers gained their suit, but the Court only allowed four of their claims. The corporation then agreed to allow the ministers a fixed stipend of 520*l.* a year, instead of 350*l.*; but in the year 1820 the ministers put an end to this contract, and assumed the collection of the tax themselves. From that time great dissatisfaction arose amongst the people, and after the disruption of the Church in 1843, it was nearly impossible to collect the tax. Several of the people, and he believed one of the magistrates, went to prison rather than pay it; which was not to be wondered at, considering the change which had taken place in the relative numbers of the Established Church. The corporation behaved with the utmost liberality, constantly increasing the number of ministers from time to time, so long as there was a call for their services. In 1560 John Knox was the sole minister; in 1634 the number had increased to six; in 1688 there were twelve; in 1722 there were sixteen; and now there were eighteen. But the attachment of the people to the Established Church has ceased, and they complain that they are compelled to pay for its support, whilst they voluntarily contribute to the building of churches, and the support of ministers of their own. In 1844, as appeared by a return laid before Mr. John Shaw Lefevre, the amount of the annuity tax was 10,667*l.*, of which 8,381*l.* was paid by persons who did not attend the churches. In 1688 the ancient Royalty had as large a population as at the present time, and they all belonged to the Established Church. In 1852, according to the census, the population of the ancient Royalty was 30,867; but of these, it was estimated, 10,464 were Roman Catholics, 10,236 Protestant Dissenters, and 5,039 belonged to the Free Church, leaving 5,128 as those who belonged to the Established Church, or to no religious denomination, the openly wicked, and those who did not profess to have anything to do with these matters. It appeared that although the churches were now empty, there was no spiritual destitution in Edinburgh. The twenty-six Established churches were almost empty, but there were seventy-four places of worship of other denominations, all well attended. The seat rents of the churches were received by the corporation, and for five years they had been insufficient to meet the cost of providing the sacramental elements, cleansing the edifices, and similar trifling expenses. In the old town, the seat rents produced 8,286*l.* in nine years, and the expenses were 9,025*l.*, being a loss of 819*l.* in that period. During those nine years the city paid the clergy upwards of 60,000*l.*, besides having incurred a debt of about 75,000*l.* for new churches. In the extended Royalty, containing about 36,000 inhabitants, there were five churches and six ministers. He did not complain so much of the extended Royalty, although it appeared that out of 5,675 sittings in those five churches, there were only 3,038 let. He would say nothing on that, but direct the attention of the House to the old town, and to the changes which had taken place. There were now eight existing churches, having 8,481 sittings, of which about 570 were appropriated to public functionaries. The town clerk, in his evidence before the Committee, stated that the number of sittings in those eight churches, let to persons who carried on business within the ancient Royalty, and for whose accommodation only the corporation were bound to provide, was only 655. The corporation received the seat rents, and were very glad to let the sittings to any one who would come, and, therefore, the sittings let and occupied by some hospital children and other persons reduced the number of unlet sittings to 5,592. Under the Bill now proposed by Her Majesty's Government, another church was to be built, at an expense of 10,146*l.*, to replace Trinity Church, which was purchased and taken down by the railway companies. In that church the number of sittings let was only nineteen. Another church, the Old Grey Friars Church, which had unfortunately been burnt down, was also to be rebuilt, although it had only thirty-five persons belonging to it, so that it was proposed to build two more churches, to accommodate fifty-four persons, although there were 7,248 vacant sittings in the present eight existing churches belonging to the ancient Royalty. Besides these churches there were chapels of ease belonging to the Establishment; but as the clergy could not tax Dissenters to pay ministers to preach in them, and as the members of the Establishment would not support them, those chapels died a natural death; no congregations were left, and they were shut up. A church built by Lady Glenorchy, in 1774, for the poor people who could not obtain seats elsewhere, was taken down, and, instead of rebuilding it, the Presbytery of Edinburgh violated their trust by purchasing the Roxburgh chapel of ease, which was situated out of the ancient town, and shut up for want of a congregation. In Lady Glenorchy's church there were 1,200 or 1,300 sittings; but in Roxburgh chapel of ease there were only 730 sittings; so the poor were cheated out of 500 sittings. But that was not all. There was a home mission fund, established for the purpose of supplying destitute districts, of which the Presbytery were the trustees and managers, and they had lent 800*l.* on the Roxburgh chapel of ease out of this fund, which sum would have been lost but for the purchase of the chapel to replace Lady Glenorchy's church. There was another chapel of ease, Newington, half a mile from the Old Town, which was formerly well filled, but, like other churches, the congregation had fled. The Presbytery, however, again violated their trust by voting it to be a destitute district, and thereupon provided a minister out of the home mission fund for the empty chapel. It was a remarkable fact, that whilst there were twelve ministers serving in the Old Town, each receiving about 600*l.* a year, there was not one resident minister. The reverend shepherds had no objection to fleece their flocks, but they had the strongest objection to live among them. It would, perhaps, be thought singular that no dissenting minister lived there; but dissenting ministers conscientiously objected to the annuity tax, and were despoiled of their goods if they would not pay it, or were taken to prison, for it was found more easy to get the money when they took men's bodies for the tax, than when they took their goods. That was a pretty good reason, he thought, why dissenting ministers kept out of the ancient Royalty Such was the system which Her Majesty's Government proposed to sanction and support by this Bill. But they proposed also to grant the revenues of the deaneries of the Chapel Royal for the support of the ministers, under the pretence that they were ecclesiastical property. He begged to remind hon. Gentlemen that a deanery of the Chapel Royal was no more ecclesiastical property than Woburn Abbey. It was ecclesiastical property once, but it was not so now. This property never belonged to the Established Church of Scotland —it belonged to the Bishops, and when episcopacy was abolished, from that moment it became national property. Then it was proposed that the ministers should have the guarantee of the Consolidated Fund—that the city of Edinburgh should pay the ministers their stipends. He did not know how far the House would agree to that proposal, but it appeared to him that if the clergy dared not trust the city of Edinburgh, he did not see why that House should. With respect to the sinecure deaneries of the Chapel Royal, two were at present given to Professors of the University of Edinburgh; and when that source of income was removed, no doubt Parliament would be asked to provide other endowments for those Professors. The right hon. and learned Gentleman said he was very desirous to do away with all future causes of disputes by the abolition of the annuity tax. He (Mr. J. B. Smith) was equally desirous with the right hon. and learned Gentleman to effect that object. He was quite satisfied the usefulness of the clergy would be destroyed so long as that tax existed; and he felt that the equitable plan was to abolish the annuity tax, by repealing the Act of 1809, which was obtained by fraud, and to go back to the right of levying for six ministers, who were more than sufficient to do the whole duty, and for whose support there were ample funds belonging to the ministers, without taxing the people at all. They had a precedent for that course in the reduction of the number of useless Irish bishoprics in 1832. [Mr. MACAULAY: In 1833.] The right hon. Gentleman recollected that just measure, and he hoped his voice would be heard advocating the reduction of the number of ministers in Edinburgh. The right hon. Gentleman was then in Parliament, and advocated the reduction of the ten Irish bishops, because they had nothing to do: the same argument would apply to this case; and he, therefore, should be glad if the right hon. Gentleman would second his Amendment, that the Bill be read a second time that day three months.

MR. HADFIELD seconded the Amendment. He would remind the House that this provision was not an endowment provided by the piety and charity of former ages, but it was a provision under an Act of Parliament for the purpose of taxing people who were at one time of one sentiment. But now they were not; yet, with refined cruelty, the House was asked to tax all manner of Her Majesty's subjects for the support of opinions which the majority of them did not entertain. He could not but express his surprise that a measure of such a nature should receive the countenance of Her Majesty's Government. It was said that the right hon. and eloquent Gentleman the Member for Edinburgh (Mr. Macaulay) intended to give his support to the Bill; and curious should he be to hear from such eloquent lips a defence of it. No man had more to lose in character, either in that House or in the country, than the right hon. Gentleman; and he (Mr. Hadfield) would be glad to hear from him upon what grounds men were to be taxed for the support of religious doctrines in which they did not believe.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

Question proposed, "That the word 'now' stand part of the Question."

MR. MACAULAY: Sir, the hon. Gentleman must expect to hear nothing that deserves the name of eloquence from me; but I think I may venture to hope that, in a very few words, I shall be able to put this question in the light in which I wish it to stand before the House and before my constituents. I should have thought the speech of the hon. Gentleman who moved the Amendment had been intended as a speech in favour of the second reading of the Bill; at least this I may say, that one of the difficulties I feel in addressing the House upon this subject is, that he has anticipated several of those topics which I intended to urge in favour of the second reading of the Bill, and which appeared to me irresistibly to lead to a conclusion in its favour. For, Sir, I consider that the hon. Gentleman has shown, even more conclusively, if possible, than my right hon. and learned Friend who introduced the Bill, that the city of Edinburgh does suffer under a very great grievance. If the city of Edinburgh does suffer under a very great grievance, it is then the duty of the Government to propose, and the duty of this House to adopt, such measures as may be the best practicable for the relief of the city of Edinburgh from that grievance. It is not desirable, and we do not desire, to propose any system which we might possibly think preferable to this measure, if we know there is no chance of that preferable measure being carried. It is our duty to propose the best measure which we think we shall be able to carry into effect. The hon. Gentleman who moved the Amendment has intimated that in supporting this Bill I am acting at variance with the course which I pursued in 1833, when I, and others who acted with me, voted for the reduction of the number of bishops in the Irish Church Establishment. Sir, upon that occasion I acted precisely upon the principle upon which I shall act to-day. I thought we had far too large a Church Establishment in Ireland. Nevertheless, I thought—many who agreed with me thought—with the late Mr. O'Connell—for I heard Mr. O'Connell himself use the words—when he praised the Government for not at that time, and under the circumstances, having proposed more than they did propose. Was this because Mr. O'Connell thought the Protestant Church of Ireland ought to have two archbishops, and so many bishops as we left to it? Not at all; but because he knew well that by asking for more he would get nothing, and that what was proposed would really mitigate an evil which it was impoosible altogether to remove. Upon the principle I then acted on, upon the principle that Mr. O'Connell acted on, I cordially give my vote for this Bill; and certainly I should, without the smallest apprehension, after giving my vote, present myself before that constituency to whom I owe as much as any Member in the House of Commons ever owed to any constituent body. Sir, there is a grievance. Upon that point the hon. Gentlemen who have opposed this Bill perfectly agree with me. There is a grievance; it is a very great grievance; and I will very shortly state in what, as it seems to me, the peculiar grievance of the city of Edinburgh consists. In the first place, there is no doubt that the charge and cost of the Establishment is enormous. It is disproportionate to the spiritual wants of the people, and it is disproportionate to the general scale of the Church Establishment of Scotland; and if you compare the cost of the Church establishment of Edinburgh with the cost of that of the other great cities of Scotland, you will find it most frightfully disproportionate. Remember the district about which we are talking —the annuity-tax district I will call it, for convenience—contains, as nearly as possible, 66,000 inhabitants. There are three great Scotch towns, which, by the census of 1841—for I have not looked into the last—contain also between 60,000 and 70,000 inhabitants each, or about as many as the annuity district of Edinburgh—Dundee, Aberdeen, and Paisley. At Dundee the whole charge of maintaining the clergy is little more than 3,000*l.*; at Aberdeen it is between 2,000*l.* and 3,000*l.*; at Paisley it is 3,000*l.*; but at Edinburgh it is between 9,000*l.* and 10,000*l.* There is another place where the annuity tax is levied —I mean in Montrose. I do not see my hon. Friend the Member for Montrose (Mr. Hume) in his place; but if he were here, he would tell us that the annuity tax there is of a comparatively inconsiderable amount, but yet the collection of it excites considerable discontent. What is the amount of the annuity tax there? About 450*l.*, paid by 17,000 inhabitants. But the annuity tax of Edinburgh of 10,000*l.* is paid by a population of only four times the number of that of Montrose. The difference is there as one to four. I may be told that there is an annuity tax at Glasgow, which has a population of 150,000 inhabitants, but the whole charge of the clergy there is 4,250*l.* But the whole of my case is, that the clergy of Edinburgh cost, in proportion to the population, more than three times as much as the clergy of the other great towns of Scotland. That is, I think, sufficient to explain the extreme discontent with which the tax is regarded in that city. Yet this is not all. There is another grievance still worse. There is a monstrous injustice. It is, that the College of Justice is altogether exempt from the payment of this tax—all the Judges, all the officers of the Courts of Justice, the whole Faculty of Advocates, the whole of that respectable body the writers to the signet, and all the solicitors who practise in the Supreme Court, are exempted from the payment of the annuity tax. The city of Edinburgh is not a place of very great trade or merchandise; it does not manufacture much; and since Edinburgh ceased to be the seat of the Court, the Parliament, and the Privy Council of Scotland—since it ceased to be the place where the Scotch aristocracy had their town houses, the aristocracy of Edinburgh has only consisted of the law. The College of Justice is the aristocracy of Edinburgh. So, here you have a system under which the most opulent part of the people is exempted from the burden of this tax, while it is laid exclusively upon the poor. It is pre-eminently the poor who pay this tax. I believe I may say that the proportion of members of the Established Church is much greater in the College of Justice than it is through the city generally, and among the poorer ratepayers. I believe, indeed, that in the New Town of Edinburgh, which is the quarter in which the members of the College of Justice would generally live, almost all the elders of the Church are to be found. See what a monstrous, what a complicated, grievance this is! Here you have a poor dissenter who has to pay to the support of two Churches, on the one side, and a rich churchman, who does not pay for the support of any, on the other. Here you have, perhaps, some poor shoemaker or other workman, whose rent may be 6*l.* or 7*l.* a year, not sufficient to entitle him to vote in the election of Members to Parliament, yet he has to pay this annuity tax for the Established Church of Edinburgh, and also to contribute for the support of his own clergy and their churches also; while there is the Lord President paying nothing whatever. The great men of Edinburgh, who are at the head of Edinburgh society, pay nothing at all; but the shoemaker whose case I have put, pays to his own Church and to theirs too. This is a great and a most grievous evil. It may be contended that all this is to be cured by better collection, and that the annuity tax, which is only 6*d.* in the pound, would yield the same sum if only five per cent of the College of Justice were compelled to pay. But those who have done me the honour to attend to what I have said, will see that the pecuniary is not the worst effect of this grievance. There is another thing, which latterly, I think, has made the people of Edinburgh feel themselves aggrieved. Edinburgh is one of the very few places in Scotland in which the burden of the ecclesiastical establishment is not borne by the ancient revenues which belonged to the Roman Catholic Church. A portion of those revenues, of considerable value, was granted, as I think the Lord Advocate has stated, in 1641, to the city of Edinburgh, with the most solemn forms, for the maintenance of its clergy. This was just at the time when, as Gentlemen well know, Charles I. had been compelled to set up the Presbyterian form of church government in Scotland. It was given to the city of Edinburgh upon the ground, if I recollect rightly, stated in the preamble of the grant, of the peculiar expense and charges which Edinburgh lay under, as the capital of the kingdom and the seat of justice. That, as the House knows, was taken away, and taken away without compensation, in the time of Charles II.; the church lands were alienated, and the burden of providing for the service of the Church was thrown upon the city of Edinburgh. The clergy had to be generally supported; and the imposition of this house tax was made necessary by the resumption of that portion of the church lands which had formerly been applied to the city of Edinburgh for the purpose. This seems to me the peculiar grievance of which the people of Edinburgh complain. Edinburgh complains, first, that the State has laid upon it the charge of an enormously great Church establishment; secondly, that the State has exempted from that charge the people best able to bear it; and, thirdly, that the State has taken away those Crown lands, or ancient church lands, which ought to have borne the burden of maintaining the Church. What, then, is the remedy which this Bill proposes? First, it proposes to diminish the charge, and to diminish the number of the clergy; but it does not propose—and I trust I shall never live to see the day when an English Parliament will ever countenance such a proposal, under any circumstances whatever—to interfere with any vested rights of property. This Bill, respecting all existing rights, proposes, prospectively, to fix the stipends of the clergy of Edinburgh at 550*l.* a year, and to reduce the number of clergy from eighteen to fifteen. As to that reduction, it seems to me that the arguments for it are irresistible. There are only fifteen parishes in the district; of those fifteen parishes twelve have only one minister, while three have two. Why should twelve have only one minister, and three have two? If you could say that those three were the largest and the most populous in the whole city, no doubt that would be an argument for it; but that is not the case, for of the three parishes which have two ministers, one in population is only the fourth, and another is only the ninth, and the third is only the twelfth. Strike an average, and you will find that the average population of the three parishes which have two ministers each, is below the average population of the twelve which have only one each. Therefore, I say it is inconceivable to me how any person could think we should be depriving the people of Edinburgh of any real spiritual advantage, by placing those three parishes upon the same footing with the other twelve parishes. This, then, is the first remedy—a reduction of the charge. The second is to strike away altogether that odious and iniquitous privilege of the College of Justice. This is the second remedy. Then the third is this, that in return, or in compensation, for the church lands which formerly belonged to the city, and which were abitrarily taken away from the city without compensation, either the whole or some part of the revenues of the deaneries of the Chapel Royal should be allotted to the same purpose. It has been proposed by a nobleman, of whom I wish to speak only with great respect, that the canons and prebends and other dignitaries of the cathedrals of England, should have their revenues better apportioned for the purpose of giving spiritual instruction and consolation to the people. But can there be a stronger case put than that of these deaneries? As to English deans or canons, they have at least something to do, for there is the service in the cathedral to be attended; but the deans of the Chapel Royal of Scotland, since our Sovereigns ceased to keep court at Holyrood Palace, have, as such, absolutely and literally, no duty whatever to perform. I have studiously inquired into this matter, and I hear it is remembered that one dean said grace when George IV. dined in the Parliament House; and I believe it is usual for the dean to say prayers in the gallery at Holyrood house when an election of a Scottish peer takes place. These absolutely are the only spiritual duties performed by the deans of the Chapel Royal of Scotland within the memory of man. Is it, then, a very unreasonable thing to take the whole or part of the revenues, which will amount to somewhere between 1,500*l.* and 1,800*l.* a year, of these deaneries, for the purpose of relieving from this cruel burden that capital city which our Sovereigns are not likely again to honour with their continued residence? I must say that the way in which this proposition has been spoken of, as monstrous and detestable, by the hon. Gentleman (Mr. J. B. Smith), perfectly astonishes me, for every one of the principles upon which this Bill is founded, I find in that Report which the hon. Gentleman himself proposed to the Committee upstairs to adopt. [MR. J. B. SMITH: No, no!] Yes, every one. The three remedies which he proposed to apply to this evil are—first, a reduction in the number of ministers; second, the abolition of the privilege of the College of Justice; and third, the application of the whole or part of the revenues of the deaneries of the Chapel Royal. The hon. Gentleman will hardly deny, then, that he agrees in principle with the Bill as to the first; and that he is for a reduction in the number of ministers—

MR. J. B. SMITH: To six, as it was previous to the Bill of 1808.

MR. MACAULAY: But is that a question of principle? Has the hon. Gentleman been a Member of this House so long and he does not know that the difference between three and six is not a question of principle? What I say, is, that the hon. Gentleman, in every point of the Report that he proposed, affirmed the principle of this Bill. He affirmed the reduction of the number of ministers; he affirmed the abolition of the privilege of the College of Justice; he affirmed the principle of applying the whole or part of the revenues of the deaneries of the Chapel Royal.

MR. J. B. SMITH: My Report says that—

MR. MACAULAY: I think the hon. Gentleman had better wait. What I have stated is in his own Report. There it is in print. The hon. Gentleman, I say, did propose that a portion of the revenues of the deaneries of the Chapel Royal should be applied to the support of the ministers. I say that to every one of the principles of this Bill—for these are the three principles of it—the hon. Gentleman has distinctly given his sanction, in the most formal manner, though not in his speech. This is not like bringing out *Hansard*—a thing that is often done unfairly—and finding a Gentleman reported there with having said something at another time inconsistent with what he says now. But there it is in print, in a carefully prepared document written by himself. This, Sir, is not the Report adopted by the Committee, but the Report proposed by the hon. Gentleman, which was rejected; and here is the passage to which I refer:—

> "Your Committee are of opinion that it would be desirable to abolish the Annuity Tax in the Canongate; and as soon as there be funds available, by the decease of the present deans of the Chapel Royal, that there be appropriated out of the deans' revenues a sum equal to the payment of the present stipends of the two existing ministers; and that upon the decease of either there shall be only one minister, to whom an annual stipend of 400*l.* shall be paid, including a manse."

MR. J. B. SMITH: Read what goes before.

MR. MACAULAY: Yes. "There shall be appropriated out of the dean's revenues a sum"—

MR. J. B. SMITH: Not that; begin at the top of page 26.

MR. MACAULAY: Very well. "Your Committee have heard the evidence of the minister, the town clerk, and the treasurer of Canongate." The hon. Gentleman may read it, but it has nothing to do with the question.

MR. J. B. SMITH: Yes it has.

MR. MACAULAY: But I am speaking of this proposition:—

> "Your Committee are of opinion that it would be desirable to abolish the Annuity Tax in the Canongate; and as soon as there be funds available, by the decease of the present deans of the Chapel Royal, that there be appropriated out of the dean's revenues a sum equal to the payment of the present stipends."

I say, therefore, it is perfectly clear that the hon. Gentleman does recognise the principle that part at least of the funds of these deans may, unobjectionably, be applied to the purpose of relieving the people of Edinburgh from this tax. I need hardly repeat now what has been so clearly said by my right hon. and learned Friend the Lord Advocate. I do not consider the clause relating to the Consolidated Fund as any necessary part of the Bill. The view which the promoters of the present Bill take is this, that the city ought to be secured—that the ministers ought to be secured—and that the State ought to be secured; our view is, that in no case whatever ought one particle of money to be paid out of the Consolidated Fund for, or on account of, these ministers. To any security whatever that can be proposed in order to make that certain, we shall be ready to consent in Committee; and unless there can be found securities that will satisfy these scruples, we shall be willing, whilst the other machinery is retained, to strike this out of the Bill. I have thus attempted to call the attention of the House to what I believe to be really the principles of the Bill. Those principles have been affirmed by three successive Governments. The Government before the last framed a Bill upon these principles; and the late Government framed one upon these principles. I repeat that these principles are in the present Bill—the reduction of the clergy, the abolition of the exemption of the College of Justice, and the application of the revenues of the deans of the Chapel Royal. Here, then, you find three Governments, each of which has adopted these principles. A Committee of the House of Commons sat long and patiently on the question, and at the close of their examination they recommended that a Bill should be brought into the House upon these principles. Lastly, Sir, and I put it as the strongest proof of all, the hon. Gentleman himself, who has come forward to move that this Bill be read the second time this day three months, has himself distinctly affirmed these principles.

Mr. J. B. SMITH: No, no!

Mr. MACAULAY: What! Does the hon. Gentleman mean to say he does not recommend the application of any portion of the revenues of the deans of the Chapel Royal to the support of the ministers of the Canongate? Is he not in favour of abolishing the privilege of the College of Justice? Is he not for reducing the number of ministers in Edinburgh? Was it ever heard of, Sir, that when a grievance was allowed to exist, when three remedies for it were proposed, when everybody was agreed that they were just remedies, and when the only difference was about the amount—one recommending one sum, and one another—that whether you should take 400*l.*, and leave 600*l.*, or whether you should take 600*l.*, and leave 400*l.*—that this was to be made a ground for throwing out the Bill upon the second reading, instead of sending it to be considered in Committee? For the sake of the peace of Edinburgh, for the sake of the peace of Scotland, for the sake of the Established Church, I implore this House not to reject the Bill. My right hon. and learned Friend has told the House what disastrous events have taken place in Edinburgh in consequence of this tax. Can anything be more opposed to the feelings of every man who reveres and respects religion, than that the ministers of religion should be compelled to call out soldiers to enable them to obtain the payment of this tax? Consider how widely the unpopularity of such a tax as this differs from the unpopularity of any other tax. The unpopularity of an Established Church is a very different thing from the unpopularity of the preventive service, of the army, or of the police. The police may be unpopular from its service, the army by the work it has to do, and the coast guard because they keep down smugglers; but of the Church, it may be said that it is worse than useless if it is unpopular, for it exists only to inspire respect and affection, and if it inspires feelings of a character opposite to respect and affection, it had better not exist at all. Most earnestly, therefore, I implore the House not to support an institution which is useless unless it is beloved, and by means which can only cause it to be hated.

Mr. J. B. SMITH said, he wished to explain. The right hon. Gentleman had said that he recommended a portion of the dean's revenues should be applied to the clergy of the Canongate; but what did his Report say? "The Holyrood Palace is within the parish of Canongate—"

Mr. SPEAKER said, the hon. Member could not reply to the right hon. Gentleman, and his explanation must be confined to the point which had been misunderstood.

Mr. J. B. SMITH said, the right hon. Gentleman had read one paragraph from his draft Report, but not the whole, and therefore he thought he was entitled to set himself right with the House. His Report said—

> "The Holyrood Palace is within the parish of Canongate, but it has always been exempted from the payment of the annuity tax."

Mr. SPEAKER said, the hon. Member was not confining himself strictly to explanation. The explanation ought to have reference to what had fallen from himself during the debate; but the hon. Member was replying to the speech of the right hon. Gentleman as to his conduct in a Committee of a former Session, and the propositions made in that Committee. The hon. Gentleman could not do this.

Mr. J. B. SMITH said, that if the right hon. Gentleman in the chair decided that he had no right to correct a misrepresentation, he was bound to obey.

COLONEL BLAIR said, he objected to the Bill, though on totally different grounds from those stated by the hon. Member for Stockport (Mr. J. B. Smith), in not one of whose remarks did he concur. His objections were grounded on the broad principle that the Bill encroached on the institutions of the Church of Scotland, and on that ground he felt justified in opposing it. With regard to the reduction of the number of ministers, which formed the principal argument of the right hon. and learned Lord Advocate in favour of the Bill, he believed it could not be denied that the population of the two parishes where the reduction was to take place, the Tron and St. Giles's, were the worst in the city, and to take away ministers of religion from those two churches would be to do anything rather than advance the spiritual education of the inhabitants. In these two parishes there was not a dissenting place of worship of any description. The population of Edinburgh had increased to the amount of 11,000 persons since the time that the arrangement had been made, and surely that was no reason for reducing the number of ministers of religion. In 1824 the number of the ministers was seventeen; but, it being felt that this was not large enough, the ministers themselves determined to elect another additional one, and that he also should be paid out of the fund from which they were supported—that was, that the same sum which was formerly apportioned among seventeen should for the future support eighteen ministers. It was, no doubt, true that the late Government had determined to introduce a Bill on this subject; but he believed that that Bill did not contain any clause for the reduction of the number of the ministers, and that was the clause to which the Church of Scotland chiefly objected. To effect a settlement of this much-vexed question, the Church of Scotland was willing to concede many things, but never to give up what it conceived to be its rights, or to consent to do anything which should injuriously affect those who might come after. With regard to the application of the revenues of the deans of the Chapel Royal, that was a question which affected various counties in Scotland quite as much as Edinburgh; there were many such revenues in different parts of Scotland, and cases had occurred, where, in consequence of the decrease of the population in the parishes where they existed, they had been allocated to the building of new churches. It could not be said, therefore, that they were altogether sinecures, though, indeed, if they were, they were the only ones which remained to Scotland of all her ecclesiastical wealth. With regard to the annoyance which had been experienced in the collection of these annuities, and the fact that the military had once been obliged to be called out to enforce their collection, he did not think that too much stress ought to be laid on that, for he believed that there had not been much difficulty experienced of late years in this respect. He supposed if a cabman were taken to a police-office for an infraction of the New Hackney Carriage Act, he would be received by his fellows with pretty much the same enthusiasm as the right hon. Gentleman opposite described to have animated the reception of those who had refused to pay the tax in Edinburgh by their fellow-citizens. Another ground of objection which he had to the Bill was, that there was no security for the collection of the tax. If the magistrates of Edinburgh refused to collect it—and many of them, it must be remembered, were no great friends to the Established Church of Scotland—the ministers would have to come on the Consolidated Fund to make up the deficiency. He objected, too, to fix the stipends of these ministers at a certain sum, because he could not foretell what might occur to alter the value of money to those who might come after; he also objected to it on the ground that the people might return to the Church of their fathers, and that the sum proposed might be inadequate to support the clergy. Sir William Johnstone, the Provost of Edinburgh, stated that he did not think a minister of the Church of Scotland in Edinburgh could live as he ought on less than 600*l.* a year. If the hon. Member for Stockport had not put a Motion on the paper that this Bill should be read a second time that day three months, he himself should have done so; but after what had fallen from that hon. Member, he should be afraid, if he voted for his Motion, that he should be considered to be mixing himself up with the opinions which had been expressed by the hon. Member—opinions which he trusted would never come from him. He objected to the Bill as it now stood; but he hoped that the right hon. and learned Lord Advocate would consider his objections, and would endeavour to modify the provisions of the

Bill in such a manner that it could be accepted by the General Assembly of the Church of Scotland.

LORD SEYMOUR said, he was anxious to state, very shortly, the grounds upon which he should vote against the second reading of the Bill. He admitted the annuity tax was a grievance, and that it was desirable some means should be taken for its abolition; but he considered that the Bill contained some provisions so objectionable, that, although they might put an end to the grievance, he could not vote for them. His right hon. Friend the Member for Edinburgh (Mr. Macaulay) had made a most able speech in defence of a very bad Bill; but, however admirable his arguments, they could scarcely prevail in favour of such a Bill as this. The right hon. Gentleman told the House that the Church Establishment in Edinburgh was too large. That was a question for the people of Edinburgh to consider; but it was no reason why the Consolidated Fund should be called upon to pay for it. Another grievance stated by his right hon. Friend was, that the College of Justice was exempt from this tax. Well then, let the College of Justice be included. But he must object to the third portion of the Bill, for it contained two bad principles. The first was, that it rendered the Consolidated Fund liable for this payment. Now, he could see no ground why the Consolidated Fund of this country should be liable to pay for the Church in Edinburgh. When once the people of Edinburgh got their hands in the public purse, there was no telling when they would get them out again. The other principle was still more objectionable: he meant the proposal of taking the money which belonged to the revenues of the deans of the Chapel Royal. This was most objectionable, because this money was, in 1846, appropriated to a most excellent purpose, for it was then given by Royal grant to the Principal of the University of Edinburgh, and the Professor of Biblical Criticism. He (Lord Seymour) had hoped that, in future years, the Professors in other universities might have been remunerated from this fund. Any one who looked at the state of Protestant learning in this country and in Europe, would see great reason for saying that professors of biblical criticism ought to be maintained in our universities; and he was surprised that his right hon. Friend the Member for Edinburgh, and the Government, who were anxious to promote education, should now come forward to take revenues given by Royal grant for purposes of education and appropriate them to satisfy the clamours of the city of Edinburgh. Were the Professors overpaid? On the contrary, he apprehended that those in the universities of Scotland generally were miserably under paid. The people of Edinburgh had paid the tax for two hundred years, but that did not lessen the grievance. In Edinburgh, as in London, the number of churches existing were not required. In London they were removing the churches and the endowments too, where they were wanted; and Edinburgh should be treated in the same way, instead of despoiling the universities for the sake of satisfying public clamour. He objected to these two propositions. He objected to making the Consolidated Fund chargeable with the payment of the clergy of Edinburgh, and to the appropriation of the deaneries of the Chapel Royal. Unless those objections were removed, he must vote against the second reading; and he warned the House that this would be a charge on the public of this country, for as soon as they had taken away the deaneries of the Chapel Royal, and given them to the taxpayers of Edinburgh, they would come and tell them how ill provided the Professors were, and call on the taxpayers of this country to supply the deficiency which they themselves had created. He warned the House in time, that they might not be mistaken, and led into sanctioning this appropriation under the notion that the deaneries were mere sinecures. They were no longer sinecures, for they had been applied by Royal grants to what he conceived to be the best of purposes. He was surprised at some of the arguments of the right hon. the Member for Edinburgh. The right hon. Gentleman said, the Church which was not loved ought to be abolished. He did not think that a wise argument to use in that House, looking at the state of religious feeling in Ireland; and he was surprised that the right hon. Gentleman should have preferred laying down that broad principle for the House to act upon, to discussing the points and meeting the difficulties of this case. If the two clauses he had indicated were withdrawn, he would consent to the rest of the Bill, because he had no objection to removing the exemption from taxation of the College of Justice. He had no objection to the adjustment of the area of taxation; if it were not satisfactory, let it be altered; if the incidence of taxation were not fair, let it be amended; if the system were unjust, let it be remedied; but he would not have the House proceed in a course which might endanger the cause of education in Scotland, and bring a local charge upon the Consolidated Fund.

MR. BOUVERIE said, that as one of the Members of the Committee of 1851, he approved on the whole of the general principles of the Bill, though he objected to some of its details. He quite agreed with his noble Friend who had just sat down, that it was very objectionable to implicate the Consolidated Fund in any guarantee for the payment of the ministers of Edinburgh in case of a deficiency in the tax. It might be said that the Consolidated Fund was only a conduit-pipe for the payment of the ministers; but when the Consolidated Fund was made a joint security for any payments, he was afraid the other party was very apt to slip out altogether. He did not like the name of the Consolidated Fund being introduced at all, and it was with great satisfaction, therefore, that he had heard from the Lord Advocate that he was ready to give up this part of the Bill. He also objected to that portion of the Bill which proposed to apply to the rebuilding of a church a large sum of money which had been paid by a railway company to the Corporation. It had been distinctly proved before the Committee that Trinity Church was quite unnecessary, and he thought it would be far better that that sum of 10,000*l.* should be devoted to the purpose of increasing the funds for the payment of the ministers, and the consequent diminution of the tax. It must be borne in mind that this Bill was a compromise—that there was a great evil which it was desirable to get rid of, and that they could not get rid of it by merely consulting the extreme opinions on either side. He believed that it was a compromise which would be satisfactory to the great body of the inhabitants of Edinburgh; and surely the religious peace of the metropolis of Scotland was a public object, for the attainment of which it was quite right to appropriate the public revenues of the Church. The revenues of these deaneries were, in fact, a recently-discovered "nugget," and he could not conceive any object to which they could be more fittingly applied. The measure, too, it must be remembered, had met with the approbation of three successive Governments, and though he did not exactly concur in all its details, he should feel it his duty to vote for the second reading.

MR. JOHN M'GREGOR said, he thought the principle of the Bill exceedingly unsound, and he had no hesitation in saying that it would excite considerable discontent in the minds of the people of Scotland. He believed, too, that that discontent would increase to such a pitch that the magistrates would in a few years find it impossible to levy the tax. He was convinced they would be laying the foundation of great injury to the Church of Scotland if they passed this Bill. When he was last in Edinburgh he had found that most of these established churches were empty; while, on the other hand, when he went to hear Dr. Guthrie or Dr. Candlish preach, their churches were quite filled. He disliked discussions of religious subjects in that House; but discussions of religious establishments did more injury to the establishments themselves than any other single thing.

MR. ELLICE said, that the arguments in favour of this Bill seemed to be, that because the good citizens of Edinburgh showed an extraordinary impatience of taxation, therefore Parliament ought to cast the burden of that taxation on the Consolidated Fund. He had no objection to the people of Edinburgh making any arrangement they pleased with regard to their own religious taxation; but he certainly would not suffer them to put their hands into the public purse. One would fancy, to hear their complaints, that they were the only persons who suffered under such a grievance; but go where they would, he believed there was no part of this country where Dissenters were not taxed for the support of an Establishment. Look, for instance, at the churches in London, built after the great fire. As in Edinburgh, they were greatly disproportioned to the wants of the community, though there was now a Bill in another place for the removal of some of these endowments; but some of them, he believed, were supported by a tax on the coals consumed by the people; others, like the churches in Edinburgh, were supported by a house tax. That was the case with the great church of Bishopsgate: and in the city which he had the honour to represent—Coventry, a Bill was passed 150 years ago levying a house tax for the support of the church of St. Michael. With regard to the revenues of the Chapel Royal deaneries, he believed that they could not be applied to any better purpose than that of promoting education. It was not very long ago that the Principal of the College of St. Andrews, Sir David Brewster, came to London to endeavour to obtain some endowment for the Professorships of his college, looking more to their future prospects than to their present state. The Church of Scotland, he believed, passed a resolution that, in future, no Professor should hold a living in conjunction with his professorship; and when this came into operation, how, he would ask, were the Professors to be supported? Considering the spread of elementary education which had taken place in Scotland of late years — and whatever effect the recent schism in that Church had produced, it certainly had done that great good—it was more than ever necessary to look to the improvement of the higher seats of learning. He hoped that the attention of the Government would be drawn to the subject, for it was one of great importance, and he protested thus early against the proposition for withdrawing the funds most legitimately applicable to that purpose for the relief of a few unwilling taxpayers. He hoped that before the Bill went to a second reading, the Lord Advocate would give a distinct assurance that he would expunge the clauses relating to the liability of the Consolidated Fund, and the appropriation of the revenues of the deans of the Chapel Royal, otherwise he should advise the House to test the principle of the Bill by coming to a vote on the second reading.

Mr. MIALL said, he quite agreed with the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay), that it was a great grievance that the citizens of Edinburgh should be taxed for the maintenance of an Established Church three times as much as any other of the Scotch towns was taxed for the same purpose. At the same time, however, he was surprised that when the right hon. Gentleman was upon that subject, he had not perceived that the proposition of the hon. Member for Stockport (Mr. J. B. Smith), to divide the present number of ministers by three, and reduce them to six instead of eighteen, was an exact remedy. The taxing of the large majority for the support of the religion of a small minority was a prominent principle in this Bill, and that was a principle which the speech of the right hon. Gentleman himself entirely condemned. Religious instruction had to be provided for 8,000 inhabitants of the ancient and extended Royalties of the city of Edinburgh, and here was a proposition to tax 66,000 people for that purpose. In the Parliamentary borough of Edinburgh there was provision made by the Free Church of Scotland for 18,000 people; by the United Presbyterians for 13,000; by the Episcopalians for 3,000; and by the Roman Catholics for nearly 20,000. He did not think it was at all statesmanlike policy, when they were obliged to come to the settlement of a long-vexed question to attempt to do it on an old exploded principle, simply putting on it a new form, and leaving it to work as much mischief as before. The question must be settled in some intelligible form, whether, after the fashion of our ancestors, by taxing all persons of the same faith, or doing away with religious taxation altogether. He did not believe that this settlement of the question would be permanently satisfactory to the people of Edinburgh. They might rest content with the temporary compromise; but in another five or ten years the same excitement and agitation would take place, and the question would again be brought before Parliament. He objected, too, to the principle of making the Consolidated Fund liable for any deficiency in the tax. The people of England had good reason to fear that if ever this charge were placed on them, they would never get rid of it. It might be said that the magistracy of Edinburgh were liable to the Consolidated Fund; but, surely, the security which was good enough for the Consolidated Fund, was good enough for the ministers of Edinburgh. The Bill was simply a disguised form of injustice, and as such he should vote against it.

Sir ARCHIBALD CAMPBELL said, he had concluded to vote against the second reading of this Bill, though he entirely differed from all that had fallen from the hon. Member for Stockport. He was quite at a loss to understand what had influenced his hon. friend the Member for Ayrshire (Col. Blair) to vote in favour of this Bill, opposed as he had been to the details of it, except that it was from a fear of identifying himself with the views expressed by the hon. Member for Stockport, and those around him. He himself, however, had no such delicacy, and he should go into the lobby with those hon. Gentlemen, perfectly assured that no one who knew him would ever suspect him of being opposed to the principle of a Church Establishment. He objected to the details of the Bill, as well as to its principle. The clause which provided for the collection of this tax was not compulsory, but only permissive, and in default of its collection the ministers were thrown upon the security of the property of the city of Edinburgh. He was informed, however, that that was already burdened to the extent of two-thirds of its value, and, what with taxes and other public expenses, there was only a margin left of 300*l.* a year, which it must be acknowledged was not a sufficient security. That was not the way in which Her Majesty's Government had dealt with ministers in Ireland, for he believed that in their case an average of their emoluments was to be taken, and they were to receive 80 per cent of that, while the rest was to go to other ecclesiastical purposes. This was the third attack which had been made on the Church of Scotland this Session: first, the property which had been settled on it at the union of the two Canadas had been confiscated; then, it was proposed to deprive her of the authority of teaching by the repeal of the tests; and, now, it was sought to diminish her property. He should cordially oppose the second reading of this Bill.

MR. COWAN said, he thought the House was in full possession of both sides of the question, and he hoped they would at once proceed to a division, as the people of Edinburgh were exceedingly anxious to have the matter settled at once, and without delay. He concurred in the views of his right hon. Colleague in supporting the measure.

MR. F. SCOTT said, he wished to call to the attention of hon. Members who had only just entered the House for the division, without having heard the discussion, that, though it had been stated this subject had been under the consideration of three successive Governments, this Bill had not been brought before the House until almost the very close of the Session. He believed that the principle of this Bill was very different from that which would have been submitted to the House by the late Government had they remained in office. [The hon. Gentleman continued to speak until four o'clock, when Mr. SPEAKER left the chair, and the House adjourned.]

The House resumed at six o'clock.

Notice taken, that forty Members were not present; House counted, and forty Members not being present, the House was adjourned at five minutes after Six o'clock.

HOUSE OF COMMONS,

Wednesday, July 20, 1853.

MINUTES.] PUBLIC BILL.—2° Vaccination Extension.

VACCINATION EXTENSION BILL.

Order for Second Reading read.

SIR JOHN PAKINGTON moved the Second Reading of the Vaccination Extension Bill, and said that in addition to its claim to consideration derived from the passage of the Bill through the other House of Parliament, it was entitled to it also on the ground that it provided further security for protecting the people from the ravages of disease. The voluntary system had been found insufficient as a preventive of small-pox; and the principle of the Bill, therefore, was compulsory—and it was upon that principle that the Bill had been introduced into the House of Lords by a noble Friend of his (Lord Lyttelton); and, having been affirmed by that branch of the Legislature, it had now come down for the assent of the House of Commons. The report of the vaccination committee of the Epidemiological Society was the basis on which he founded his support of the measure. By this report it appeared that in periods of ten years previous, and ten years subsequent, to the discovery of vaccination, deaths in every thousand were as follows: namely, from 1760 to 1770, 108—from 1780 to 1790, 87; while from 1800 to 1810 they were 64, and from 1840 to 1850 they were only 16. These numbers related only to the bills of mortality. On the Continent of Europe, in twenty towns, the average previous to the introduction of compulsory vaccination was sixty-six and a fraction in a thousand, while subsequently the deaths fell to seven in a thousand. In almost all the countries of Europe vaccination was compulsory, with the exception of England and France. In some it was direct, by means of a fine; in others indirect, by subjecting the people to civil pressure by the deprival of some municipal and civil rights. The result of the system in England was, that from 1831 to 1841 the deaths averaged as follows:—

London . . .	16 in 1000
Glasgow . . .	37 in 1000
All Ireland . . .	49 in 1000
Connaught . . .	60 in 1000
All England and Wales .	21 in 1000

There were thirteen countries on the Continent of Europe where vaccination was compulsory, and the deaths in the same periods were only in this proportion:—

Saxony . . .	8 and a fraction in 1000
Lombardy and Bohemia	2 and a fraction in 1000

In England there was a great difference also, the mortality being greater in some places and less in others, according as vaccination was more or less attended to. At a place near Cheltenham, in 1821, there were forty-eight deaths in 800 inhabitants, or 1-16th of the whole, the people being poor, and vaccination neglected; while in four adjoining villages, the inhabitants of which were better off, and among whom vaccination was attended to, though these villages numbered respectively 1,200, 230, 190, and 170 people, who were in constant communication with the infected village, not a single case occurred. In a place near Wells there had been no small-pox since 1837, in consequence of attention to vaccination. In a district of North Wales, containing 11,000 inhabitants, there had been only one death from small-pox since 1847, in consequence of the prevalence of vaccination, while the births amounted to 2,957 on an average of nine years. Again, in India, it was shown that while the small-pox devastated the left bank of the Sutlej, where vaccination was not practised, destroying fifty or sixty per cent of the population, on the right bank, where it was practised, the mortality was only five or six per cent. He would next come to what had been done in this country to promote vaccination. An Act had been passed in 1841 by which the boards of guardians were authorised to defray the expenses of vaccination in their respective unions. The Poor Law Board had done all in their power to carry out the provisions of that Act; but still the grave facts remained that the system was voluntary; that the people were prejudiced in many places on the subject; that a large proportion of the population were not vaccinated, and that mortality from small-pox existed to a very great extent. In the year ending March, 1843, out of 527,325 born in England and Wales, only 183,000 had been vaccinated, or thirty-four per cent of the whole, while in the succeeding years the numbers were in the following ratio:—

1844-45	100 to 156
1845-46 . . .	100 to 134

In the year 1846-7 the births were 552,000, of which only 267,000 were vaccinated—or less than fifty per cent of the whole. In consequence, however, of the stimulus given by the Poor Law Board, there were in

1847-48 . born 700,000, vaccinated 400,000

or at the rate of two-thirds of the whole. Of these, however, a great proportion were vaccinated late, the effect of vaccination being much less than it would have been if the child had been inoculated at three or four months old. As late as 1851, in thirty-two unions in and about Birmingham, the births were 17,700, while the vaccinations were only 6,174—two-thirds of the whole being without vaccination. Having shown the small proportion vaccinated, he would call attention to the number of people attacked by the small-pox, and the numbers who had died of that disease. The number annually attacked in Great Britain and Ireland was, on the average, 100,000; of which from twelve to thirteen per cent perished of the disease. In London the average deaths for thirty-three years was 913. In Ireland, on an average of ten years, to 1841, there were 58,000 attacked, and 7,836 died. The mortality was far greater in these countries, therefore, than in any country in Europe; and he therefore hoped, as the voluntary principle was not sufficient, the compulsory principle in the Bill would be adopted. As regarded the Bill itself, he was of opinion that the mode of carrying out the compulsory principle should be altered; and he should object to the 5th clause, which placed the remuneration of the medical officers on the same footing as the existing Act—an average of 1*s.* 6*d.* per case. He was prepared to adopt any suggestion for the improvement of the Bill; and he hoped, therefore, its principle would be adopted, as some enactment of the kind was imperatively required for the public welfare. He moved the Second Reading of the Bill.

VISCOUNT PALMERSTON said, that small-pox was undoubtedly one of the greatest scourges that afflicted the human race; but the success of the measures of precaution which had been taken against it, exhibited in a striking manner how foresight and prudence might mitigate such evils. He thought the right hon. Baronet had produced irrefragable proof that some measure such as was involved in the principle of this Bill was requisite for the security of the public health—the more so on account of the circumstances connected with it. The object was prevention by means of timely foresight and precaution, and the class of society for whom that foresight and precaution were required was the poorest, and that which was the least likely to have recourse to such measures voluntarily. The right hon. Baronet had stated some striking instances of the difference in the rate of mortality from small-pox in countries where vaccination was compulsory, as compared with those in which it was voluntary; but it was, nevertheless, satisfactory to be able to say that the exertions of the Poor Law Board in this country had, during the last twelve months, been attended with greater success in staying the ravages of this disease than the results of former years had shown. He found that in 1852 of 601,000 children born, 411,000 had been vaccinated, or 68 per cent, and this was independent of the number which had been vaccinated privately. He was quite prepared to give his support to the principle involved in the Bill; but he agreed with the hon. Baronet that the machinery of the Bill required considerable alteration, and he was glad to hear that the right hon. Baronet had undertaken to propose such Amendments in Committee as he might on consideration think calculated more effectually to carry out the object of the Bill. He gladly, therefore, supported the Motion for the second reading, upon the understanding that the right hon. Baronet would, between this and the committal of the Bill, turn his mind to the subject, with a view to make such alterations in the details as would make the Bill less liable to the objections to which it was now open.

MR. BRADY said, the disease was the occasion of frightful ravages among the population, and any well-considered measure, having for its object to mitigate that scourge, would be received with gratitude and favour by the public. But the present measure, however well intended, was inadequate to carry out its object—it was not a compulsory measure that was required, but one which should meet the sympathies of the people, and which the people would assist in carrying out. He thought that the practice of placing vaccination under contract was injudicious, inasmuch as it made the medical profession lukewarm on the subject. As long as the Poor Law Board had the making of these contracts, so long would mischief exist. The Bill in one way provided for the due supply of proper vaccine matter. In the next place, the first clause provided that vaccination should be performed from the arm of the child, and in the presence of the parents. It was a moral impossibility that this clause could be carried out. It might be that a child could not be vaccinated safely on the arm; the mother would, perhaps, object to vaccination on another part, and would decline to have vaccination performed. There would thus be the danger of carrying out into society a virulent disease to be spread abroad. Then the measure went on to compel vaccination within three months, and that the vaccination should be performed by the Union officer, or some qualified medical man, who was to be compelled to vaccinate gratis. This clause might be so construed as that persons having children to vaccinate would call upon some of the most eminent men, Sir Charles Clarke or Sir Benjamin Brodie, to vaccinate their children. Having made these objections on the Bill, he would, if permitted by the House, detail a plain of his own. ["No!"] He would content himself, then, with the remarks he had ventured to make.

SIR GEORGE STRICKLAND rose to object to the principle of the Bill. He thought the House went too far in compulsory legislation; and he was always a friend to the voluntary system whenever it was possible. The right hon. Baronet (Sir John Pakington) had himself given the strongest reason why this Bill ought not to pass. The right hon. Baronet had shown that vaccination, as at present carried out, had already worked well, because it had reduced the mortality from small-pox from 116 to 16 in every 1,000. But the right hon. Gentleman wished to disturb the present good arrangement because some mothers had an objection to the operation. With the advance of education the small-pox would almost be rooted out, if vaccination were left to the voluntary principle. But there was too much resort to compulsion. One little measure was taken from Saxony, another from Austria, another from Prussia. There could not be one law for the rich, and another for the poor. The mother must be compelled to vaccinate; but in a rich man's house that was impossible. The House was going to force every one to give up prejudices against vaccination. If they acted more on the old English principle, and left people to the voluntary principle and to their own good sense, the object would be more rapidly and successfully attained.

Mr. FREWEN would also object to the second reading. One of the penalties was *5l.*; but how was that penalty to be enforced from the poor man? Then how was vaccination to be "properly administered?" They might have a medical man to vaccinate; but what security had they that the operation would be properly performed?

Bill read 2°.

ATTORNIES AND SOLICITORS' CERTIFICATE DUTY (No. 2) BILL.

Order for Second Reading read.

Lord ROBERT GROSVENOR, having presented a number of petitions in favour of the measure, said, that under ordinary circumstances he should have contented himself with moving the second reading of the Bill; but, as a good deal had passed which had a bearing on the subject since the Bill was read a first time, and he was placed in a very peculiar situation, he requested the indulgence of the House for a short time, while he stated the course it was intended to take. The present was a dangerous moment; it was already the 20th of July—many friends of the Bill were absent; and, among other discouraging remarks made around him, it was said that the friends of the Government ought to regard the Budget as a whole, and not take exceptions to particular items; that, as larger matters had been gained, smaller ought to go unnoticed; and that gratitude was due to the Chancellor of the Exchequer for the financial scheme which he had laid before the House at a moment of unusual difficulty, and when a false step in financial matters might have been attended with serious consequences. But he asked the House to recollect that he had postponed the second reading of this Bill from time to time, in order to avoid embarrassing the Government, and in the hope that something would be done for the parties he represented; and certainly, if he had been called upon at an earlier period of the Session to state whether he ought to ask for a decision of the House on the Bill, though he would still have continued to entertain a strong opinion on the question, yet he would have shrunk from the task he had undertaken. The House, however, should remember that the financial measure of the Chancellor of the Exchequer had, since he brought this question forward, been subjected to the ordeal to which all such propositions were exposed; and that since that time we had had another quarter's revenue, which showed a state of buoyancy and prosperity almost without precedent. He should have thought, then, that this was just the time for the Chancellor of the Exchequer to make this concession—that this was the *mollia tempora fandi*—that he would have been at the present moment peculiarly open to sentiments of benevolence, and that, so far from accusing him of any want of consideration for the eminent services he had rendered to the country, the right hon. Gentleman would have thanked him for this opportunity of showing his generosity towards the class who were subjected to the special grievances involved in the payment of this tax. He regretted that the Chancellor of the Exchequer should have lost the opportunity of making his Budget *totus teres atque rotundus*, and thus have completed the satisfaction so generally felt with regard to his measures. One of the circumstances to which he must allude was the modification which his right hon. Friend proposed to make in this duty. He was afraid the Chancellor of the Exchequer would think they were very ungrateful; but the truth must be spoken, and he was bound to say that the proposal of the right hon. Gentleman was most distasteful to those chiefly concerned, while at the same time it would be a loss to the revenue. The right hon. Gentleman admitted that the attorneys and solicitors had suffered much in their pecuniary interests by the recent legislation of the House, and that they ought to have some remedy. Now, the remedy he proposed was to take off one-fourth of the duty—*3l.* out of the *12l.* paid in London, and *2l.* out of the *8l.* paid in the country; while he reduced the duty on the articles of clerkship one-third, the only effect of which would be to encourage greater competition for the small profits which were still left. He regretted that the Chancellor of the Exchequer should have persisted in retaining this remnant of taxation, which, while it was not productive in point of revenue, was a source of great oppression and annoyance; but there were some people who seemed to think they were better judges of the reality of a complaint than those who actually suffered under the grievance. But, apart from these general considerations, there were other circumstances which called for notice on the present occasion. He understood there was a tacit arrangement with the right hon. Gentleman the Member for Manchester (Mr. Bright) and his friends that if they would support the Government in opposing this measure, the Government would graciously smile on their proposition for the repeal of the advertisement duty, and that, in consequence of this arrangement, those Gentlemen had endeavoured to induce his supporters to vote against his Motion, or to stay away altogether. He did not profess to know how this understanding had been come to; but he supposed it was the effect of some of those movements that resembled somewhat the mysterious electric influence which in these days was said to lead to so much turning of tables, and other extraordinary phenomena. He should have been glad to have seen a termination of the struggle in which he had been so long engaged; but he could not hope that this would be the case on the present occasion. He was quite ready to admit that if his right hon. Friend had reduced the duty one-half, though he should have still thought that a stingy way of dealing with the question, he would not have brought forward his Bill this year; but he was still open to an arrangement, and if his right hon. Friend would only say that the duty was merely kept on for revenue purposes this year, but that in deference to the opinion of the House he would take its removal into consideration next year, he would not in such circumstances go to a division. But the House would recollect that he had never urged this question except in one point of view—he had always stated that this tax was oppressive and unjust, and ought to be repealed, irrespective of all financialc onsiderations—that it was a tax unjustifiable in principle, and that on that ground alone it should be repealed; and therefore, if he could not obtain even a tacit promise from his right hon. Friend of future consideration, he must leave, as before, the decision of the question in the hands of the House. The noble Lord then moved the second reading of the Bill.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. MURROUGH said, he had come down to the House labouring under a profound and unalterable conviction that he was about to record his vote in favour of one of those political shams of which this Session had been so fruitful. The noble Lord the Member for Middlesex had taunted the right hon. Gentleman the Member for Manchester with having entered into some compromise; but he would take the liberty of telling the noble Lord that if he had been half as sincere in his advocacy of the cause of that body of which he (Mr. Murrough) was a member, as the Member for Manchester was in the cause of the newspapers, no compromise could have taken place. The noble Lord allowed the Resolutions of the Chancellor of the Exchequer to pass unquestioned; and, when he (Mr. Murrough) put a question on the subject, he was told by the Chancellor of the Exchequer that the noble Lord had arranged to take the debate on the second reading of this Bill. He thought, therefore, the noble Lord was not entitled to attack any one for the course pursued on this occasion. The Bill was now brought forward at the fag end of the Session, when there was no chance of its being carried, and when the friends of the attorneys were on circuit. It was painful to his feelings to take the course which he now did, but he was impelled to do so by a strong sense of duty.

Mr. HUME was not one who would be suspected by the noble Lord of changing his vote without some very good reason; but he begged to say he was a better friend of the attorneys than the hon. Gentleman who had just spoken, for he did not think it would promote their cause to attribute motives to Members acting to the best of their powers in the discharge of their duties. He believed the noble Lord had been perfectly sincere in his desire to procure the abolition of this duty. He (Mr. Hume) had always been of opinion that the whole system of licences should be taken into consideration. He objected entirely to every description of partial legislation, and thought it equally unjust to relieve one class, and to leave another burdened; but in that House almost every measure was a compromise, and both those who advocated particular reductions, and the Government who had to administer the public money, were called on to consider all the circumstances that might bear upon each case. He had supported throughout the general plan of the Government as exhibited in the Budget, because he thought that in the end it would lead to further relief from taxation; and if he voted for the Bill now before the House, he would be acting contrary to the understanding which he had hitherto gone upon. Whatever might have been done on other occasions with respect to this tax, the circumstances were now entirely altered. ["Hear, hear!"] Did those Gentlemen who cheered think that in an assembly like that, and in a nation circumstanced as ours was, there was to be no change of opinion on questions like these, and that because a man wished to repeal a particular tax at one time, he was always, and in all circumstances, to hold by that opinion? That would be to deprive the House and the country of all the benefits of experience on questions of this kind.

The CHANCELLOR OF THE EXCHEQUER must say, he sympathised very much with the pain which the hon. Member opposite (Mr. Murrough) suffered on account of the vote he was about to give; but he would respectfully suggest to him that he might very easily spare himself that pain by not giving it. There were two motives on which men generally acted—the one was from duty, the other was from pleasure. The hon. Member, it was plain, was not going to act for the purpose of duty, for he said he was about to vote for a political sham, neither was he going to vote for the purpose of pleasure, for he said it was painful to his feelings to vote for the Motion. Perhaps he would pardon him for offering a suggestion, that, in these circumstances, he would be acting entirely in accordance with the dictates of his conscience if he removed himself from the House altogether. But he must be allowed to say he thought the hon. Member had entirely mistaken the motives and character of his noble Friend's conduct. His noble Friend, at his suggestion, agreed to take the division on the second reading of the Bill; but it was not at all true that his noble Friend by that agreement in any way put an advantage into his hands. If he had done so, the hon. Member would have had a right to complain, or at least would have had some colour of complaint; but the hon. Member was perhaps not aware, that, this being a case of reduction of duty, it was not necessary to introduce it by a preliminary Resolution at all, and that, by not opposing his (the Chancellor of the Exchequer's) Resolution, his noble Friend did not lose his right to introduce a Bill to take away the duty altogether. It was, therefore, a mere matter of courtesy that led to any arrangement between them. If it had not been for the attack just made by the hon. Member opposite, he should have been disposed to take up his noble Friend from an opposite point of view, and to compliment him for the tenacity—he would say the chivalrous tenacity—with which he had taken up the cause of this unfortunate and helpless body. His noble Friend's character as a philanthropist had been long established, otherwise no more illustrious example of it could be quoted in after times than the manner in which he had held out the right hand of succour and support to a meritorious class, entirely without organisation, not represented in that House, cut off from all the ordinary means of communication with it enjoyed by other classes; and, last of all, having their friends on circuit. But, with regard to the question at issue, it was understood that they were discussing a Bill with two objects: one to repeal the annual certificate duty paid by attorneys and solicitors; the other to amend the law with regard to their registration. The question to be taken on the second reading, however, had no relation to this last clause; and, therefore, they were going to debate the question whether they would repeal the certificate duty or not. He was sorry to find that besides the offence of refusing the repeal of the duty, he had committed another offence by introducing a plan for the reduction of the duty, that was more unacceptable than its maintenance; for his noble Friend had told them that the plan which he introduced gave satisfaction to no one, while it would be a sheer loss to the revenue. Now, all he had to say upon this point was, that if the noble Lord and his friends felt so much aggrieved by the proposal which he had made, he did not say the Government was so obstinate in their adherence to the plan as that they might not be induced, on the representation of the parties, to give it up altogether. But, most unquestionably, they would not be parties to a repeal of the certificate duty, and setting the profession free from a tax to the State which they had paid for sixty years, and which they were brought up in the expectation of paying, and at the same time leaving in its unmitigated force the enormous tax now paid upon the stamp that was required in the case of every little boy whose father wanted to put him into the profession—a tax of 120*l.* in the case of a boy, who might, perhaps, turn out to be unfit, or who might be prevented by circumstances from following out the vocation. The Government would be no party to levying such a burdensome tax, and repealing the other. His noble Friend said, if he would consent to put his refusal on the ground of a temporary injury to the revenue, and promise that by another year he would somewhat relent, he would be ready to take the present plan of the Government as an instalment, leave the question in the meantime in his hands, and be ready to take it up again in a future year. Of course, it was open to his noble Friend to use his own discretion in the matter; but it was open to him also to say that he hoped the House was now disposed to come to a final vote on this subject. He could give what he thought conclusive reasons from the state of the revenue of the present year why the repeal of this tax should not now be granted; and he could not give any promise conscientiously to his noble Friend that in the next year, or any future year, he could repeal this duty; and for this plain reason, that, forming the most sanguine estimate of the resources of the revenue, he still felt there were other objects of legislation beneficial to the attorneys and solicitors, in common with the rest of the community, far preferable to this, and far more imperative than this, in the claims they made on the Chancellor of the Exchequer and that House. He therefore could give no pledge as to the future, because he saw a long array of claims coming in for the repeal of taxes—claims of a far higher nature than could be urged in favour of the present object. Now, with regard to revenue considerations, he would state a few words to the House. On the 18th of April, having stated to the House the changes which the Government were prepared to propose with reference to their fiscal legislation, he calculated that the result of those changes would be to leave them with a surplus of 495,000*l*. Since that time various changes had taken place, and he was able to speak more positively on subjects scarcely then ripe for a conclusion, and the result had tended materially to alter the statement he had made. His noble Friend must not found his calculations upon the last quarter's revenue. The returns for the last quarter were swelled adventitiously and accidentally by a variety of causes, which he could easily point out; and he would say, looking at the present state of the country, enlarging on that view of it, and the prospect of the harvest, that if he were to go now into his department, and ask them to give him a new estimate of the revenue for 1853-4, they would not be able to give him, to say the least, a more favourable estimate than that which he laid laid before the House in April. As to the surplus he then calculated upon, it would be necessary to make one or two statements. In one item, that of the militia, there would be a gain, the expenditure under that head being 52,000*l*. less than was anticipated. The packet contract, however, would exceed the estimate by 35,000*l*. Then there was a sum of 56,000*l*. which he expected to have got from the Channel Islands harbours, but which it would not be possible to save during the present year. There was 100,000*l*., the probable result of the financial measures that had been taken—a sum which would be realised as a permanent saving to the country from the contracted amount of Exchequer bills, but which would not be available for the balance of the present year. There was likewise 110,000*l*., which he had calculated on receiving from licences; but this item was so cut down by deductions which he had found it necessary to make in order to satisfy the fair claims of parties who had made representations to him, that it was deemed better not to insist on that part of the scheme. Here was 301,000*l*. out of the surplus disposed of, and that left, after giving credit for the sum saved from the militia, the amount of 250,000*l*. Then a sum of from 150,000*l*. to 200,000*l*. would be required to meet certain charges that it would be his duty to present to the House in a supplementary estimate; so that all they had left of the surplus would be from 50,000*l*. to 100,000*l*. There was a demand made for the repeal of the advertisement duty, amounting to 80,000*l*., and of the attorneys' certificate duty, also amounting to 80,000*l*.; but if both of these duties were to be repealed, they would have to carry on the operations of the financial year, not with a surplus, but with a deficit. Something had been said about a tacit understanding with the right hon. Gentleman the Member for Manchester (Mr. Bright). Whatever understanding there had been on this subject was not tacit but outspoken; and whatever had proceeded from him, directly or indirectly, to the hon. Member for Manchester in regard to the relation between these two questions of the attorneys' and advertisement duty, was no more than had likewise proceeded from him directly to the noble Lord the Member for Middlesex one or two days ago, when the noble Lord called upon him, when he pointed out that in regard to the national accounts there was a very close relation between the two questions. They were asked to repeal two sets of duties amounting to 160,000*l*., and it was acknowledged that if they did so they would start, not with a surplus, but with a deficit. Now, the Government thought the prudent course would be to make neither of these reductions, and on their part he had submitted a plan to the consideration of the House. He would not speak now of the chance division taken on the advertisement duty at a late hour in the evening; but he would admit that those divisions did indicate to his mind, and to those of his colleagues, a strong feeling and desire on the part of the House that that duty should be repealed. The opinion of the Government was that it would have been more prudent not to repeal that duty. Their opinion was that they could not repeal both these duties, and they were not prepared to repeal both of them; but he had not the least hesitation in saying that if the question came to be between the one duty and the other, and if the House was disposed to press for the repeal of the advertisement duty in opposition to the views which Government held as to what the interests of the revenue might require, and if they were called on to exercise a judgment on the question where they should take their stand, and where they should say they could not conscientiously accede to the propositions of the House, then their duty with regard to the tax on attorneys' certificates would be to declare that they were not prepared to accede to the repeal of that tax. They admitted that the House had shown a strong desire for the repeal of the advertisement duty. They placed the two questions before the House; and they frankly owned that if one of these duties were to be repealed, that one should not be the duty on attorneys' certificates. He had never said more than that. There had been no tacit understanding. He entirely declined to give any sort of pledge with reference to the future; but he had stated that, in the view of the Government, it would not be consistent with their duty to consent to the repeal of both these taxes. He would now leave the matter in the hands of the House, and express the hope that this subject was not to be made a tax in another form—a perpetual tax from year to year on the time of the House, but that it would receive some final and decisive expression of opinion, from which both the Government and the parties might have the opportunity of judging what course was to be taken, and that they might be able to apply themselves to business in future Sessions without the perpetual discussion of all the incidental accompaniments that attached to the subject of attorneys' certificates.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

After a few words from Colonel SIBTHORP,

MR. EWART said, he was one of those who supported the repeal of the advertisement duty, and also the repeal of the duty on attorneys' certificates; but as he had to choose between the two duties, he could not hesitate to elect the repeal of the advertisement duty, which affected all classes of the community, believing that he should, by so doing, best discharge his duty to his constituents and the country.

MR. MAGUIRE was one of those who voted in the chance divisions on the Motion of the Member for Manchester, which had been alluded to; but he had not spoken on the question of the repeal of the advertisement duty, as it might have appeared that he was influenced by personal motives. If he was influenced by mere personal motives, he should now vote against the Motion of the noble Lord; but he should not do so, and he had stronger reasons than ever for taking that course since the Chancellor of the Exchequer had said that the attorneys were bred up to pay this tax. But, at least, they were not bred up to pay the income tax. The recent law reforms had cut down their business and their profits, and they were, therefore, more entitled to this indulgence than before.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 102; Noes 186: Majority 84.

Words *added.*

Main Question, as amended, put, and *agreed to.*

Second Reading *put off* for three months.

RECOVERY OF PERSONAL LIBERTY BILL —ADJOURNED DEBATE (THIRD NIGHT).

Order read, for resuming adjourned Debate on Question [22nd June], "That the words 'it be referred to a Select Committee to consider whether any and what regulations are necessary for the better protection of the Inmates of Establishments of a conventual nature, and for the prevention of the exercise of undue influence in procuring the alienation of their property,' be added to the word 'That' in the original Question."

Question again proposed, "That those words be there added."

Debate *resumed.*

MR. BOWYER wished to ask the opinion of the Speaker with regard to the form of the Motion as it stood on the paper. He wished to know what Motion they were about to discuss. He understood that on a former occasion the Motion, "That the words proposed to be left out stand part of the Question," had been negatived, and therefore he understood that the second reading of the Bill was thereby negatived. Nothing remained of the original Motion but the word "that;" the Amendment of the hon. and learned Member for Bath (Mr. Phinn) did not appear on the paper at all; but an Amendment of his (Mr. Bowyer's), and one of the hon. Member for Meath, remained there.

MR. SPEAKER said, the Order of the Day on the 22nd June was, that the Bill be read a second time; to which an Amendment was moved to leave out all the words after the word "that," for the purpose of inserting the Amendment of the hon. and learned Member for Bath. The House divided on the Question, That the words proposed to be left out stand part of the Question, and they came to the decision that the words do not stand part of the Question; then the word "that" stood by itself, and the question left to be decided was, whether the proposition of the hon. and learned Member for Bath should be added; and that was the question now before the House.

MR. BOWYER: Then my Motion, "That the Bill be read a second time that day six months," falls to the ground.

MR. SPEAKER: That Motion falls to the ground, and that question cannot now be entertained.

MR. J. BALL said, he was glad to find that the discussion was not to turn on the second reading of a Bill which had been rejected and renounced by those who had formerly supported it. [An Hon. MEMBER: No, no!] He believed that the hon. Member who cried "no" was one of those who had voted against the second reading. It was difficult to find a Bill based on more false pretences. The hon. Member (Mr. T. Chambers) who had introduced it, called himself a Liberal, and yet he was doing the work of hon. Gentlemen opposite—the old friends of intolerance. He would admit that the Roman Catholics had nothing to complain of in the remarks made by the hon. and learned Member for Bath (Mr. Phinn); but he hoped the House would permit him to make a few observations in opposition to the Amendment proposed by that hon. and learned Gentleman. He objected to the Motion, because he believed it unnecessary, unprecedented, and dangerous to all classes in the country. He firmly believed that this was only the foremost of a series of movements, the object of which was to engage the Legislature in a conflict with all those institutions most dear to the highest hopes and deepest convictions of a large class of Her Majesty's subjects. There was a production called the *Nunnery Question,* which professed to give the facts on which the House was asked to enter upon this conventual crusade, and among them was something relating to mesmerism in convents—a statement of what he must call rather a cock-and-a-bull story of the treatment of a boy—and a reference to some frightful anathema which was pronounced against all who attempted to force nuns to go out of convents. Now this anathema happened to be the formula used in dark ages when spiritual power was the only restraint on lawless violence. The true mode in which statesmen should view the question, was whether, upon the whole, these institutions—if not deserving the support of the State—were not entitled to be left free from its interference. Voltaire says—

> "Perhaps there is nothing grander on earth than the sacrifice which is made by the delicate sex of beauty, of youth, often of high birth, in order to relieve in the hospitals that collection of all human miseries which is so humiliating to our pride, and so revolting to our refinement."

Without wishing to wound the susceptibilities of any hon. Member, I may continue the quotation. Voltaire says—

> "The nations who are separated from the Roman communion have but imperfectly imitated so generous a charity."

Dr. Forbes, speaking of the Sisters of Mercy, says—

> "Every one who has been in Catholic countries, must have heard of and seen these Sisters at their various works of charity and mercy—educating the young, nursing the sick, feeding the hungry, clothing the naked, harbouring the homeless, imparting religion to improve the good and restore the bad; and all with that utter self abnegation, and self-devotion, and with that earnestness, tenderness and patience, which can only spring from the profoundest conviction, that, in so labouring, they are fulfilling God's will as revealed to man."

The House was not to be asked to grant to these institutions sums of money or lands, but only that their inmates might have the same liberty which other persons enjoyed to devote themselves to acts of charity and benevolence. Probably the most flourishing of the so-called "religious" societies in the country at the present time, were not those which were intended to promote the spread of religion or morality, or even to carry on proselytism by legitimate means, but those whose object was to revile Roman Catholics. Those societies were composed of men who disavowed anything in common except their animosity towards the faith to which he (Mr. Ball) belonged. Such bodies rejoiced in different names, but their object was the same. There was the Protestant Association, the Evangelical Alliance, the Protestant Alliance, and so forth. In the model petition prepared by the Protestant Association, after lamenting that no adequate provision was made in the Catholic Relief Bill for the entire suppression of conventual establishments, it goes on as follows :—

> "And your Petitioners desire to state, that in their opinion the existence of monasteries and nunneries is utterly inconsistent with the constitutional principles of a free and Protestant country, and that facts prove them to be highly injurious in practice."

And these are the persons who tell us in this House that their object is solely to protect the inmates of convents. There was one striking feature in the publications of all these institutions, namely, their sudden alternations between the most triumphant hope, and the most profound despair. On one page they boast of their splendid successes, and on the next the reader is called upon to deplore the formidable front that was shown by Popery, and the enormous sums that were being poured into the country for the purpose of purchasing the Protestant faith of the people of England. Thus, in one place, they were told that no fewer than 100,000 addresses had been circulated amongst the electors of Scotland, and that the result had been that no fewer than twenty-seven Scotch Members had voted for Mr. Spooner's Motion, while only eleven had voted against it. Again, it was stated that the enormous number of 137,600 tracts and pamphlets had been distributed in the city of Glasgow alone; and the total number circulated in Scotland must therefore have defied ordinary powers of computation. Of course the natural inquiry would be, what had been the character of these publications? They were of various prices, from the very moderate charge of a shilling per hundred to sixpence each, and they might judge of the nature of these publications by the titles of some of those issued by the Protestant Association :—

> "Popery the Enemy of God and Man." "Popery like Paganism." "Popery unchanged." "Popish Bigotry." "Fifth of November" "No Popery." "Awful Perjury." "The Popish Creed." "Awful Guilt of the Roman Bishops." "Idolatry of the late Pope, Gregory XVI."

Then follow a few murders, such as the "Murder of the Rev. Irvine Whitty"—all of course attributed to Popery. It was by the circulation of such documents as these that the "religious societies" to which he had alluded, attempted to carry out their aims; and there was no doubt that the ignorance of the people of England, and still more of the people of Scotland, had been practised upon to a fearful extent, by the wholesale dissemination of these atrocious libels. I have here a few numbers of a periodical which bears at the head of its title page, the following testimonial from a noble Lord who takes an active part in the proceedings of these societies (the Earl of Shaftesbury): "Extremely cheap, well adapted to the necessities of the times, and singularly suited to the intelligence of the people." The report of the Protestant Alliance—that society which is graced by the co-operation of the hon. Member for Hertford—congratulates its readers on the increasing circulation of the periodical called the *Bulwark.* Well, I venture to assert that this publication so vouched, contains more offensive and abominable calumnies than ever disgraced the press of this country.

I will not sully my lips by reading some of the passages referring to convents. The House may judge of their tone by such expressions as these: "Nothing is more difficult than to establish judicially the crimes of a convent." "Proofs are multiplying of its revolting wickedness;" and some vile doggrel lines conclude, by calling upon Englishmen to "rase to their foundation stones these homes of infamy." Such is the language applied to ladies whose virtues and whose services have extorted the reluctant admiration of the greatest enemies of the Catholic Church and of Christianity itself. Will any Member of this House rise in his place and say that such language is not disgraceful? Yet it is by such publications so suited to the "intelligence of the people" that this movement has been set going and is maintained. These works attribute to the Catholics every crime that can disgrace human nature. They represent them as without truth or honour, and as men on whom the slightest reliance cannot be placed. I have here a print representing the "burning of Bishops Latimer and Ridley, in the days of Bloody Mary." Those were days when bishops of every sect, as well as men of other classes, sometimes came to cruel and untimely ends; and to those days I cannot imagine that men of any religious persuasion can look back with complacency. The writer, however, says that they are "days to which all Papists look back with enthusiastic admiration;" and he goes on, "inasmuch as murder, as in the case of the Thugs, is part of the Popish religion." And he adds, that "Rome is eagerly thirsting for a renewal of similar tragedies." Remember that these are the tracts which so-called religious societies circulate in vast numbers; not among the educated, but among the poorest and most ignorant members of society. Others besides Catholics, however, come in for their share; even the members of the Peace Society don't escape. After explaining that the present ruler of France is under the complete control of the Pope, and that his object is to invade England, and by fire and sword utterly to destroy Protestantism; the writer shows that the Peace Society must be in a secret league with the Pope; and he sagely remarks, "It is rather suspicious that Messrs. Cobden and Bright, who profess to despise these threatenings, are at the same time strong abettors of our Popish home conspiracy." Now I entreat that the House will seriously consider what must be the natural consequences of an agitation, conducted through such machinery as this. What becomes of the chief safeguard which the constitution has provided for the life and liberty of citizens? Do not recent events entitle me to ask whether trial by jury is safe, if this agitation is to receive encouragement from the Legislature? I lately received information, that in a county in Ireland where considerable property is held by Catholic gentlemen of the highest position and respectability, the sheriff has twice summoned a grand jury, on which there was not one single Catholic. If the charges against Catholics are true, that high sheriff was quite right, for Catholics cannot be fit to be members of a jury, or to be members of civil society at all. If the hon. Members who bring forward this question, believe the assertions which they circulate, we ought not to be now discussing the trumpery Bill of the hon. Member for Hertford; we should not even be discussing the repeal of the Emacipation Act; we should be considering whether we should not be completely cut off from your society. For my part, I should like to know the worst at once. Do they propose that we should be driven forth to some remote colony, or settled upon some barren spots in the wilds of Scotland? It is quite clear that if we are to be regarded in such a light as we are depicted, we cannot remain together in peace as members of the same community.

Before I conclude, I wish to point out one peculiarity in the way in which this agitation is carried on. I quite believe that many of those who are concerned in the movement are genuine fanatics; but I do not believe that it would have ever attained its present proportions if there were not a great many who have a direct personal pecuniary interest in its progress. Accordingly there is nothing which is so vehemently urged on their readers as the duty of subscribing liberally to their funds. Some of these appeals are really quite touching. They say—

> "A great drawback has hitherto frustrated all our efforts, and if it still continues, will be fatal to our plans. We refer to the state of the funds of Protestant Associations. With a few exceptions, the sums contributed have been so small that Protestants have been prevented from embarking in many hopeful undertakings, simply by the dread of pecuniary embarrassment."

Again—

> "Although the Anti-Popish struggle embraces every other, and must decide the fate of all churches and missions, as well as of every private interest, it is painful to think how little has hitherto been contributed towards its support, and how many of its publications and enterprises have gone down or languished, simply from a total want of the necessary funds.
>
> "Let us not have our prayers for the downfall of Babylon turned into mockery, by being placed in contrast with paltry and inadequate contributions."

Here is another appeal:—

> "Fellow Christians! an awful re-ponsibility rests now on you. Join our associations; distribute our tracts; circulate our periodicals; contribute of your means: and let there be no delay."

Sometimes more encouraging accounts are given with a view to stimulate by good example. Here is an account of a meeting of ladies, who pass resolutions

> "To circulate monthly information by means of tracts, and especially of the *Bulwark*, as a monthly vehicle of intelligence and link of connexion among the Protestants of the empire.

You have heard what sort of information is circulated in the *Bulwark*. Next

> "To form libraries for the especial instruction of females in the Popish controversy and struggle. Lastly, to raise funds for all these objects."

The consequence is, that since railway shares have gone down, the best speculation left for a man of small capital and no character is to take to writing or publishing "No-Popery" tracts, or to become the officer of a "No-Popery" society. The grand chorus which all these concerns sung, was "Subscribe liberally. Empty your pockets." Atrocious as were the libels which were showered upon Catholics, he did not ask the House for any means of redress. He felt confident that in the long run truth would prevail; but he did implore the House, not by any act of theirs to give these persons the least shadow of encouragement.

Mr. E. BALL said, that throughout his life he had been endeavouring to understand something of religion; and, if he knew anything at all upon the subject, he should say that its chief feature was charity, and he felt that he should best carry out the religious feelings and principles which he entertained by extending that charity to those who differed from him in faith. When he came forward as a candidate for the representation of Cambridgeshire, it was very natural that his religious opinions should be made the subject of considerable discussion. For those opinions he had suffered through life; and he thought it better and more straightforward to state in his Address that he was a Dissenter, although he was at the same time strongly attached to the principle of the Established Church, and that he would never, in his place in Parliament, consent to give a vote by which the maintenance of the Established Church in this country should be perilled or its rights infringed upon. He still retained the principles which he then enunciated, and his intention was to carry those principles most rigidly into practice. That being the case, he felt bound to ask himself with reference to the question before the House, whether, in the course which he was about to take with respect to it, those principles were involved. The religious liberty which he claimed for himself, he believed he ought to extend to others; and when he was asked to do that which must be offensive to a large body of his fellow Christians, he felt called upon to inquire whether any facts had been laid before the House which would justify such a proceeding. He had heard hon. Gentlemen allege upon previous occasions that there were many instances upon record which tended to demonstrate that consequences the most deplorable arose from the existence of monastic establishments in the country, and from the mode in which those institutions were conducted; and he had heard those allegations upon the part of the Roman Catholic Members earnestly denied; they had demanded over and over again to have one fact substantiated—but that fact had never been forthcoming. Now, in his opinion, the House ought to be in possession of such information as would tend to prove that inquiry into the state of conventual establishments was necessary before they proceeded to assent to the Amendment which was then under their consideration. Such information, he believed was not, in their possession; and he confessed that its absence was a circumstance which was calculated to have no inconsiderable influence upon his mind. There was not a single Member in that House more opposed to the tenets of the Roman Catholic religion than he was; but he felt perfectly satisfied that no change in their religious sentiments could ever be produced by measures of persecution. On the contrary, he firmly believed that it was by acts of kindness and toleration that such a change could most effectually be wrought. Entertaining these sentiments, he could not bring himself to vote in favour of the Amendment of the hon. and learned Gentleman the Member for Bath. Now it had been stated that women were treated with great harshness and great cruelty in conventual establishments; and that, in many instances, they were unable to recover their liberty, although they might desire to be set free from the rigour and restraints imposed by a monastic life. If that were really the case, how, he would ask, was their condition to be ameliorated by the Amendment before the House? What was it that retained them in those establishments after the desire to quit them had once taken possession of their breasts? No bolts or dungeons, he believed, but the vows which at their entrance into those institutions they had taken, and the impressions strongly stamped upon their minds, that in violating those vows they would be guilty of a heinous crime. If he were to bring forward a Motion in that House for the purpose of rescuing out of the power of their husbands those unhappy women who so frequently suffered treatment so scandalous at the hands of those who ought to be their protectors, the argument which would be urged against such a Motion would be, that those women were bound to their husbands. They were obligations which would operate with a similar force to bind the nun to a residence within the walls of her convent; and it would be impossible to break through those obligations by any legislative enactment. He should beg to call the attention of the House, next, to the fact that most Roman Catholic ladies received their education within the walls of a convent; and they had had petitions presented to them against interference by themselves, or their mothers, sisters, or daughters, who had been or were inmates of nunneries:—was it possible, then, he would ask, that human nature could anywhere be so degraded, so lost, so completely abandoned to every fine and noble feeling, as that the mother would send her daughter, the guardian her ward, to be instructed in a place where, from her own experience, if the allegations of certain parties were true, her principles would be contaminated and her morals corrupted? The nature and position of conventual establishments embraced a subject which, from what he had heard with respect to it, he had desired to become acquainted with. He had accordingly asked a Catholic gentleman, a friend of his, to give him some information upon the point. His friend had immediately replied, "Go and see those institutions yourself, and you can then form your own opinions with respect to them." Now another gentleman, a friend of his also, had called upon him one day, and he (Mr. Ball), desiring to form his own judgment with reference to the character of the monastic institutions in this country, had expressed a wish to his friend to be driven to one of those establishments. His friend had immediately assented to the proposal, and they both accordingly proceeded to a convent in Blandford Square. Having obtained admission, the lady abbess came forward to receive them, and his friend said to her, "This is a Protestant gentleman desirous of looking over your establishment, if you should have no objection." The lady abbess expressed her readiness to comply with his wishes, and he had accordingly accompanied her over the entire convent, not even omitting to visit the coal cellars; he had seen in that establishment upwards of 1,000 poor children, who had been taken out of the streets, rescued from vice and poverty, and educated as well as such children should be, without any expense whatever upon their parts. Having witnessed those things, he could not help exclaiming as a Christian man—"Are those the proceedings which I have so often heard mentioned as taking place in connexion with convents?" The lady abbess had also taken him to another portion of the establishment in which were located a number of servants out of place—some amongst them being members of the Protestant religion—and had informed him that the nuns endeavoured to procure situations for those poor women, and had thus been, under God, instrumental in saving many of them from ruin. He had conversed much with the superioress upon the occasion to which he referred. Of course he expected a great degree of refinement in one who belonged to the highest aristocracy; but he found her so well informed, so thoroughly educated, so well grounded in Christianity, and so imbued with a real Christian feeling, that he went away from the presence of that lady with feelings of the greatest admiration and respect. Next they proceeded to the convent of the Good Shepherd at Hammersmith. The work of that establishment was the reformation of women who had fallen victims to the evil passions of man; there were not less than eighty-five of these unfortunates sheltered within its walls, and he could not but feel the force of the lady abbess's appeal to him: "If it is not charity which induces us to undertake a task which brings us into contact with the worst of our sex, what else can be our motive? And yet you represent us in your House of Commons as the most abandoned of human beings." He left that convent with the same impression as that produced on his mind by that in Blandford Square. Lastly, he went to Roehampton: that was an educational establishment where about one hundred ladies, the daughters of the Roman Catholic nobility and gentry, received their education; and the whole of the surplus accruing from very high rates of charge for tuition went to the maintenance of the poor. Now, he would ask, having witnessed these things, was he not bound, at whatever cost, to state frankly and fairly what he had seen? He felt that he was; and he must confess the impression left on his own mind by these convents was, that they were most useful establishments, and that the inmates were influenced by the very highest motives that could move human hearts. He believed that it was only the fear of God, and a desire to benefit their fellow creatures, that prompted them to enter such institutions; and was he then to give his vote in favour of a Motion that would revolt their feelings? Did he fear for the interests of Protestantism? Surely not. His fear rather was, that whatever might be accomplished by all classes of Christians, it would be insufficient to defeat the wiles of Satan, and that the great adversary would triumph over all their efforts. One thing was clear, namely, that in no way would those efforts be foiled so much as by Christians indulging in divisions. For his own part he confessed that he had a prejudice in favour of all those who showed themselves zealous for the service of that Great Master in whose ways it had been the study of his life to walk.

MR. WHITESIDE said, that neither the hon. Member for Carlow (Mr. J. Ball) nor the hon. Gentleman who had just sat down, had, in his opinion, addressed themselves at all to that which was the real question before the House. The hon. Member for Carlow had pronounced a glowing panegyric upon the conventual establishments of Europe. But the merits of those establishments was not the question they had met to consider; and if it were, he (Mr. Whiteside) should claim his right to express the opinion which he entertained with respect to them. He believed that in proportion to their number, their wealth, and their influence in any country, in precisely the same proportion was human liberty crushed, the progress of knowledge resisted, and the march of human improvement impeded. But that was not the question which they were then called upon to discuss. The real question was, according to his idea, to consider whether any and what measures are necessary for the prevention of the exercise of undue influence in procuring the alienation of property of persons in conventual establishments; and he should, therefore, abstain from making any further observations upon a topic which must be deemed irrelevant to the subject-matter of debate. He had no intention whatever to raise upon that occasion a No-Popery cry; and he perfectly agreed with those hon. Members who said that interference in the regulation of monastic establishments, for the mere sake of interference, would be unjustifiable, and ought to be resisted. Facts, however, tended to justify that interference; and the House was bound to exercise that control with respect to convents which it maintained and put into execution in other cases. Was it not true that the laws of England gave security to a married woman when called upon to execute a deed conveying her property to another, and guarded her even under such circumstances against the influence, the just influence, of her husband? Why was that security extended to her? Because she might, at the time of the execution of such a deed, be under control, and might thus be compelled to part with her fortune against her will, and not in accordance with her own free wishes. When a prisoner was confined in gaol—he spoke of a person who might be confined for debt, and not a convict—if that prisoner chose to execute a warrant of attorney while in that position, though his understanding might be perfectly clear, still the law stepped in to protect him, and rendered it necessary to the execution of the instrument in question, that witnesses should be present while it was being drawn up. Around the inmates of a lunatic asylum, the law of England threw protection, and it did so solely because that protection was required. The hon. Member for Cambridgeshire asked where were the facts which could be adduced to demonstrate that interference with the regulations of conventual institutions was either necessary or desirable. Such proofs were not wanting. He (Mr. Whiteside) could cite cases to the hon. Member to prove that undue influence—to prove that an undue degree of influence—had been exercised over young women in those establishments for the purpose of procuring the alienation of property, and that that influence had been exercised, not only in one, two, or three cases, but in several instances. It had over and over again been proved, to the satisfaction of the Judges in the highest courts of law in this kingdom, that the execution of deeds and conveyances and of wills had been obtained from ladies in convents by means, the justice or the fairness of which the law did not recognise. He should briefly call the attention of the House to a case which had lately occupied the time of the Lord Chancellor in Ireland for a period of no less than three or four days, to the exclusion of other important business which called for his consideration. There had been a Roman Catholic gentleman at the bar in Ireland, whose friendship he (Mr. Whiteside) had had the happiness to enjoy. That gentleman's name was Mr. J. H. Blake, a man of the highest talent, and of unspotted honour. After Mr. Blake's death, to his (Mr. Whiteside's) great surprise, that gentleman's wife and child were involved in a Chancery suit with the lady superioress of Loretto House, which was an immense establishment of the conventual character in

Ireland, and which was affiliated with several establishments of a similar order throughout the Empire. The lady in question had filed a bill to recover the share of one of the inmates of that establishment of her brother's estate. The question raised upon the trial had been whether she could be considered as otherwise than dead in the eye of the law. The lawyers maintained that as she was a professed nun, and was thus deprived of all judgment, all reason, and the free exercise of her own will, she must, according to the ancient, charitable common law of England, be considered as if she were really dead. The Lord Chancellor, in pronouncing his judgment upon the case, said that it had been distinctly proved that the petition which had been presented to the Court upon behalf of the lady in question was presented for the purpose of procuring the property in dispute for the benefit of the body of which she was a member, and that she, in fact, could not be considered as having acted upon her own unbiassed inclinations. The Lord Chancellor proceeded to say that he should hold that the lady was not dead in law. ["Hear, hear!"] Let hon. Gentlemen who cheered observe that the practical result of that decision was that the lady was alive, so that she might recover for the community of Loretto House some 10,000*l.* or 20,000*l.* through the medium of the Court of Chancery. She was alive in law, but she was dead for the purpose of the enjoyment of that property, and for the purpose of exercising in respect to it any of the rights of the other subjects of Her Majesty. The Lord Chancellor concluded by saying that he hoped there would be an appeal to the House of Lords upon that point, and that it would by that means be finally settled whether or not those ladies, alive in point of fact, were dead in law. It was said that there was no compulsion exercised over the inmates of those conventual establishments. Now, upon that point he would quote the words of a Lord Chancellor in another case, in which the property had been restored to the family of a nun. The Lord Chancellor said he would put the case of a prisoner in a dungeon, and a gaoler extorting a deed from him, and coming into court and saying, "I have that person still in my dungeon, but I want the property from him, and for myself." And then his Lordship added, "Shall I give it to him? I will do no such thing." There was another case of a will which had lately been pending in the Prerogative Court. The members of a Roman Catholic family had disputed the validity of the will on the ground that it had been obtained by coercion—by undue influence. The lady superioress had put in her answer: that answer had been excepted to as not sufficient, or as evasive. But ultimately, as he had been given to understand, the matter had been compromised—the interest of the money having been given to the claimants for their lifetime on condition that it was to go to the institution after their deaths. Again, in the case of the Ranelagh Convent, Baron Pennefather, after having adverted to the fact that the brother-in-law of the nun had been denied access to her, and that her sister had not been allowed to see her except in the presence of a member of the community, concluded by saying, that "no one could doubt that the will had been procured by the influence of those ladies over a young person secluded from every friend, her nearest relations having been excluded from the convent;" and under these circumstances that deed likewise had been held to be invalid. He confessed that he had been surprised to find how unanimously the Roman Catholic gentlemen with whom he had conversed upon the subject had expressed themselves in favour of a measure which would throw some protection in reference to the execution of deeds around the inmates of conventual establishments. The hon. Member for Carlow had not offered any real answer to the arguments which had been adduced in favour of such a measure, by the encomiums he had passed on the inmates of those establishments, and by his enumeration of the blessings which they bestowed on the human race. It was a wise saying of Lord Bacon, that "constant repetition breedeth conviction;" and the hon. Member had repeated these things until he probably believed them himself. If the friends of those institutions were sure that an inquiry would redound to the honour of their inmates, and of the system on which they were based, why should those Gentlemen oppose a Motion for such an inquiry? But Parliament was asked to abstain from any interference in the matter before it had in any way investigated its details. It was true, no doubt, that the hon. Gentleman the Member for Cambridgeshire (Mr. E. Ball) had made inquiries on his own account; but from the speech of the hon. Gentleman, which was so very creditable to his heart, and which proved so conclusively the innocence of his nature, he (Mr. Whiteside) should not be surprised if the hon. Gentleman himself became a monk. He had been charmed by everything he had seen; and although he had not touched upon the question of property at all, he had ventured to condemn every man who differed from him upon the subject. The real point was whether more care was not required over the disposition of property by these persons. Before he sat down, he would say a few words upon the more general question which had been introduced by the hon. Gentleman the Member for Carlow. The hon. Gentleman had said that this measure was part of a systematic attack directed against the rights of Roman Catholics. Now he (Mr. Whiteside) denied the accuracy of that statement. He said that if the proposal for which he was contending were carried, its effect would be to preserve the property of Roman Catholics, and not to destroy any one of their rights. If the hon. Gentleman meant to insinuate that nothing had occurred of late years in Ireland or in England to justify a little more care and inquiry with respect to the control of Roman Catholic ecclesiastics over lay institutions, he (Mr. Whiteside) entirely disagreed with him. He had before asserted, and he then repeated, that he believed that among a portion of those ecclesiastics, known as the Ultramontane party, there was a principle in operation hostile to the progress of knowledge. He would give a proof of what he meant. There was a document which had been presented to that House, in which a distinguished gentleman, Mr. Berwick, the President of the College of Galway, painfully and reluctantly confessed that it was impossible for that institution to extend the sphere of its usefulness in opposition to the machinations of that Ultramontane party. Mr. Berwick went on to refer to the well-known fact, that a Roman Catholic clergyman of high character and attainments, who had filled the very responsible office of Vice-President of that College, had been compelled by the See of Rome to renounce that office, and that the same authority had been brought to bear with equal effect on the Professor of History. These were facts, and not mere words. That institution had been founded for the purpose of promoting science—of strengthening and refining the intellect; but it had been obstructed—it had been nearly destroyed—by a mandate sent from Rome. In the face of such facts, was it possible to maintain that the leaders of the Roman Catholic Church were animated by any sincere desire to promote education, and to elevate the intellectual condition of the great mass of the Roman Catholic body? The provincial College in Cork had also been torn and distracted by those divisions; and a few weeks ago the Board of National Education in Ireland had been shaken to its foundations by a resolution which left every child at liberty to forbid the reading in a school of any book to which he might object by the direction of his priest. [*A cry of* "No!"] He only stated a fact which had been communicated to him on the best authority. There had been a moderate amendment proposed at the Board by Mr. Baron Greene, under which the rule would be restricted to the particular child who might make the objection, and who alone would not be asked to read the book; but that amendment had been rejected. That was part of the question which had been raised by the hon. Member for Carlow. That hon. Gentleman had raised a large question—a general question; and he (Mr. Whiteside) answered by facts the observations of the hon. Gentleman. He had no desire to persecute Roman Catholics. He had never said a word in that House calculated to insult them. He had not treated the question then under consideration as a religious question; he had treated it as a question of property; and he should conclude by expressing his belief, that whatever might be the fate of that Motion, they should, sooner or later, have an inquiry into the subject; and that all those who did not fear such an inquiry, ought to support the modified proposal then before the House.

MR. DRUMMOND said, he could assure the hon. Gentleman the Member for Cambridgeshire (Mr. E. Ball) that when he smiled at some of his observations, he did not do so because he was not as well inclined as the hon. Gentleman himself to be serious upon a serious subject, but he did so in consequence of the *naïveté* and simplicity with which the hon. Member had gone through his first accidence in the study of conventual establishments. The hon. Gentleman had, in fact, strongly recalled to his recollection the lines—

"Ah! the good saint little knew,
What the wily sex can do."

It had been his (Mr. Drummond's) fortune and happiness to have many private friends and nearest and dearest relations members of the Roman Catholic Church, and he had therefore every sympathy in favour of the Roman Catholic body; he would go further and say that, seeing how all ecclesiastical principles had been daily abandoned by bishops and clergymen of the Church of England—how all recognition of sacraments, orders, and everything else, essential to the existence of a Church, had been given up by them—he should have beheld, with unfeigned delight, the strengthening of a Church which at least would bear faithful witness for all these things. He should have rejoiced, after Lord Derby and other Conservatives had knocked off ten bishops with a blow, to find that there were more bishops established in this city and all over England. But that was a very immaterial part of the question at issue. It was the secular power which had been assumed—which had never been abandoned, never mitigated, never mollified by the Church of Rome and its clergy, even in the lowest depths of their seeming depression, and which they had plainly told the people of England that they were determined to again establish in this country—it was that that made him resolved to expose everywhere—in that House and out of it—the object which those men aimed at, and the means by which they proposed to carry that object into effect. He would not make use of any abusive expressions. He would never quote nor acknowledge the authority of any Protestant writer upon the subject. He would take his opinion of the Roman Catholic priests from the acts and the writings of those priests themselves. Nobody could find fault with him if he endeavoured to understand plain English and bad Latin as well as they. He confessed that that Motion appeared to him to be a very injudicious one for the attainment of the object for which it had been framed. He entirely agreed with what had fallen from the hon. Member for Cambridgeshire with respect to the immense charitable labours of Roman Catholics. He had stated before in that House, and he had stated, he believed, in print, that the religious works of Roman Catholics put those of Protestants to shame. On no account, therefore, could he wish to weaken either directly or indirectly the effect of the speech of the hon. Gentleman, even though it went to strengthen the side of the question opposed to that which he was disposed to espouse. He would take no unfair advantage in that argument. He would grapple fairly with the question as put forward by the Pope's nuncio and the priests themselves. He did not mean to impute any other feelings to Roman Catholics than those which were common to all mankind, when he asked whether it did not come within the experience of every one of them that there often existed a temptation for parents to be cruel to their children? What was the object of their Factory Act and of the Ten Hours Bill at present before the other House, for the improvement of the condition of the most helpless class in the community? Was it not to protect children from the cruelty and neglect of their parents? But the neglect of good and proper feeling took different forms in different classes of society. Was it not notorious that in private lunatic asylums the care of relatives over the unhappy inmates was not what it ought to be? In some cases—he would not say in many cases—their families seemed ashamed of them, and appeared to be desirous of keeping them for ever in those establishments. There could be no doubt that great cruelty had been practised in conventual institutions. He did not, however, allude to cases in this country. But he should add, that he did not admit that what had been done in Great Britain afforded a fair sample of the effects of priestly domination. There were Bible distributors and tract writers here. He went to countries where none of those wicked people were to be found, and where the whole population were exclusively under the control of the priests. Did not the state of Europe at present justify every word that had fallen from the hon. and learned Gentleman who had just addressed the House? Where did they hear in France of a beloved and revered hierarchy? Where, but for the standing army, would those priests be at the present moment? Would hon. Gentleman of the Roman Catholic Church vote for the withdrawal of the 10,000 French troops from Rome? He recommended them not to do so, if they had any mercy for the Pope. But if abuses took place in convents, he did not think that they had devised the proper remedy for such an evil. As for calling in abbesses to give evidence, he felt that they might as well let that alone. They had better read the history of the Council of Trent, and there they would find it stated that the bishops had been obliged to give up all control over nuns and monks, who, they said, always beat them. [Mr. BOWYER: Did the

Council of Trent say that?] It was stated in the history of the discussions at the Council of Trent. There had always been raised upon that question a great cant of liberty. Liberty! Why, he had produced in that House a work of Cardinal Wiseman, in which it was stated that the very perfection of Christianity was to believe that black was white, and that white was black whenever Holy Church stated it. Liberty! It had been perfectly right on the part of the heads of the Roman Catholic Church in Ireland to have discarded that book on the *Evidences of Christianity*. What business had laymen with evidences? Those men were perfectly right in their own way. What did Montesquieu say of them? He said that they always put him in mind of the people of whom Herodotus spoke, who put out the eyes of their Scythian slaves, that nothing might divert those slaves from churning butter. He could state instances in his own family in which young women had been stolen into convents. But he did not care for instances. He looked at the doctrines taught, and he found that Roman Catholic writers laid down the doctrine that a child sinned if it confessed to its parent that it had any inclination to go into a convent, for fear the parent should set that inclination asid. [Mr. BOWYER: Where is that taught?] In Liguori. You do not know him by half as yet. He had received a great many letters upon that subject. He had received, a short time ago, a letter from a lady in Guernsey, stating that her niece had been positively stolen from her; and it appeared that she had been so stolen because she was entitled to some property, just as had happened some time since in the case of the daughter of the editor of a newspaper in Ireland. How could a parent or a guardian find a remedy for such an abuse? Was it by an appeal to Cardinal Wiseman? Why, before the answer to any application upon the subject could be received, the name of the young woman was changed—she became Sister Theresa, or sister something else, and any further inquiries became useless. He believed that if the Motion then before the House were carried, its object would certainly be defeated. The electric telegraph would be put in motion, and any lady into whose case it might be thought proper to institute an inquiry, would cease to be known as Mrs. Conolly, or whatever else her name might be, and it would become impossible to catch her. He did not wish to say one word against the schools conducted by nuns. It was a gross libel on him to state that he had ever said one word against the morality of the inmates of English convents; and upon that point he had then to offer a few words of explanation. While that clamour had been going on, he had not condescended to answer it; but he would take that opportunity of stating that what he had said on a former occasion was, that those establishments had either been made throughout Europe prisons, or had been turned to infamous purposes, not by the inmates themselves, but by priests. The same thing was asserted in the writings of popes, bishops, and other ecclesiastics of the Church of Rome during a period of ten centuries. He would not state the last cases of the kind which he had met with, for they were too gross for recital; but he would quote a passage from the journal of General Dumouriez during his travels in Portugal, just before the French revolution. General Dumouriez said that out of 2,000,000 of inhabitants in that country, there were 400,000 persons in conventual establishments, which he justly considered to be a monstrously greater number than the wealth of the country could bear. He then named one of those convents, which he said was a seraglio of the king, and he went on to describe those establishments generally in Portugal as being of the most infamous character. General Dumouriez was not writing against Roman Catholic institutions of any kind, but stated that simply as a fact which had come under his observation in the course of his travels. But why did the heads of the Roman Catholic Church want those institutions? They wanted them on two grounds. They wanted them first, he readily admitted, because the inmates practised great benevolence, and because they formed extremely good schools for young ladies. But they wanted them, also, because they afforded the best possible machinery for collecting money, and for becoming the pioneers of the Roman Catholic Church. The Pope's Nuncio in Paris had very clearly acknowledged that one great object of his party was to deliver this country from that slavery into which Protestantism had ground the souls of Englishmen. He (Mr. Drummond) was not quarrelling with the Pope, nor with his Nuncio, nor with Cardinal Wiseman, nor with anybody else; but he was as determined to fight out to the death the great principle at issue as they could be. He was determined to expose the doctrines of the priests, because he knew them to be subversive of morals, and because it was impossible for a priest to be loyal to a Protestant Sovereign. He had petitioned that House over and over again against the Roman Catholic Relief Bill. He had been called a bigot for having done so; but he had lived to see the truth of his assertions proved by the event. He had lived to find that which had been said by the Duke of Wellington was a prediction of which the fulfilment had only been deferred; for from the acts of the Roman Catholics themselves, and not merely from the charges of their enemies, it was apparent that it was utterly impossible for the slaves of a priesthood to be sharers with Protestant freemen in conducting a constitutional government.

MR. C. O'BRIEN considered that the promoters and supporters of the measure were actuated by different motives from those which they had avowed, and had been pushed on by parties out of doors in a spirit of vindictiveness, inspired by the violent schism which was raging within the Protestant Church. The hon. Member for Enniskillen (Mr. Whiteside) said that the cases brought forward only proved that the law of the land as it existed had been found sufficient to meet anything like duresse in regard to the execution of deeds. The measure before the House was insulting to Roman Catholic gentlemen, assuming as it did that they would not protect their own relatives. They ought not to legislate for a state of society which existed four or five hundred years ago, or such as might now exist in Spain or Portugal; their legislation ought to be of a more practical character. If the hon. Gentleman wished to conciliate Roman Catholics, and convince them of the error of their ways, this was not the way to do it, but rather to set a good example. He regarded, in fact, the measure not so much an attack upon Popery as upon the Puseyism of the English Church. Now, he was not there to defend the conduct of any one receiving the revenues of a Church, the doctrines of which they did not honestly profess; but he thought that, instead of venting their spleen upon inoffensive ladies of another communion, it would be more consistent if hon. Gentlemen would call a council or convocation, and ascertain what were really the doctrines of their Church, and who were the proper persons to administer its ordinances, and, having ascertained that, to change what was wrong. He begged to say, also, as a Roman Catholic, that after all that the Irish people had done to promote the political and social amelioration of the English people, he regretted to find a large section of Members, calling themselves English Liberals, so far forgetful of past obligations, and oblivious of the principles of true liberty, as to countenance a measure hostile to the feelings of the Catholic laity—hurtful to the delicacy of the ladies whose seclusion it was proposed to interfere with—as well as repugnant to the feelings of many English gentlemen. He did not think it necessary to enter into the defence of the Continental clergy, who had been attacked by the hon. Member for West Surrey; but he could not help remarking that the hon. Member had been somewhat unlucky in his reference to France, for it would be in the recollection of the House that Archbishop Affré, of Paris, met his death in 1848 on the barricades, assisting the assertion of public liberty.

MR. ROCHE said, that the somewhat eccentric reasoning of the hon. Member for West Surrey, and the embittered declamation of the hon. and learned Member for Enniskillen, had neither of them detracted from the extreme pleasure with which he had listened to the liberal and Christian speech of the hon. Member for Cambridgeshire (Mr. E. Ball). If Ireland had always been legislated for in the spirit of that speech, he was sure that country would at this moment have been more tranquil, more loyal, and less disaffected, than it was, and that this country would have raised its name for strict justice and impartiality in its legislation. The hon. and learned Member for Enniskillen had cited cases for the purpose of showing that great abuses took place in convents; but these very cases proved that the present state of the law was sufficient for meeting these abuses, for successive Lord Chancellors had quashed deeds which appeared to have been made by persons under undue restraints in convents. The hon. and learned Gentleman also, by way of tranquillising his Catholic fellow-countrymen, had declared generally that the Catholic Church was hostile to liberty all over the world; but when he came to particulars, what did he lay hold of? He laid hold of the college question; and, because certain Roman Catholic ecclesiastics were opposed to the new colleges in Ireland, the hon. and learned Gentleman concluded that the whole Catholic Church was hostile to public liberty; but the fact was, that for one Catholic ecclesiastic that was opposed to these colleges, there were five Protestant clergymen; and in the case of national education, where there were five priests opposed to it, there were fifty parsons; so that if upon these grounds it could be said that the Roman Catholic Church was hostile to popular liberty, it followed that the Protestant Church was at least twice as hostile. The hon. Member for West Surrey had said that upon this question he should not regard Great Britain at all, but would take them to the Continent for examples; and, because certain things had happened in other countries, he called upon the House to pass a measure which would only have an effect upon this country. The hon. Member had failed to show a single instance in which the law which he asked them to pass would be required in this country. The hon. Member had also declared his belief that Catholic priests could not be loyal to a Protestant Sovereign. Had the hon. Gentleman forgotten that the very last attempt which was made to disturb the peace of Ireland was put down by the Catholic priests? Did he mean to say that the late Most Rev. Dr. Murray, the Roman Catholic Archbishop of Dublin, was disloyal? There never had been a more monstrous assertion made than that which the hon. Gentleman had given utterance to. It was well known that there was no body of men more pre-eminently loyal to their Protestant Sovereign than the Roman Catholic priests of Ireland; and he assured the House that their loyalty was not mere lip loyalty, but was founded upon principle. The House had been asked to appoint a Committee of Inquiry. If they did, he warned them that the result would be that their Committee would be turned into a perfect theological beargarden, and that their labours would lead to no result, except that of irritating the people of Ireland. It had been said that this measure had been proposed in a friendly spirit; but would it be received in a friendly spirit by people out of doors? Would it not rather tend to set the people of Ireland against the people of England?

Sir JOHN TYRELL said, the hon. Member for Cambridgeshire, no doubt, deemed himself an authority on this question, having lately made a tour of inspection of nunneries. But it was desirable that this question should be decided on facts; and, consequently, he thought every hon. Member was bound to contribute as many facts as were in his possession for the information of the House. Now he (Sir J. Tyrell) was aware of some facts which he begged to mention. The convent of Newhall, in Essex, was visited, somewhere about last Christmas, by Sir Harry Smith, his lady, and some friends. They expressed a desire—merely through curiosity—to be shown over the establishment. But, after some time, the mother abbess declined permission to admit them, unless they procured some letter of personal reference. Lady Smith, who had been through many of the convents on the Continent, declared she had never before been treated as she was at the Newhall convent. Sir Edward and Lady Butler had been refused admission at another convent. But he was aware that, of late, the rule had been relaxed, and that admission was more readily granted than heretofore. However, he could not help observing that, in this Protestant country, so many valuable Wednesdays should not be frittered away on a subject of this kind. He hoped the noble Lord opposite (Viscount Palmerston) would favour the House with his views on the question, as he (Sir J. Tyrell) would be greatly influenced in his vote by the statement of the noble Lord.

Mr. J. D. FITZGERALD observed, that according to the view of this question taken by the hon. Baronet (Sir J. Tyrell), all seminaries in which young ladies of the Roman Catholic religion were educated, ought to be open to unintroduced visitors. Now, he (Mr. Fitzgerald) would ask whether it would be tolerated that the officers attached to the camp at Chobham should visit, without introduction, the ladies' schools in that neighbourhood—for he thought the one proposition was quite as reasonable as the other. The hon. Member for West Surrey had referred to the case of Mr. Conolly; but it must be remembered that Mr. Conolly, after embracing the Roman Catholic religion, induced his wife to become a nun, and when he again professed Protestantism he endeavoured to force his wife to leave the convent, which she refused to do. With regard to the allusion of the hon. Member for West Surrey to the Portuguese nunneries, he (Mr. Fitzgerald) might inform the House that in Portugal conventual vows could be taken for only one year. The hon. and learned Member for Enniskillen (Mr. Whiteside), in the course of his speech, reminded the House that, they should confine themselves to the question before them. Notwithstanding that, the hon. and learned Gentleman introduced the question of the Galway College, as if it could have anything whatever to say to the question of convent inspection. The whole amount of the President's address in that college was, that the Roman Catholic priests, not approving of the system of education, withheld their co-operation. Now it should be remembered that the Protestant clergy in Ireland, to a very great extent, not only withheld their co-operation from the National system of education, but offered it very active opposition. The hon. and learned Gentleman next referred to the Cork College; but he (Mr. Fitzgerald) could assure the House that the school of anatomy formed the subject matter of the misunderstanding in the Cork College, and that religion had nothing whatever to do with it. Reference had been made to the setting aside of a will, on the ground that it was drawn under the influence of spiritual terror exercised by a priest over a dying Catholic. He (Mr. Fitzgerald) had been counsel in that case. It was true that this man sent for the priest when dying, and told him he wished to make his will. The priest declined having anything to say to his will, and told him he came there for a spiritual purpose only. After receiving the rites of the Church the dying man again spoke of his will; but the priest recommended him to send for the Catholic gentleman who had been his patron for many years, and to arrange the matter with him. That gentleman was sent for; the will was made, leaving 4,000*l.* to Catholic charities. The gentleman remonstrated against such a proceeding, reminding the dying man that he had poor relatives to whom he was bound to leave something. The will was altered, 600*l.* being left amongst the relatives, the remainder amongst Catholic charities. The will was subsequently impeached, and the Court decided against it. The Judges were four Protestants, who did not understand the case, though he believed they acted in the most conscientious manner; but if there had been one Catholic Judge on the bench, then his (Mr. Fitzgerald's) arguments would not have gone for nothing. But all these matters, referred to by the hon. and learned Member for Enniskillen, had nothing whatever to do with the question before the House. He (Mr. Fitzgerald) was prepared to contend that the existing law afforded ample protection to the inmates of conventual establishments. He need scarcely inform the House that for one case of coercion in monastic life, 50 cases of coercion in private life, exercised by fathers over their children, by mothers over their daughters, or even by children over their aged parents, might be adduced. The existence of Roman Catholic convents in Ireland had always been open and notorious; and they had continued to exist in spite of the persecution to which the Roman Catholics had been subjected from the time of Cromwell to the reign of George III. The convents in Ireland were, in fact, educational establishments for young ladies of the Roman Catholic religion; and he would venture to say there was not a Roman Catholic Member of that House the female members of whose family had not, almost without exception, been educated in such institutions. He might state that there were only four cases in the Irish law reports in which coercion, with regard to the disposal of property, had been alleged by nuns or by their relatives; and the decisions which had been given in favour of the persons alleging such coercion had been merely in consequence of circumstances which led to the legal assumption that the disposition of the property was not made with the free will of the owner. He would ask, when the House was called upon to declare that it was necessary and advisable that a Committee should be appointed to inquire what safeguards should be adopted to protect the property of the inmates of nunneries, whether any case had been made out to justify such a proceeding? He considered that no instance had been brought forward which had not been clearly and satisfactorily answered. It was evident that the law of the land was strong enough to prevent the exercise of coercion; and he thought, therefore, that any inquiry on the subject was wholly unnecessary. With regard to the question, whether any additional protection was necessary to secure the personal liberty of the inmates of conventual establishments, he thought he need only refer to the facility with which a writ of Habeas Corpus might be obtained. The hon. and learned Member for Hertford (Mr. T. Chambers), in bringing in his Bill, had alluded to cases which had occurred before the Habeas Corpus Act was in existence; but now, in the case of an attempt to restrain personal liberty, any person might go to the Court of Queen's Bench, and on merely swearing that according to his or her belief the personal liberty of A or B was restrained, a writ of Habeas Corpus would at once be issued as a matter of course. He wished all hon. Members would copy the example of the hon. Member for Cambridgeshire (Mr. E. Ball). True Christianity could not exist without charity, and charity could not exist if this demon of sectarian controversy were once admitted among them. During the discussion reference had been made to the exclusion of certain books from the schools under the superintendence of the National Board of Education in Ireland. From the accounts he had read of what had occurred in another place, he believed that that exclusion had been sanctioned by the Commissioners, the majority of whom were Protestants. The resolution of the Commissioners was, in fact, only a restoration of the practice which was established when the Irish educational system was founded by Lord Derby. The book which Roman Catholic children were not to be obliged to use was a work on the Evidences of the Truth of Christianity. [An Hon. MEMBER: The book is excluded.] Well, the effect of the resolution might be the exclusion of the book, because about five-sixths of the children in the schools conducted under the National system were Roman Catholics. In the south of Ireland the scholars were almost exclusively Roman Catholics. Now this book, which he believed was written by Archbishop Whately, on the *Evidences of Christianity*, might be procured for 3*d.*; and he wished to ask whether a single instance could be adduced in which the work was adopted in the 1,500 exclusively Protestant schools in Ireland, conducted by Protestant clergymen, and entirely unconnected with the National Board? If that book was not adopted, even in Protestant schools, he thought the Roman Catholic clergy must have some very good reasons for objecting to its use; and if they entertained such objections, they were bound, as honest men, to endeavour, as far as they could, to prevent Roman Catholic children from being compelled to study it.

VISCOUNT PALMERSTON observed, that as there was some other business upon the paper, he thought, considering the short time that remained for its transaction, the best course would be to adjourn the debate. He, therefore, begged to move that the debate be adjourned.

MR. C. BERKELEY asked whether the noble Lord would name a day for reresuming the debate?

Mr. J. D. Fitzgerald

MR. NEWDEGATE hoped, that as this was a subject which excited great interest, the Government would allow the debate to be proceeded with on an early day.

VISCOUNT PALMERSTON said, that the debate would remain in precisely the same position as if it had gone on until six o'clock, when the House must, necessarily, have adjourned.

Debate *further adjourned*, at the suggestion of Mr. NEWDEGATE, till Wednesday, the 10th of August.

The House *adjourned* at five minutes before six o'clock.

HOUSE OF LORDS,

Thursday, July 21, 1853.

MINUTES. PUBLIC BILLS. — 1ª Missionary Bishops.
2ª Entails (Scotland).
Reported.—Coinage Offences (Colonies).
3ª Copyholds; Battersea Park; Westminster Bridge; Transportation.

COLONIAL CHURCH REGULATION BILL.

House in Committee (according to order) (on Re-commitment).

On Clause 1,

The ARCHBISHOP of CANTERBURY said, that the Bill had had its origin in a circumstance known to many of their Lordships, which was, that for some years great discontent had been felt in many of the Colonies, and especially in those of Australia, in reference to the want of any regular administration of Church affairs there, the laws for the regulation of the Church in this country not being applicable to the Colonies, and no legislative enactment having been passed to meet that state of things. Many attempts had been made to cure the defect, and he had himself that evening laid on their Lordships' table petitions which he had received from Cape Town and Graham's Town, praying their Lordships and the other House of Parliament to take the matter into their consideration. In all the petitions and memorials which had come from the Colonies on this subject, there was a remarkable unanimity in respect to the grievances of which they complained, and which the Bill now before their Lordships sought to remedy. In the memorial which he had received, there was a general concurrence of opinion: first, that some legislation was necessary on the part of the Imperial Parliament; next, that whatever plan was laid down for the government of the Church in the Colonies, laymen should have a considerable share in the administration of its affairs; and, thirdly, that no Bill should be agreed to which should have any tendency to separate the Church in the Colonies from the Church in the mother country. The Bill before their Lordships, *inter alia*, proposed the establishment of conventions in which clerical and lay members of the Church should appear by representation, and share in the framing of such rules and regulations as might from time to time be deemed necessary for its discipline; providing, at the same time, that no alteration should be made in the formularies and articles of our Church, and that in cases of difficulty or doubt there should be an ultimate appeal to the Metropolitan in the mother country. Those were the principal objects of the Bill, and he trusted it would meet with their Lordships' concurrence. Great pains had been taken in preparing the measure, to avoid all those objections and to prevent all those jealousies which were likely to arise among a colonial population in regard to legislation on a subject of this kind; and he trusted, with that explanation, their Lordships would give their concurrence to the provisions of the Bill.

Earl WALDEGRAVE, who was inaudible, was understood to express his approval of the measure.

Lord MONTEAGLE said, having been entrusted with a very important petition from the inhabitants of Australia, bearing on the subject of the present Bill, he was desirous of obtaining from the most rev. Prelate some explanations as to certain portions of the proposed measure. The problem sought to be solved was, how to give certain means of self-government to the Colonial Church with the least possible risk of producing concurrent danger and inconvenience. The great risk in legislating on a subject of this nature was, that, whilst going in search of unity, and wishing to preserve the peace of the Church, Parliament might too late discover that it had taken a step calculated to produce at once disunion among the bishops, and contests between the lay and clerical members of the Colonial Church. Approving of the object sought to be attained by the Bill, if that object were defined and limited, his fear was, that the Bill went beyond that object, and would work in a sense inconsistent with the important petition with which he had the honour of being entrusted by the members of our Church in Australia. The right rev. Prelate proposed to give to the two assemblies—namely, the diocesan and provincial meetings, a power of making "regulations." He should like to know whether these "laws and regulations" were intended to have the force and authority of canons, and this without any security analogous to the Act of Submission? No such power was enjoyed by the Church at home; and the possession by the Colonies of an unrestrained ecclesiastical power which the Mother Church did not possess, was itself an anomaly; but it was also a serious danger. It was true that the Act provided that no regulations should be made so as to alter or be at variance with the *Book of Common Prayer* and the *Thirty-Nine Articles.* With these exceptions the power of the synods would be unlimited. He apprehended that the assemblies would therefore have power, within the terms of the excluding words, of raising up questions for controversy touching faith and doctrine. He would remind their Lordships of the controversy that had already taken place in one of the colonies, when a certain number of bishops decided in one way, whilst another of their body decided in a contrary sense, and the colony was thrown into confusion by the contest. He alluded to the unhappy controversy which originated with the Australian bishops at Sydney. If this Act should admit of the raising of the same point, or similar disputes, he thought that the most rev. Prelate's words of protection were not sufficient to guard against the great and manifold inconveniences that might arise. He begged to call the serious attention of the House to the powers conferred by this Bill on the Assembly for regulating the general affairs of the Colonial Church; and he would ask most respectfully, on behalf of the numerous and respectable members of the Church of England in Australia who had placed their petition in his hands, whether it was not indispensable to guard by more stringent words against the inconveniences which they apprehended, if matters of controversy were permitted to be unrestrainedly discussed in these new Church assemblies? He would not take the liberty of suggesting any words of his own, but would submit for the adoption of the most rev. Prelate the words which had been suggested by the colonial bishops themselves. It was stated in a memorial that had originated in the bishopric of Montreal, but which spoke, he believed, the opinions of the whole of the bishops of North America, that whilst it was considered to be necessary that a body should be formed with power to frame and enforce regulations for the government, discipline, and internal management of the Church; they wisely added these significant words, "such power, however, in no manner to extend to matters of faith, or to interfere with or alter the doctrine or form of worship of the Church of England." These words were suggested by the colonial bishops themselves, and would go far to exclude the matters of controversy against which he had taken the liberty of warning their Lordships. It was objected with truth that the resolutions entered into in Australia by the assembled bishops, affected the supremacy of the Crown; and an endeavour had been made to explain that away by saying that such was not the intention of the parties. But it was clear that Parliament would not be justified without the previous approval of the Crown in passing any Act that would have such effect, or even such tendency. The most rev. Prelate might say that if any measure of that kind were adopted by the proposed synods, there was a home authority empowered to disallow it when sent for the sanction of the Sovereign: this remedy was in his judgment insufficient, for every person acquainted with colonial affairs must be aware of the inconvenience that would arise from an objectionable law passed in the Colony, and coming into operation, even though it might be set aside subsequently in this country. Undoubtedly, looking to what had occurred in Australia, there was a strong disposition shown at the first meeting to do those very acts which might prove most dangerous, and which therefore ought to be prohibited by this Bill. What did their Lordships think of one of the suggestions made in Australia affecting the whole law of marriage? It was stated at that meeting that whilst there was every disposition to recognise as good a marriage declared valid by the law of the land, there was this reserve to be made, that those marriages so to be recognised should be good only when consonant with Church authorities. It was surely most objectionable, that high authorities of the Colonial Church should have thus put forward a kind of provisional engagement to obey or recognise the law of the land according to their own view of its accordance with what they might decide to be the law of the Church. The petition that had induced him to occupy their Lordships' attention was framed with the utmost care, and with the greatest respect for the Church of England; it was signed by various members of that Church; and the most rev. Prelate, he rejoiced to see, had attended to many of the most obvious and important requests made in that petition; but if he allowed his proposed ecclesiastical synods or convocations to interfere in matters of faith and doctrine, the result would be that such an enactment would produce as great a state of confusion in the whole of our Colonies as had been produced by the proceedings in Australia to which he had already referred.

The Bishop of LONDON said, that his noble Friend, in the beginning of his speech, had expressed his satisfaction at the measure that had been brought forward, because it was calculated to obviate many of the objections contained in the petition presented by his noble Friend; but the remainder of his noble Friend's speech went to show (he hoped not to their Lordships' satisfaction), that the evils were unremoved, and that the Bill was calculated to produce great difficulties. His noble Friend had expressed very serious apprehensions lest these synods should take upon themselves to frame canons; but his noble Friend seemed to have forgotten that canons, in the proper sense of the term, which was simply that of "rules" or "regulations," would not affect matters of doctrine, but only matters of discipline. Surely, the words that had been inserted in the Bill—namely, that those rules and regulations should not be contrary to or at variance with the established doctrines and formularies of the Church of England, were as strong as any words that could be devised by his noble Friend. As to the constitution of these assemblies, they would consist of clergymen and laymen, and there must be a majority of both, and the Bishop must assent, to give validity to the regulations; and the resolutions agreed to by the three parties that passed them would not be effective until they were sent to the Archbishop of Canterbury, and passed through him to Her Majesty, and received Her Majesty's sanction as head of the Church, before they would become valid. He did not think that any more effective recognition of the Royal supremacy could be devised, because no regulation of the colonial synod could be of any effect until it had received the sanction of Her Majesty. He could not himself conceive any measure that was better calculated to obviate dangers and evils arising from differences such as his noble Friend thought it was likely to introduce into the Colonial Church. They had adopted in this Bill all the best principles that were contained in the petition that had been presented by his noble Friend. It did not appear to him that the addition which his noble Friend proposed would make the provisions more stringent, or give greater security for the prevention of those dissensions which his noble Friend feared might take place amongst the members of the Church. The establishment of these assemblies would give an opportunity for the discussion and settlement of questions which might otherwise be matter of continual dispute; and, far from producing the evils anticipated, it appeared to him that this was the best measure that could be devised for preventing their recurrence. He saw no reason to adopt the suggestion of his noble Friend, for no words more stringent than those in the Bill, and to which he had already referred, could be introduced.

The Earl of HARROWBY said, the Bill seemed to him to have omitted altogether one of the main objects, as he had always understood it to be, which was aimed at—namely, the provision of some tribunal for the purpose of getting rid of improper clergymen. The principal inconvenience complained of in the Colonies was the absence of some such tribunal.

The Archbishop of CANTERBURY admitted that the Bill did not specially provide for that object in words or by enactment. Indeed, any provision for that purpose had been intentionally left out, because it was considered that the very object of the Bill was to enable the colonists to do that which they could do better for themselves by having it in their power to establish such a tribunal, and to introduce such rules and discipline as the circumstances of the case might seem to require.

The Bishop of SALISBURY said, the noble Earl (the Earl of Harrowby) had misapprehended the intention of the Bill. The intention of the Bill was to be permissive, and not compulsory, and to enable members of the Church of England, in the Colonies, to do such things for themselves as the members of all other religious communions could do. It was merely to enable members of the Church to enter into such resolutions among themselves as they might be pleased to adopt. It was not, therefore, the intention of the Bill to provide compulsory regulations, but merely to remove those disabilities which it was conceived now prevented members of the Church of England in the Colonies from doing by voluntary agreement among themselves such things as, if those disabilities were removed, they would be able to do in the same manner as the members of all other religious bodies.

The Earl of DERBY said, this raised a question of some importance, because he apprehended that, if the powers of self-government possessed by dissenting bodies were extended to the members of the Church in the Colonies, you would enable an ecclesiastical body, such as this assembly, to punish by deprivation of a benefice a clergyman who was exercising functions which he would be entitled by law to perform, and thus the authority of the Crown and of the local Legislature would be superseded.

The Duke of NEWCASTLE said, he could assure the noble Earl that any such difficulty as that to which he had referred had been carefully guarded against. He had been in constant communication with the most rev. Prelate before and subsequent to the introduction of the measure, and many of the Amendments that had been introduced within the last few days were inserted in pursuance of suggestions that had been made by Her Majesty's Government. The danger to which the noble Earl referred was guarded against not only by the fourth clause, which saved the whole of the rights of the Colonial Legislature, but also by the way in which the first clause was drawn; and if the noble Lord would peruse it carefully, he would see that those assemblies could have no power over the laws of this country or of the colony in which such assemblies should be established. He would call the attention of their Lordships to the fact, that throughout the Bill everything of a compulsory nature was carefully avoided, and that from the first to the last clause it was simply an enabling and permissive measure. It was not intended by the Bill to grant any additional powers to the Established Church beyond what it now had, or what was now possessed by any other Church in the colonies. The object was to remove disabilities, which placed the members of the Church at the present moment in an inferior position to that which the dissenting bodies enjoyed. The noble Earl said, that dissenting bodies had power to remove their clergy; but he (the Duke of Newcastle) apprehended that there was a difference between the clergy of the dissenting bodies and clergymen of the Church of England, who held their benefices under the law. He had been in communication with the most rev. Prelate some time ago, and the Bill was most carefully framed to prevent the possibility of such rights being attacked in any way whatever. As the Bill now stood, even if the fourth clause were omitted, the rights and privileges that attached to the clergy in Canada and Australia could not be removed by any act of this synod; but to prevent all danger the fourth clause was inserted. In the enabling character of this Bill there was nothing that could by possibility militate against the general imperial laws of the country or the colonial laws. He was speaking for himself and the Government, and he was sure for the right rev. Prelates, when he stated that a principal object was that the objections which were made last year should be carefully avoided in the Bill before the House. It was alleged that there was danger of creating a dominant Church in the colonies—that there was danger also of the Church of England being separated into minor churches by dissensions in the assemblies; and there was a third objection, that a provision of this kind might affect the supremacy of the Crown. The difficulty on the first point had, he thought, been completely removed; and with regard to the second, he would do as much as any one could do to prevent the Church of England from being separated into minor churches; but the clauses were so carefully drawn that he thought it would be found that that danger was completely removed, there being a provision for the saving of all rights of the See of Canterbury. With regard to the third objection, that the supremacy of the Crown would be placed in jeopardy by this Bill, he thought it had been aswered by the right rev. Prelate. He could say that if all the objections were not obviated, it was not from want of a desire on the part of the right rev. Bench and the Colonial Department to remove them; and if any suggestions could be given to further the object aimed at, they would no doubt receive proper attention. He was confident, however, that from the pains taken with the Bill, the difficulties and dangers apprehended did not exist; and, so far from there being any danger arising out of the removal of clergymen of the Church of England from their benefices, the only danger was, that by endeavouring to save, as he was most anxious to save, the rights of the Colonial Legislature in all instances, so that there should be no dominant Church in the colony, and no encroachment upon the supremacy of the Crown, there might be wanting some of those powers which it might perhaps be well for the Church of England to possess, if it were not for the existence of other extraneous authority.

The EARL of HARROWBY begged to remind their Lordships that his question, as to giving greater facilities for the removal of improper clergymen had not been answered.

The BISHOP of SALISBURY conceived that the state of the case was this, that every Church had in itself a natural and inherent right and power to regulate its discipline; and every Church, therefore, had the right of making arrangements as to the manner in which its discipline should be exercised, unless impediments were placed in its way by the existence of some extraneous authority. The exercising of due discipline was an essential part of the functions of the episcopal order; and he believed that the Church in the colonies now had in itself properly the right to exercise discipline of that kind; but there were certain difficulties in the way which prevented the exercise of that power. The object of this Bill was the removal of these impediments, and the formation of assemblies which should be able to define rules under which the power of enforcing discipline should be exercised. He did not say the synods should constitute themselves into courts, but they would make regulations under which the Church would be able to carry into effect the inherent power of discipline it had in itself, and which would not have force until they obtained the sanction of the Crown.

The EARL of HARROWBY was understood to urge upon their Lordships that the Bill should not be passed without affording every necessary protection to clergymen who might be liable to be deprived of their benefices.

The BISHOP of OXFORD said, it seemed to him that the difficulty under which the noble Earl laboured originated in his not sufficiently distinguishing between the position of the Church in the Colonies and the Church of England at home. The Church in the Colonies was a purely spiritual body, while the Church at home was possessed of mixed spiritual and civil rights. So far as he understood it, the objection of the noble Earl was, that they were creating a new body, which, without the power of administering oaths, and being in itself a purely spiritual body, could remove from his benefice any clergyman accused of a criminal action. Now, he begged at once to impress upon the noble Earl and their Lordships, that this Bill would give to the proposed synod or assembly no power whatever to remove from any civil *status*, or any civil possession, any clergyman of the Church. His noble Friend was of course aware that the position of the great body of the clergy of the Church of England in the Colonies was not like that of the clergy at home—that there were few cases in which they were possessed of benefices in the same sense in which clergymen were in England. As to those cases, however, where interests of that kind existed, the Bill would give the synod or assembly of the Church in the Colonies no power to remove any one such person from any one such benefice. The position of the great body of the clergy in the Colonies was this—they received certain stipends or salaries, which salaries they continued to receive so long as they held the licence of the bishop of the diocese; but, at the same time, matters were so ordained that the bishop had it in his power to stop the recept of that salary by his own mere authority, simply by suspending or withdrawing the licence. Now, that power was felt to operate very injuriously; and therefore the hope of the framers of the present Bill was that the synod or assembly would lay down rules and regulations under which the bishops would in future exercise their powers—rules by which all matters could be examined into, though examined into, he (the Bishop of Oxford) granted, without the power of administering oaths, or without those other civil functions which the Church at home, from its alliance with the State, had attained. Now, there was nothing in the Bill before their Lordships of an enabling character, or allowing such assemblies to deal at all with the civil rights of any of these clergymen. They could be removed only as they were now, by proceedings instituted in the colonial courts for some civil act. Nor could the Bill be quoted as overruling the Colonial Legislature, as its intended operation was confined to purely spiritual points. The scope and object of the Bill their Lordships would find to be that it strengthened the hands of the bishops, by enabling them to act with the manifest assent of the clergy and laity forming the whole community, instead of allowing them to act as now without any consultation elsewhere, and simply by their own autocratic power. The synod or assembly would, however, always remain simply a spiritual body. He wished their Lordships at once to consider whether they were prepared to adopt the alternative, in order to avoid the necessity for creating the assemblies or synods, as proposed by this Bill, of creating ecclesiastical courts in this country, and laying down rules for their management, and giving them civil powers to act in the different colonies. He, at all events, would confess to their Lordships that he was not prepared to adopt such a course; for he believed it would be a direct interference with that colonial liberty of action which it had been the object of Parliament to uphold. He held that if any civil powers of that kind were to be obtained in the colonies for any one religious denomination, that they ought to be obtained from the Colonial Legislature, and not from the Imperial Parliament; and he was also prepared to object to the Imperial Parliament undertaking to constitute ecclesiastical courts in the different colonies, because he thought it would be a wrongful interference with that power which had been already given to the Colonial Legislatures. But he should object to any such steps, also, upon this ground—namely, that it would be impossible to approach that species of legislation without at once exciting an alarm in the different religious bodies in the Colonies, and that they were about to create there an Established Church with powers and privileges possessed by none others. Indeed, so to act would be at once to lift up the Church of England on a pedestal of religious supremacy and civil superiority which it was most desirable to avoid. He would remind their Lordships that whereas the different dissenting bodies could lay down rules for the administration of their own spiritual concerns, and bring those rules to bear upon the character of those who ministered in their church, it was held that in the Colonies, by the disqualifying statute, the Church of England possessed no such power. The intention of the Bill, then, was to remove all those shackles by which her spiritual power was now fettered, and to permit the assemblies, after their first meeting, to settle everything for themselves. And he must say, he could see no great danger for the Church of England in so strengthening it as to enable it to lay down rules necessary for the proper conduct of its affairs. His noble Friend (the Earl of Harrowby) had used one expression which he (the Bishop of Oxford) felt sure he did not mean to attach so exclusive an interpretation to as it might be capable of bearing, when he spoke of the framers of the Bill seeking to confer powers upon an ecclesiastical body. Now, that expression might be held to exclude the laity; whereas it would not be in the power of any body, otherwise than that constituted by the union of the lay and clerical elements, to do anything whatever under the Act. The Bill was founded upon that principle on which alone they ought to proceed, namely, to enable the Church in the Colonies, so far as was compatible with the preservation of its connexion with this country, to manage its own affairs; and that object could be attained in no safer way than that proposed by this Bill.

The EARL of CHICHESTER said, the Bill gave the synods the entire power of depriving a clergyman of his office, and, consequently, of its emoluments. He thought it objectionable to give a new power like this to a new body. Some legislation for the Colonial Church was, doubtless, necessary; but if they wished to maintain the connexion of that Church with the Mother Church, there must be some common laws between them.

The BISHOP of OXFORD stated that the third clause expressly precluded these synods or assemblies from inflicting any fine, penalty, or civil punishment upon any member of the Church.

The EARL of CHICHESTER expressed his apprehension lest the establishment of these synods should injuriously diminish the authority of the colonial bishops.

The DUKE of NEWCASTLE said, that in a great portion of the colonial dioceses the clergy stood in the position of mere licensed ministers, subject to the autocratic power of the bishops; and what the Bill, therefore, proposed was, that these synods or assemblies should lay down rules and regulations for the guidance of the bishops for the exercise of their power. Nor could the danger which his noble Friend supposed arise; for, he would observe, that by the last words of the second clause the consent of the bishops was requisite in order to give effect to any regulations. And, if he understood him right, the complaint of his noble Friend was, that the clergy and laity could manage to override the authority of the bishops; but against such evil the last words of the second clause fully guarded.

The EARL of DERBY said, that after the discussion which had taken place, it appeared to him that the clergy in the Colonies, being in the position of a licensed corporation, and dependent upon the authority of the bishops, who at any moment could withdraw their licences, the effect of this Bill would be to mitigate the evil of an unchecked authority being exercised over them by the interposition of another body. He would wish, however, to point out to their Lordships that there were others amongst the colonial clergy who were not in quite so precarious a situation, or who rather were in possession of legal rights capable of being enforced. That being so, he would beg their Lordships to consider whether it ought not to be more distinctly expressed with regard to such of the clergy, that the body which it was proposed to constitute should not exercise any authority or power as to them: for he (the Earl of Derby) confessed he saw some reason to doubt that such a determination was sufficiently expressed by the terms of the fourth clause. If words were inserted in the clause, disclaiming in more apparent language any power or authority on the part of the synod to impose penalties upon those of the clergy that were in the position he had stated, he believed it would, at all events, have the effect of removing any needless doubts or alarms that might be felt on the subject. At once, then, he thought it would be desirable to state specifically that it was not intended that the body to be constituted should have any power to interfere with the legal or civil rights of the parties.

The DUKE of NEWCASTLE said, that the Bill had been very materially altered since it was first printed, at his suggestion, in order to avoid all possibility of any such construction; and if the noble Earl would look at the first clause he would see that the danger which he apprehended had been completely provided for. The mode of proceeding in the Bill was this:—The first clause removed from the Church of England in the Colonies all the disabilities under which, by the Statute law, it now laboured, and the next five clauses merely pointed out what the assembly should not be able to do. He himself believed the fourth clause to be unnecessary; but as some of the Colonial Legislatures, Australia and the Canadas, had the power of removing from benefices, he had thought it more advisable to insert the clauses, to prevent all possibility of the Acts of the

Legislatures being overridden by the Assemblies.

The BISHOP of LONDON said, the Bill would leave the greater portion of the colonial clergy under the exercise of the episcopal authority, just as they were now, except that that authority would be checked and regulated by the interposition of a synod. The object of the Bill was entirely confined to spiritual duties, and could not, therefore, give any power to interfere with the civil rights of parties. He was of opinion that to adopt the suggestion of the noble Earl would place the clergy of Canada in a worse position than they were in at the present moment.

The EARL of DERBY explained. The right rev. Prelate had misunderstood him. All that he suggested was, that no power of interference should be given, under the authority of this Bill, with the temporal rights which were already guaranteed by law.

The LORD CHANCELLOR considered the noble Earl to be mistaken in supposing that the Bill would give any such power of interference. But it would be much better that all cavilling on the subject should be stopped. He would, therefore, propose, when Clause 3 came under consideration, to add the words, "or to deprive him of any civil rights to which he may by law be entitled."

Clause 1 was then proposed.

The EARL of HARROWBY objected to several portions of this clause, especially those parts of it which conferred certain powers on the colonial bishops, among which was the power to compel the clergy of Canada to meet in synod at the seat of the metropolitan diocess. The difficulty which the clergy in the provinces would experience in attending the synod would give the metropolitan diocess an undue advantage. He also objected to the power given to the synod, to be decided by a majority of voices, consisting of clergy and laity, with the assent, in the case of any diocess, of the bishop, to make regulations for the management of the affairs of the Church within the diocess. After some further observations, which were wholly inaudible, the noble Earl concluded by moving that the words, "or by a majority of voices of the said clergy and laity, severally and respectively, with the assent in the case of any diocess of the said bishop," be struck out.

The BISHOP of OXFORD trusted their Lordships would not adopt this Amendment. Great consideration should be given to this fact, that these regulations had not been hastily assumed or framed on any speculative notion of what would be best for the Colonial Church, but had been patiently considered in conjunction with bishops from every part of the colonial empire, acting on behalf of the Colonial Church. They had in this Bill the results of their consultations, so far as regarded the removal of the immediate practical difficulty. They ought to pause before, in deference to a merely problematical objection, they struck out a part of the Bill which the whole body of the colonial bishops, through their representatives deputed to England, after consulting their several dioceses, adopted and sanctioned. This Bill, let it be observed, did not compel any set of provincial dioceses to meet together in a synodical session; it simply removed the disabilities which prevented them from holding such a synod, if they on the spot thought it expedient so to meet. He thought it far safer to leave the settlement of doubts to those who were principally acquainted with local questions, and concerned to deal with them, whilst relieving them from a disability most fatal to their spiritual interests. They, being on the spot, would be aware of the difficulty of going to a common centre, of the possibility of dissensions arising, and such contingencies; but if they thought that a solution of existing difficulties would be best arrived at by acting in concert, this Bill would remove all disabilities preventing them. It gave no compulsory power to the metropolitan of convoking synods, or compelling the bishops and clergy to meet together. This system was at present in daily operation in their sister Church in North America, and not one of the evils which his noble Friend was pleased to anticipate had arisen from it. On the contrary, it had produced unity of action, harmony of feeling, and mutual understanding on the subjects of their common wants and requirements. His noble Friend said the measure would lead to danger of separation from the Church at home. It was his (the Bishop of Oxford's) firm belief that nothing would so tend to maintain that union, which it was the great desire of the Colonial Church to preserve. For this purpose it was highly desirable to apply a moderate check upon eccentricities of action by giving the members of the Colonial Churches an opportunity of consulting together on all matters concerning their internal management and regulation, with a view of seeing whether they could not establish a system of united action. There was nothing whatever in this Bill to oblige these provincial synods to be held always in the metropolitan dioceses. Its framers had felt it their duty not to enact any particular rules as to times or places of meeting, but to leave it open to the Colonial Churches themselves to adopt such regulations as in their judgment would best promote the ends in view.

The Earl of HARROWBY had strong objections to giving any controlling power to provincial synods over particular dioceses, and wanted to know what in reality were the powers of such a synod.

The Bishop of OXFORD, in order to make the simply enabling character of the Bill more distinct, would propose to introduce explicit words in the 17th clause. According to ecclesiastical law no diocess was bound by the decision of a provincial synod; the only consequence of such a diocess standing aloof would be, that it would lose the advantage of united action. He thought the wishes of the Colonial Church should overrule merely hypothetical objections, it being distinctly understood that only an enabling power was to be given.

Amendment, by leave, *withdrawn.*

Clause *agreed to;* as were Clauses 2 and 3.

On Clause 4,

Lord MONTEAGLE wished to know, supposing a provincial synod were to pass enactments on any matter of ceremony or discipline — making new regulations for the ceremonial of marriage, for instance— would such regulations, if not annulled by special enactment in this country, override the imperial law on the subject? If there was a discrepancy between the local law and the general ecclesiastical law of England, which would prevail?

The LORD CHANCELLOR said, the clause provided that canons of provincial synods should not have legal force against any acts of the Colonial Legislature for the time being. As to acts of the Imperial Parliament, such a provision was quite unnecessary.

Clause *agreed to.*

On Clause 5, which provides that none of the regulations of synods should alter the faith and doctrine of the Church,

Lord MONTEAGLE moved an Amendment, with a view of extending the restrictive operation of the clause, so as to prevent discussions taking place in those assemblies upon matters of faith and doctrine. The necessity for such an Amendment was not merely hypothetical, because the case had already occurred in Sydney, and might again occur hereafter, namely, that the synod which they were framing for one purpose might be diverted to another that was inconsistent with the peace of the Church, and the unity of her faith and doctrine. Therefore it was of the utmost importance to prohibit the entertaining of these questions in the same way as they prohibited the entertaining of questions at variance with the Book of Common Prayer, the Thirty-nine Articles, and the Form of Ordination. The attachment of the Colonies to this country was not more strongly pronounced than their desire in all things to maintain the supremacy of England in relation to the Colonial Church. The noble Lord then moved an Amendment prohibiting in the synod discussion upon points of faith and doctrine.

The Bishop of LONDON thought the original words of the clause were precise and comprehensive, and the language of the noble Lord's Amendment would either carry no meaning at all, or create vagueness and uncertainty.

Lord MONTEAGLE said, that if such a restriction as he suggested had existed, the distraction which had occurred in the Church at Sydney would have been obviated. If this Bill was really intended merely to provide for the internal rule of the Church, and not to touch faith or doctrine, let it be declared plainly and intelligibly.

The Bishop of OXFORD said, he wished to correct an error which might be injurious in its consequences if not contradicted, as to the cause of the dissension which had broken out in the diocess of Australia. The real ground of that dissatisfaction was, that the colonists were unwilling that their bishops should, unstrengthened by consultation with the presbyters, and without the representation of the laity, undertake to alter in any way the standard of faith. He (the Bishop of Oxford) and his right rev. Brethren had most earnestly supported the giving of a due representation to the laity; but his views on this point had been misrepresented. The words which he used the other evening, when this Bill was under discussion, had been accurately reported by all the newspapers; and yet, in a leading article in one of those journals, he had been represented as having opposed the views of his Grace (the Archbishop of Canterbury), and it was stated that in spite of his opposition the proposition in this Bill for introducing the lay element had been carried against him; whereas their Lordships would recollect that he had advocated the full amount of lay representation which this Bill was intended to give. He was, therefore, glad to have that opportunity of setting his conduct in this matter right before their Lordships.

The ARCHBISHOP of CANTERBURY was understood to express his willingness to adopt the words, "provided that no such regulations shall affect the standards of faith or doctrine, or alter or be at variance with the Book of Common Prayer," if they would satisfy the noble Lord who moved the Amendment.

LORD MONTEAGLE said, he had no fear of an alteration in the standards of the Church. What he wanted to do was to prevent the discussion of these questions, which could only create serious mischief, and risk the great calamity of a difference between the Church in the Colonies and the Church in this country.

The BISHOP of LONDON said, that the stifling of discussion was totally foreign to the object and scope of the clause. Its object was to prevent the adoption of any regulation affecting the doctrine of the Church.

The DUKE of NEWCASTLE was surprised that any noble Lord should rise in that House, and call upon them to direct a penal Act against discussion. The Legislature of this country dealt with the results of discussions—with acts, and not with words used; and how could they possibly restrain these assemblies or any other assemblies which might take place anywhere from discussing what they pleased? They might restrain any acts resulting from discussion. [Lord MONTEAGLE: Hear, hear!] Well, that was precisely what this Bill did, and what the most rev. Prelate was endeavouring to do by introducing this clause. When it was hinted that the clause, as it stood, would send a firebrand into the Colonies, he felt bound to explain how it came to assume its present shape. When the Bill was first drawn by his Grace (the Archbishop of Canterbury) it provided that "no such regulations shall affect the standards of faith and doctrine." When his Grace submitted the Bill to him (the Duke of Newcastle) and his colleagues, after careful consideration, they felt, with all due deference to the most rev. Prelate, that that phrase, however well understood in common parlance, would be too vague and informal for an Act of Parliament; and therefore they suggested that other words should be introduced to the effect that no regulation should be allowed which was at variance with the *Book of Common Prayer* or the *Thirty-nine Articles.* This was in accordance with the object which the noble Lord (Lord Monteagle) professed to have at heart; and what had been done now? Why, his Grace had consented to the insertion of words which, although they might not much strengthen the clause, would yet show that every available means would be taken—not to prevent the discussion of points affecting faith or doctrine, for that would be utterly impossible, but—to prevent these assemblies from dealing with them in any capacity which might enable them to alter the standard of the Church's faith and doctrine.

The DUKE of ARGYLL said, he was decidedly opposed to placing the Church of England in the Colonies in a position of dominancy, or to the giving of credit and legal effect to any of her decisions; but he thought that that Church ought not to be denied the free action which was given to all other ecclesiastical bodies in the Colonies; and if she was entitled to manage and regulate her own affairs at all, he must say that he thought it would be the height of absurdity to constitute for her these ecclesiastical assemblies, with a full representation of both clergy and laity, and having called them together, leave them no work whatever to do save to exchange the compliments of the season. If the regulations drawn up by them were not to be suffered to alter any of the standards of faith or doctrine, surely that was a sufficient guarantee. As to the right of discussion, he could not see how they could entertain any questions at all if the Amendment of the noble Lord were to prevail, because in a country where no question could arise with regard to the regulation of church endowments there was hardly a question which could come before them which might not be regarded as more or less affecting matters of faith and discipline. Indeed, if anything, he thought this Bill tied the hands of the Colonial Church much more than it ought to do; at all events, it conferred the minimum of power which could be conferred upon the Church's assemblies in the colonies; and he should certainly vote against the Amendment of the noble Lord on the cross bench, if he pressed it to a division.

The EARL of HARROWBY observed that the question was as to a Church in union with the Church of England, which was under the Royal supremacy, and as to which it was necessary to provide for the due exercise of that supremacy. The object was to prevent the Colonial Church from narrowing or enlarging the terms of admission into her communion.

The DUKE of NEWCASTLE said, if that were so the object was already attained, and would be prejudiced by the Amendment; for the Bill as it stood would prevent the assembly from altering the terms of communion, while the Amendment, by precluding them from agreeing to any regulations which might affect faith or doctrine, would really deprive them of all power to prevent the grossest departures from the faith, or protect their Church against the rankest heresy.

The BISHOP of OXFORD concurred in the observation of the noble Duke. If the Amendment were adopted, no regulation could be laid down to prevent any clergyman from preaching the doctrines of Socinianism, or any other heresy. It would in fact strike at an essential attribute of the Church, and reduce the whole of the measure to an absurdity.

LORD MONTEAGLE said, he took the words which the most rev. Prelate had kindly offered to introduce as an approximation to what he intended by his own Amendment.

The CHAIRMAN of the Committee then read the formal question, which was to insert after the word "shall," "alter the standards of faith and doctrine."

LORD MONTEAGLE wished to add the words "or which shall affect the Royal supremacy of the Crown of England."

The BISHOP of OXFORD said, that although he entirely agreed with the object of the proposed addition, he thought the supremacy of the Crown was already absolutely and abundantly provided for by the provision which rendered it necessary to send home the enactments for the express purpose of receiving the approval or disapproval of the Crown. The additional words were therefore totally unnecessary; and, at the same time, they might hereafter be found to hamper the actions of the synods.

LORD MONTEAGLE said, that the plan, as sketched by the right rev. Prelate, was not the law of England. The Parliament of Great Britain could not legislate on any question which affected in any degree the rights or prerogatives of the Crown, even on a question affecting the smallest estate, or on matters ecclesiastical, until the consent of the Crown had been previously obtained. He had looked at the resolutions which had been adopted by various bodies of Churchmen in the Colonies, and he found that they all prayed that the supremacy of the Crown should be maintained—

The DUKE of NEWCASTLE: In what quarter?

LORD MONTEAGLE would refer his noble Friend to the records of his own office, where he would find several remonstrances addressed to his predecessors against the proceedings of the synod held at Sydney, which they all held to be infringements of the rights of the Crown. He would also ask their Lordships whether they did not recollect that, in the discussions which took place upon this subject in March last in their Lordships' House, it was not the fact that the doctrine of the supremacy of the Crown was made to rest upon the Articles and Canons of the Church, and not upon what he (Lord Monteagle) conceived to be its substantial and legitimate foundation—the law of the land, which had been consented to by Parliament. Unless some such provision as that he proposed was introduced into this measure, they might have regulations adopted in the Colonies affecting the prerogatives and supremacy of the Crown, which regulations would remain in force a considerable time before the veto of the Crown could be put on their operation. He thought it was much better, therefore, that this clause should be inserted, which would have the effect of rendering any measure contrary to it void from the beginning. rather than to disallow an ordinance six or seven months after it had been in operation.

The DUKE of NEWCASTLE said, he had ventured to interrupt his noble Friend by asking the question to what quarter he referred, for he anticipated that his noble Friend was referring to the proceedings of the synod at Sydney. He begged now to say that he had read over the records to which his noble Friend had referred him, and from those records he could positively assert that the colonial bishops were not anxious to remove the supremacy of the

Crown, but rather that that supremacy should be maintained. His objection to the Amendment of the noble Lord was, that it introduced words which were not only useless in themselves, but which actually threw doubts upon the supremacy of the Crown in other matters. He would not, however, rest the question either upon his own authority or upon that of the right rev. Prelate; he would refer the matter to the legal opinion of the Lord Chancellor; and if his noble and learned Friend were not prepared with an opinion at the moment, he would suggest that the further consideration of this particular clause should be in the meantime postponed.

The LORD CHANCELLOR said, as his noble Friend had appealed to him, he would state to their Lordships what he believed to be the present state of the law with respect to the Queen's supremacy. At the time of the Reformation, among other statutes there was this one passed which—he was quoting from memory—said that our Sovereign Lord the King was supreme head of the Church of Christ in England, or words to that effect. Their Lordships all knew the course which matters subsequently took—in the reign of Mary all the statutes passed with reference to the Reformation were abolished; but by the Act of the 1st of Elizabeth they were all revived, with the exception of that particular statute. But on the contrary there was an enactment passed which stated that our Sovereign Lady the Queen was supreme in all causes civil and ecclesiastical: and therefore, in common parlance—which he did not think was at all inaccurate—they spoke of the supremacy of the Crown. With regard to the present Amendment, his impression was that its adoption in the clause would lead to doubts and inconveniences in other matters; for as the Queen was supreme in all causes civil and ecclesiastical, there was nothing which this House or any other body could do that would not in some way or other affect the supremacy of the Crown. He concurred, however, in the suggestion that the clause be postponed, and if that were so, he would give his best consideration to the matter.

Lord MONTEAGLE having consented to the postponement of the Amendment,

Clause *postponed.*

Other clauses *agreed to.*

Amendments made; the Report thereof to be received To-morrow.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, July 21, 1853.

Minutes.] Public Bills. — 1° Juvenile Mendicancy; Chancery Suitors further Relief; Truck Act Amendment; Friendly Societies; Customs, &c. Duties; Crime and Outrage (Ireland).

2° Charitable Trusts; Poor Relief Act Continuance; Public Works Acts Amendment (Ireland; Burials (beyond the Metropolis); Drainage of Lands (Ireland) Act Amendment; Employment of Children in Factories.

3° Dublin Parliamentary Registration; Public Libraries (Ireland).

SAVINGS BANKS BILL.

The CHANCELLOR of the EXCHEQUER: Sir, it is not necessary for me to detain the House at any length in explaining the reasons why I think it desirable to postpone the consideration of the Savings Banks Bill until the opening of next Session. As, however, not a single word has yet been said upon the subject of this important Bill, and as it has been allowed, at my request and by the favour of the House, to pass through several of its stages, and to be reprinted without any explanation of its provisions, perhaps it is right that I should state, in a very few words, how the matter stands. The great evil with respect to the present condition of savings banks is not so much any gross, or flagrant, or glaring abuse connected with them, as the want of that "perfect" security which every one must feel that they ought to afford. If we look at the enormous amount of money deposited in the various savings banks, and then take the mere figures which represent the total losses that have been incurred by depositors, no doubt the amount of those losses in relation to the total deposited is very insignificant; but the evil that is done in particular cases is unfortunately not to be measured by the actual amount of money loss. There is an amount of evil such as figures can convey no idea of; and, besides, it is impossible that the public confidence in those institutions can be that which it ought to be while those losses are liable to occur at all. What Parliament should desire to secure is, not that those losses should be rare, but that they should be altogether unknown—that no such thing should be allowed to take place. That being so, the question arises, how can that absolute security which is so essential be given? There is no doubt that where a body of trustees such as most of the body of trustees of savings banks are, could be induced to give their own unlimited personal security, that would afford safety to the depositors. But it is hardly reasonable to expect that they should be found willing to give that absolute security. If it were, Parliament might be glad that there should be no further intervention of Government, and I need not then trouble you with minute details, or endeavour to introduce any sensible degree of Government control. That, however, is not to be looked for as a general rule. Then, there is but one other way of giving an absolute security to the depositors, and that is by affording them that which is the best that can be given in this country—namely, the guarantee of the Government. But it will be admitted on all hands that if the guarantee of the Government should be given to those depositors, it could only be upon very distinct and definite grounds; and I am bound to express at once my dissent from the proposition which has been put forward by the managers of savings banks—not generally, but in certain quarters—that the Government guarantee should be given to depositors, the security taken by the Government in return being the appointment of auditors to the savings banks. I do not hesitate to say that I believe if I were to make a proposition to the House of Commons, the House of Commons would reject it; but at the same time I must frankly and openly say, that nothing would induce me to make such a proposition. It is absolutely necessary, if the guarantee of the State is to be given to the depositors in savings banks, that the State should have a sufficient control over the receipt and the payment of the money itself—not merely the power of calling for accounts at certain intervals, but control over the receipt and payment of the money itself. And that cannot be had without the full control of the Government over some person in the banks who shall be a party to every receipt and every payment. That is the fundamental principle of the Bill, though, as I have previously intimated, the Government would be too happy to leave a door open to trustees becoming responsible if they thought fit. We have further introduced into the Bill a provision to enable trustees who may object to unlimited responsibility, but are willing to subject themselves to a limited responsibility, to make arrangements with the Government to that effect, so that they may give their personal security to such an extent as, though limited, might be sufficient to cover the risk. This will relate to existing banks only. We do not propose to have any new banks formed on that principle, but it is a provision which I have introduced in consideration of the fact that the system exists, and that we must endeavour to deal with it as we best can. Looking to the measure as a whole, no doubt the practical and operative part of the Bill is this—the granting of the Government guarantee to depositors on the one hand, and the establishing of an effectual control on the other, I do not say over the whole management of the bank, but over every act of the receipt and payment of money. This is one of the questions which I think, by judicious management, we may contrive to settle in a great degree out of this House. The taxes upon the time of Parliament are so heavy, the demands of the various wants of this great Empire come upon us in such number and weight, that though the labours of this House, I apprehend, far exceed those of any legislative assembly the world ever knew, yet still we feel from year to year that we are behind our work. Therefore, a great and real advantage will be secured if with regard to a question of this kind, of great importance, interesting directly millions of people, we can contrive to save the labours of the House by arranging the details in communication with the parties out of doors. With that view it was that I asked permission of the House to be allowed to carry this Bill through a preliminary Committee without discussion. The effect of that has been, I am happy to say, to enable me to make great and successful attempts for reducing the provisions of this Bill into form without troubling the House, and to acquire, I believe, a pretty accurate knowledge of the state of feeling on this subject throughout the country. Certainly, on comparing the tone of the communications which I now daily receive from the managers of savings banks with the tone of those which I used to receive when the Bill was first printed, I think I may venture to say that I have made great progress with the measure. And I think that that which I have just described as the principle of the Bill—namely, the concession on the one hand of the guarantee of the State, and the taking, on the other, by the State of an effectual control through the medium of an officer of the bank over the receipt and payment of money, is generally recognised and approved throughout the country. I do not by any means say universally, but generally. At the same time, Sir, there are many other provisions in the Bill which are important, and two of them particularly so. One relates to the rate of interest to be allowed to depositors, and the other to the responsibility which is proposed to be imposed by the 78th clause upon trustees in regard to the accounts which they are to hand over to the Government. It must be obvious to the House, when the Government are going to undertake a responsibility to the depositors in respect of deposits already lodged, that we must have the amount of those deposits ascertained for us by some one who shall be responsible to us, and that we can undertake no responsibility to the depositors except in regard to the liabilities of the bank which are certified to us in that manner. The 78th clause, it should be clearly understood, does not raise any question between the Government and the trustees, but simply between the trustees and the depositors. It is admitted on all hands that the State cannot undertake any responsibility, except in the case of deposits, of the amount of which we are apprised beforehand; and the whole question is, whether the trustees or managers of savings banks shall or shall not be responsible to the depositors in respect of deposits which they do not include in the list which they hand to the Government—deposits which are omitted by any cause, either by the carelessness, the negligence, or the fraud of the officers, it not signifying which. That is a point at present in discussion, and I think it is exactly one of such a nature that the interval of the recess may enable us to hit upon some mode of proceeding which shall be satisfactory to all parties. I must always beg the House to bear in mind, however, with respect to this difficult clause, that there is no question between the Government and the trustees involved in it. The only question is, shall we say to the trustees, "You must be responsible to those depositors whose names you omit;" or shall we say to the depositors, "You must each of you take care to see that the proper amount of your deposit is included in the list handed over to the Government, or else there will be no Government liability to you." With respect to the question of the rate of interest, I will not enter into it now, because, after all, it is more a question of policy for the House to consider, than one which is to be arranged between the Government and the trustees. In addition to that great question, there are a variety of minor points in the Bill, which, dealing as it does with a complicated system, necessarily enters into a good deal of detail. I think some inconvenience might arise at this period of the Session, which has already lasted from the beginning of November, if we attempted to settle those points in the House; and I fear if we attempted to do so, either that the Bill might fail to pass, or that the Session would be inconveniently prolonged, or, what would be worse than all, that it might give rise to the suggestion that we had passed the Bill without devoting to it that care and attention which its importance merited. Upon all these grounds, although I am very anxious for immediate legislation if it could have been had, I have come to the conclusion that our end will be most speedily attained if I now propose that the House resolve itself into Committee upon this Bill on this day three months.

MR. H. HERBERT said, he ventured to express an earnest hope that this subject would be again brought forward at the very earliest period next Session. It was now four years ago since the question of savings banks was inquired into by a Committee of that House; that Committee reported that the law required amendment, and it was, therefore, to be regretted that Government had not taken the question up much earlier. Next Session the House, it was well known, would be involved in discussions on Parliamentary reform, and he, therefore, hoped that the very first measure introduced next year, would be the Savings Banks Bill, so that the House might make progress with it before they reached more exciting, but certainly not more important, questions. The right hon. Gentleman the Chancellor of the Exchequer had said that he did not believe that there had been any gross or fatal mismanagement in these institutions; but he, for one, was hardly inclined to concur in that statement. There could, however, be no doubt of this—that the existing state of things was most unsatisfactory. Previous to the year 1844 the trustees were responsible for all the deposits; but in 1844 they were relieved from that responsibility—a measure which he heartily concurred in, because when these institutions were first established it was anticipated that the deposits would never reach more than 11,000,000*l.*, whereas in 1844 they amounted to something like 28,000,000*l.*, while now they amounted to 30,000,000. Everybody must allow that this was by far too serious a liability to rest upon individual trustees; but, at the same time, when Parliament came to the conclusion to relieve the trustees from the liability, it was the duty of that House to have devised some other means for securing the depositors against loss. As it was, it now appeared that the depositors had been left almost without security, and while this insecurity lasted, how could they expect the public to have confidence in savings banks? As well might they ask them to entrust their deposits to a private banker, who held himself irresponsible for the repayment of the money. No question, then, could come before Parliament of more importance than this. True, it was not an exciting topic like Parliamentary reform, but it involved the social interests of the people; and he hoped another Session would not be allowed to pass without its being satisfactorily settled.

SIR BENJAMIN HALL thought that his right hon. Friend had laid sufficient grounds for deferring this Bill till next Session, though he much regretted the necessity for such delay, considering, as he did, that the Bill was a measure of great importance. Several petitions had been presented against the Bill; some of which, emanating from trustees and managers, were entitled to consideration. But there were others which should be viewed with some degree of suspicion. He meant those which were got up by the paid officials of different banks, who, in some instances, looked naturally to their own interests — who particularly disliked the limit which might be placed upon their salaries. His right hon. Friend had referred in the course of his speech to two very important provisions in the Bill—the necessity for the fullest security that would be afforded to the depositors, and the rate of interest to be allowed. But there was another provision in the Bill, to which his right hon. Friend had not alluded, but which he ventured to think was very important; and that was, the amount which ought to be set apart to defray the expenses of management, which must necessarily be paid by the Government, and must, therefore, affect the amount of interest to be given to the depositors. The sums now deducted for management from the 3*l.* 5*s.* per cent, allowed as interest by the Government, varied considerably; in some banks the amount returned was most moderate, in others most excessive. In illustration of the necessity for some provision, he begged to instance the case of a savings bank in this town, the name of which he should be perfectly ready to give to any hon. Member who might wish to have it. The receipts of that bank in the shape of deposits amounted to between 90,000*l.* and 100,000*l.* a year, and it paid out about 80,000*l.*; so that between 10,000*l.* and 12,000*l*—an always increasing sum—annually went to the general fund, which at present amounted to about 365,000*l.* The cost of the establishment of that bank was, in salaries, 1,458*l.*; in rent and taxes, 211*l.*; and allowance to manager for coals and candles, 109*l.* a year. In addition to this, the trustees had actually taken a house with a lease of only forty years to run, and they had expended no less a sum than 6,000*l.* upon the repairs of that house. This, he contended, was for the benefit of the manager, so that, taking the interest upon the capital sum, and allowing for the loss of that capital, which he (Sir B. Hall) could not estimate at less than 500*l.* a year more, he estimated the cost of the establishment, independently of printing, law, and incidental expenses, at 2,280*l.* a year. For that 6,000*l.* which the managers had laid out upon a house with a forty years' lease, they might have obtained one of the best mansions in the district in which the bank was situated. What had been the consequence of that gross extravagance and outlay, as he must term it? There were 18,612 depositors, whose deposits did not average above 30*l.* each, and the present amount of their deposits was about 83,000*l.* Would the House believe that out of the 3*l.* 5*s.* per cent which the Government allowed by way of interest, no less than 1*l.* 5*s.* was deducted from the interest paid to the small depositors, while that which made it more gross was, that from the larger depositors of 100*l.* and upwards, there was only a deduction of 7*s.* 7¼*d.* per cent? When his right hon. Friend stated that the two important provisions of the Bill were to provide a responsible guarantee for the deposits, and to determine the rate of interest to be paid, he was glad that he had taken into consideration by his Blil the important question of the cost of management. His right hon. Friend had raised the scale from 6*s.* 8*d.* to 7*s.* 6*d.* This latter he thought to be an ample sum, and he trusted that his right hon. Friend would not be induced, either by petitions from managers, or by other considerations, to raise it; but that if the Government should find it consistent with their duty to allow a larger sum than 2*l.* 17*s.* 6*d.* per cent for interest and cost of management, the surplus might be given to those who, by care and good management of their little incomes, had become depositors in the banks.

SIR HENRY WILLOUGHBY said, he must deprecate the introduction of isolated cases at this stage of the discussion. He regretted that the hon. Baronet (Sir B. Hall) had instanced a particular case. It was one which was well known to himself, and he believed he could give an ample answer to to the charge. There were a vast number of unusually small depositors in that bank, and it was known that the keeping of a number of small accounts was more expensive than the keeping of a few large ones. If any injustice were done to any party, it was, in his opinion, rather to the larger than the smaller depositors. There was a perfect answer to the charge of expending 6,000*l.* upon the house, but he did not think it desirable to enter into it at present. With regard to the Bill itself, he was glad to find that Government did not intend to persevere with it, because if they had done so, there would have been no alternative left to the majority of the trustees but to resign. Many of them, in fact, had announced their intention of doing so if the Bill passed; and he did think that it was high time that a stop was put to these experimental Bills, which being brought forward just to see which way the wind blew, were productive of infinite mischief to all classes, and more particularly to the interests of savings banks. He was not going then to enter into any discussion of the details of this Bill; but he must be permitted to tell the Chancellor of the Exchequer that when he talked of what the Government intended to do in this matter, he should make up his mind as to the meaning of the word "Government." Now what was the Government in this case? Why, it was supposed to be the Commissioners for the Reduction of the National Debt, who held their offices *ex officio;* but the Commission being composed of persons like Mr. Speaker, the Master of the Rolls, and the Chief Baron of the Exchequer, they were never called upon to perform any active duty. All they had to do was to meet about four days in the year, for the purpose of adjusting the surplus income applicable to the reduction of the National Debt. Now, how was it possible for these gentlemen to attend to the interests of 600 savings banks? They could not possibly do it; but it too often happened that transactions were carried on in their names which were not strictly legal. For instance, the other day they were told that in the name of these Commissioners large sums received through the savings banks had been invested in the purchase of of Exchequer Bills. This was done on the sole authority of the Chancellor of the Exchequer; but inasmuch as by law the Commissioners had only power to invest such money in stock, he contended that it was impolitic, if not illegal, that the Chancellor of the Exchequer should be at liberty to deal with the disposal of the funds just as he thought fit. Parliament ought to look closely into this branch of the subject, for it would not only be mischievous and dangerous, but unconstitutional, to leave the 30,000,000*l.* of savings banks deposits to be invested in the manner which best suited the convenience of the Chancellor of the Exchequer.

MR. NAPIER was as anxious as any one to see an efficient Savings Banks Bill passed, and begged to express his readiness to discuss the question at length were it to be proceeded with this Session; but he deprecated further discussion with regard to it under the present circumstances, when the Bill was actually withdrawn.

SIR JOHN YOUNG said, he concurred in this view, and would urge the House to proceed with the important Irish measures which stood upon the business paper. Unless those Bills were got on with, he really did not know when he should be able to give another day to them.

MR. MAGUIRE said, he also concurred in this view, and begged to thank the Chancellor of the Exchequer for the steps which he had taken to amend the Bill, and to obtain the sentiments of the public with regard to it. If the Bill had not been withdrawn; or, had it been passed in its present shape, the trustees of the Cork Savings Bank would have been compelled to resign.

SIR JOHN SHELLEY said, that in the case of the bank referred to by the hon. Baronet the Member for Marylebone, the number of depositors whose deposits were under 30*l.* were 81 per cent of the whole; the costs of management being 1*l.* 5*s.* per cent. Now, in the bank of an adjoining district, the number of depositors under 30*l.* were only 75 per cent of the whole, and yet the deduction for the cost of management was only 6*s.* 3*d.* per cent. He had no wish to oppose the principle of this Bill, although he objected to some of its details; and he would suggest, with the view to the removal of his own and all similar objections, that the Bill should be referred again to a Select Committee next Session.

MR. VANCE said, that when the Bill was again brought forward, he should move that the Government guarantee be made retrospective, as well as prospective, at least so far as the Cuffe-street savings bank in Dublin was concerned.

MR. BARROW said, that, as the surviving trustee of a savings bank, he was not sorry to hear that the Bill was not to be persevered with this Session, as it was quite impossible to do the subject justice at this late period of the year.

Committee *put off* for three months.

RUSSIA AND THE PORTE—OBSTRUCTION OF THE DANUBE.

LORD DUDLEY STUART said, he begged to ask the noble Lord the Member for the City of London, as it had been stated by the Government that a great number of British merchant ships are detained in the Danube in consequence of the state of that river, which had been produced by the neglect of the Government of Russia to discharge that which had been described by a Minister of the Crown as a great duty owed by Russia to Europe; and, as great loss must be occasioned to British merchants by the detention of those ships, whether Government would demand from the Czar compensation to those merchants for the loss inflicted upon them by the culpable neglect of the Russian Government; also, as it had been stated by the Government that repeated representations have been made to the Government of Russia respecting the interruption of the navigation of the Danube, whether the noble Lord would have any objection to lay upon the table of the House copies of the correspondence on the subject?

LORD JOHN RUSSELL said, he doubted whether merchants would have any claim for compensation on the ground stated by the noble Lord, because, although the Russian Government had not taken proper precautions respecting the navigation of the Danube—which we had a right to expect from it—yet natural causes had very much tended to obstruct the navigation of that river. An accumulation of mud had accrued at the mouth of the river, which had caused the waters to overflow the banks and inundate the country for several miles round. According to the latest accounts, it appeared that the obstruction had been to some extent removed, and there were now several feet more water at the mouth of the river. In answer to the second question, he could state that the noble Lord at the head of the Foreign Department had directed the correspondence to be examined, with the view of ascertaining whether any portion of it could be laid before Parliament.

PETERBOROUGH ELECTION.

MR. BRIGHT said, that he had a petition to present from a committee of the electors of Peterborough, with reference to the question which he had brought before the House a few nights ago. The petitioners desired to represent to the House the state of political commotion in which their constituency had been kept for a long time past. They said that they had had three contested elections since last July, and it was not impossible that they might have another very shortly. They stated that great injury would be sustained if the inquiry which they prayed for should be postponed; that a postponement to next Session would practically amount to a denial of justice. They did not think the fact that a petition was now pending with respect to one of the Members for Peterborough should interfere with an inquiry into a case of so grave a nature; and they, therefore, prayed that the House would allow a Select Committee to be forthwith appointed. In moving the instruction he now begged to propose, he should not have added a sentence had it not been for what had taken place a few evenings ago, when the hon. Members for Malton and Northampton objected to the course he proposed to take. The offence, however, to which his Motion had reference, was considered by the rules of the House an offence of so grave a nature that he was permitted then, and he was permitted now, to bring forward this subject before the other business, as involving a charge of interference with the privileges of the House, and with the rights of the constituencies by whom hon. Members were sent to that House. Both the hon. Member for Malton (Mr. E. Denison), and the right hon. Member for Northampton (Mr. V. Smith), seemed to think there was some connexion between the petition, praying for the inquiry now proposed, and a petition on behalf of one of the defeated candidates. He (Mr. Bright) did not see the least connexion between the two petitions. The question with respect to

Mr. Whalley related to his qualification. The one was a question of law, the other was a great question affecting the rights and franchises of the people of Peterborough as against the domination and influence of a Member of the other House of Parliament. The noble Lord the Member for the City of London referred the other evening to the Durham petition; but he understood that the reason why the House refused to allow the prayer of that petition till the election petition had been disposed of was, that it was believed to have been presented mainly with the object of leading to a withdrawal of the petition against Lord Adolphus Vane—one of those operations which the unfortunate system adopted by that House allowed to be carried on. That case was, however, quite different from the one now before the House; and if there could be a doubt on the subject, he would refer to the circumstances attending the Derby election in December last. A petition was presented from Derby, complaining of the conduct of the right hon. Gentleman who was then Secretary at War. That petition was presented on the 29th of November, and a Select Committee was appointed on the same day. The Committee commenced its sittings on the 1st of December, and reported to the House on the 16th of the same month. The election petition against the return of the Members for Derby was presented on the 22nd of November, seven days earlier than the petition against the Secretary at War; but, nevertheless, the House took up the petition against the Secretary at War first. The Committee was appointed, the case inquired into, and the whole matter disposed of. That was an infinitely stronger case in his favour than anything that could be urged against him on the ground of the Durham case. When the Derby petition was before the House, the noble Lord the Member for the City of London said—

> "If any specific case of bribery could be alleged against a person holding the high office of Privy Councillor, and it was only to be inquired into by an Election Committee, he thought the Grenville Act would be a great evil, as barring the House from the performance of one of the greatest functions it could perform, and which ought not to be set aside."—[3 *Hansard*, cxxiii. 749.]

Now, in the present instance, Earl Fitzwilliam was alleged to have paid certain sums of money to scot and lot voters in Peterborough, and it was further alleged that head-money was paid or withheld just as the electors voted for or against the candidates whom he favoured. The Act of Parliament declared head-money to be bribery; but he did not press this as a case of bribery against Earl Fitzwilliam, but a case of undue interference by a great territorial proprietor and a Member of the House of Lords with the franchise of the electors, and he did not think the House could object to the instruction which he was about to move. The presentation of the petition had only been delayed from delicacy of feeling, as it was not desired to bring it forward till the election petition against Mr. Whalley had been disposed of; and Mr. Whalley himself, with a regard to propriety which he was afraid very few Members, when their seats were in jeopardy, would have shown, was himself opposed to its being presented at that time. It was not, therefore, presented previous to his last election. It must be borne in mind that if this instruction was not passed, and the Committee appointed, it could not be appointed till the next Session of Parliament. The Committee could not be named before the 5th of August. It could not begin its sittings before the 10th, and there was a rumour, which he hoped was well founded, that the House would be up on the 18th of August. If, therefore, the Committee was now denied, it would be tantamount to a denial of justice to the electors of Peterborough, who, if an election occurred in the course of next year, might be again subjected to all the influences and inconveniences of which they complained. There was nothing in this petition that had reference to Mr. Whalley, but they complained generally that they suffered severely in their interests by the influence exerted over them. He asked the House, then, not to delay doing justice to these petitioners.

Motion made, and Question proposed—

> "That it be an Instruction to the General Committee of Elections, to select a Chairman and six other Members to be the Select Committee on the Petitions from the City of Peterborough, and that the Members so selected do constitute the said Committee, and have power to send for persons, papers, and records; and that Five be the quorum of the said Committee."

Lord HARRY VANE said, notwithstanding the speech of the hon. Member for Manchester, he still entertained very great objections to the course now recommended to the House. It might be desirable that inquiry should some time or other be instituted into the allegations that had been brought forward; but when there was a petition at this moment pending before the House relating to the proceedings that had taken place at the late election for Peterborough, he thought it would be inexpedient to appoint another Committee to take into consideration the same, or nearly the same, proceedings. The Derby Committee had been referred to by the hon. Member (Mr. Bright); but he had felt strong objections to the appointment of that Committee, and, had he been in the House, would have stated those objections at the time the appointment was made. He had the misfortune to serve on that Committee, and he must say the Committee felt that there was great difficulty in considering the immediate question submitted to them without taking into their consideration other matters from which they wished to abstain—matters which were subsequently submitted to another Committee. He believed he was speaking the sentiments of the Members of that Committee, when he said that they would object to the appointment of any Committee under similar circumstances. There was no particular pressure. This petition had been very properly postponed till after the first election was disposed of. The hon. Gentleman (Mr. Whalley) was unseated for Peterborough on the 8th of June, and surely there was ample time between that and the 20th for the presentation of the petition, without prejudicing any interest whatever. He did not see that any great inconvenience could be experienced by delaying this Committee till another Session. He could perfectly understand that the noble Earl himself felt desirous that the Committee should be appointed at the earliest possible period to investigate the charges brought against him; but it was for the House to consider whether it was fitting or not that such a Committee should be appointed under present circumstances; and he hoped they would come to the decision that such a course would be highly inexpedient.

Mr. HUME said, he had been in the first instance intrusted with the presentation of this petition, but had induced the petitioners, after consultation with Mr. Speaker, to consent to its postponement till after the Committee had decided upon the first election. The petition now came after that election had been disposed of; and a new election had taken place, and he thought it ought to be entertained by the House. This, in his opinion, was not a petition against Lord Fitzwilliam, but against certain practices in that borough, from which the electors alleged they sustained great injury. Having sat along with Lord Fitzwilliam in that House for many years, and always found him an advocate for reform and the people's rights, he was not disposed to look upon this as a question directed against him, but as one affecting the rights of every constituency in the kingdom. He thought there would not only be no inconvenience in the appointment of a Committee, but that the time had come when inquiry ought, without any delay, to be instituted.

Mr. STUART WORTLEY said, he entertained a strong objection to the appointment of the Committee at the present time, and thought the matter might be much more effectually and satisfactorily inquired into in another Session. He was not at all responsible for the precedent which had been referred to, for he protested against the appointment of the Derby Committee, because the appointment of a Committee under the Grenville Act, and the appointment of another Committee at the same time, to make a loose kind of inquiry, was very likely to interfere with the administration of justice. In the Derby case, the noble Lord (Lord J. Russell) advocated immediate inquiry, on the ground that there was an accusation against a Minister of the Crown holding a seat in the House of Commons. It had been said that this case was not like the Durham case, in which case the petition was presented for the purpose of stifling an inquiry into the election. He was willing to believe that to be the fact; but if a precedent should now be set, it was impossible to say what might occur in other cases. He thought it better to adhere to the ordinary rule, and not allow anything to interfere with the inquiry under the Grenville Act; and therefore he could not consent to the Motion.

Sir ROBERT H. INGLIS said, that the more he considered the question, the more he felt that the right hon. Gentleman the Member for Northampton (Mr. V. Smith) was right in the caution which he gave the House against appointing this Committee while a petition was pending relating to election matters for the same borough. The gravamen of the charge which was made against Earl Fitzwilliam, in connexion with the case before the House, was, that he had exercised an undue degree of interference in the election for the borough of Peterborough, which took place in July, 1852. Now, he asked, was there, or was there not, at that very moment a petition under consideration which complained of the return of one of the Members at that election ?—

MR. BRIGHT said, he must beg to interrupt the hon. Baronet. The hon. Baronet seemed to be proceeding upon the assumption that the petition from the electors of Peterborough complained that undue influence had been exercised by Lord Fitzwilliam at the election, with respect to which a petition had just been presented against the hon. Member near him (Mr. Whalley). The hon. Member, however, was wrong in making that supposition.

SIR ROBERT H. INGLIS : In point of fact the allegations contained in the petition presented by the hon. Member for Manchester were allegations that might be discussed and decided by an Election Committee, whether the circumstances upon which they were founded had taken place in July, 1852, or in the month of December, 1853. If any person could prove to him that the question with reference to those allegations could not be decided by an Election Committee, then he was ready to admit that his arguments fell to the ground. Believing, however, that that could not be proved, he should resist the Motion of the hon. Member for Manchester.

MR. WALPOLE : Sir, the allegations contained in this petition, as I understand them, do not relate to the same matter as those contained in the petition against the return of the hon. Member for Peterborough. I take it for granted that we all agree upon this principle—that when two petitions are presented relating to the same subject-matter, one requiring the appointment of a Select Committee where the evidence will not be taken upon oath, and the other being sent to an ordinary Election Committee, where the evidence will be taken upon oath, the former petition ought not to be allowed to proceed until the second has been disposed of; and, indeed, it is extremely questionable whether it ought to be permitted to proceed at all. Thus far all will admit, and therefore the present question is, do these two petitions relate to the same subject-matter? One—the petition presented by the hon. Member for Manchester—is a petition on the part of certain non-electors of Peterborough, complaining that there has been a breach of the privileges of this House, inasmuch as a Peer of Parliament interfered with the election which took place in December, 1852, with the election which took place in the preceding July, and with former elections. The other—that against the return of the present Member for Peterborough—is a petition not relating to the elections of 1852, in any sense except one. The sense in which it relates to the election of December, 1852, is this. In that election the present sitting Member was alleged to have been guilty of treating and bribing. The matter was referred to an ordinary Election Committee, who reported that Mr. Whalley had been guilty of treating, and who declared the election to be void. A new writ consequently was directed to be issued, and upon the issue of that writ notice was served upon the electors of Peterborough, that, since Mr. Whalley had had his election declared void on the ground that he had been guilty of treating, he was disqualified from standing again for that town, or from taking his seat in the event of his being re-elected. Notwithstanding this, the hon. Gentleman has been returned again, and hence the present petition against him. It appears to me that only two questions can arise upon that petition. The first is, whether in point of law he is capable of sitting for Peterborough, having been found guilty by a Committee of this House of the offence of treating. That is simply and solely a question of law, which cannot require a Committee to go into any question of fact with reference to the last election, still less can it require a Committee to go into any question of fact with reference to the allegation of a Peer of Parliament having infringed the privileges of this House by interfering with the elections of 1852. If the case stands thus, as I apprehend it does, I think there can be no doubt as to the course we should pursue. But there is this further allegation in the petition against the return of the hon. Member for Peterborough—that, inasmuch as he was guilty of bribery at the election in December, 1852, he is disqualified from sitting for Peterborough now, even although the Committee did not find that he had been guilty of bribery, either by himself or by his agents, at that election. Upon that allegation I will not presume to give a positive opinion—that is the duty of the Election Committee ; but it certainly would be somewhat startling if, when a Committee has decided upon the merits of an election petition, and has not found that the person whose seat is assailed was guilty of bribery, you should be allowed at any subsequent period to go into allegations of bribery which took place at some prior election. I think, therefore, we may treat the petition against the return of the hon. Member for Peterborough in the other sense—that it is a petition challenging the return of that Gentleman upon a legal point. If that be so, I apprehend the question which arises before the House is not one of conflict between the two petitions. The one is a question of law, the other a question of fact. Two instances have been referred to, one being the case of the Derby election, the other that of the Durham election. In the Derby case, the ground upon which the Government consented to the appointment of a Committee was principally the fact that certain grave charges were brought against a Minister of the Crown and a Privy Councillor, that Privy Councillor expressing his wish in this House that the petition should be proceeded with. Under these circumstances I thought—I still think, that when a grave charge is brought against a Minister of the Crown, it is in the power of this House, independently of the right which it would have under the Statute, to inquire into the manner of an election, without waiting for an Election Committee to be appointed in the usual way. The more I think on the proceedings in the Derby case, the more I am convinced that the House was justified in taking the course it did, although at the same time there were undoubtedly some inconveniences attending it. The Durham case very much resembled the present—more so than the Derby case. In that case the Select Committee sought for was postponed until the Election Committee had made its Report. That, I think, is the course which ought to be taken whenever questions of fact arise upon two petitions relating to the same subject-matter. But I have already shown that no question of fact can arise upon the petition against the return of the hon. Member for Peterborough which can be brought in conflict with any question of fact upon the petition presented by the hon. Member for Manchester. Now, what has the House done? You have already treated this question as one of privilege—you are now treating it as such—and having done so, and having actually granted the prayer of the petition, the only question we have to determine is, whether the Committee ought now to be appointed or not. Consider what would be the consequences of your not appointing the Committee now. Suppose the Election Committee should hold that the hon. Member for Peterborough is disqualified from sitting in this House, there must in that case be another election for Peterborough—

Mr. J. WILSON: The seat is claimed by the defeated candidate.

Mr. WALPOLE: That is true enough, but the Committee may not grant it, and, therefore, another election must take place. But what I was going to say, was this. We have already treated this as a question of privilege—we have granted the Committee sought for, and it now remains for us to determine whether we shall allow the inquiry to proceed now, upon the ground that the privileges of this House have been infringed. I think I have shown that no harm can result to the sitting Member from this inquiry, and your Sessional Orders declare that cases of privilege are entitled to take precedence of all other matters—I presume, because it is right that such cases should be inquired into without delay. If you do not grant this inquiry, and allow the Committee to be struck, having already agreed that there should be a Committee, you must necessarily postpone the investigation of a question of privilege till a distant period. Under these circumstances, although admitting that there are some difficulties in the case, I think we ought to allow the Committee to be struck in the present instance, and the inquiry to be proceeded with before the end of the present Session.

Mr. EVELYN DENISON said, that the General Committee of Elections yesterday proceeded with the appointment of the Members to consider the last return for the borough of Peterborough, and though, undoubtedly, the main point was one of law, the petitioners nevertheless took wider ground, and claimed for themselves, if they did not receive a favourable solution of that point, the power of going into the transactions of the previous election, for the purpose of showing that the hon. Member (Mr. Whalley) was disqualified by the proceedings which then took place, from holding his seat during the present Parliament. He believed the House was agreed on the propriety of maintaining the principle of the Grenville Act, and of keeping questions relating to elections out of the body of that House, so that they might not be decided by the party which happened to have the majority. It appeared to him that these points were not fully considered when this matter was first brought before the House; but, after the course already adopted, considering, too, the late period of the Session, and that the Committee had been already granted, he should say, speaking also as a personal friend of Earl Fitzwilliam, that the sooner the inquiry was made the better, and he, for one, should give his vote in favour of the Motion of the hon. Member for Manchester.

LORD JOHN RUSSELL: I think, Sir, the House was perfectly right in agreeing, the other night, to appoint a Committee upon this subject. It is my opinion, that, when you have a body of electors, or the inhabitants of a borough, complaining of acts of intimidation, and acts of bribery and treating, which prevent freedom of election, it is proper—unless there may be some impropriety in regard to the point of time—that the House should open its doors wide for the purpose of such inquiry. I have always maintained that opinion, and have stated it when various Motions were brought before this House at different times. It is, undoubtedly, a very great inconvenience if the appointment of a Committee of this kind is found to interfere with that which is, in fact, the regular administration of justice under an Act of Parliament; and, I am sorry to say, that I cannot but think the House has been placed in the difficulty in which it finds itself upon the present occasion by the conduct of these petitioners. It is quite true, no doubt, that when the former election petition was before the House, it would not have been proper to have brought this petition forward, and to have asked us to appoint a Select Committee upon the subject to which it refers. But that Election Committee came to an end—they unseated the sitting Member—and it was then competent for those who, as I am told, had had the petition for many weeks in their possession, to present it to the House, and it was equally competent for the House some weeks ago to have entered upon this inquiry, and to have appointed the Committee now sought for. Instead of that, I know not whether this petition or the petition against the return of the sitting Member was presented first; at all events, they were presented nearly at the same time, and this petition is brought under the consideration of the House at the moment that the election petition is about to be investigated in the due course of law. Undoubtedly, therefore, the petitioners do place this House in a considerable difficulty, owing to the course they have pursued. The sitting Member has taken the blame upon himself, but he has given us no reason for his conduct upon that occasion, and I think that the petitioners themselves were bound, if they wanted the petition to be heard, to insist upon its being presented at an earlier period. But, Sir, this House having decided—and, as I think, properly decided—that there should be an inquiry into this subject, the question remains for us to consider, whether there is a greater inconvenience in appointing this Committee now, so that it may sit at the same time as the Election Committee, than if we were to postpone the inquiry till another Session. Now, I mentioned the other evening, that I believed the Election Committee would have only to consider whether the sitting Member was or was not disqualified by the decision of the previous Election Committee. It appears, however, that there is another allegation in the petition, and I certainly cannot go quite so far as the right hon. Gentleman opposite, who says that the Election Committee should be precluded from entering into that inquiry. I think it rests with them to decide whether they should enter into it or not. They may consider it unnecessary to enter into that inquiry, but I assuredly think the House ought not to interfere in the matter—

MR. WALPOLE: I distinctly stated that the question should be left to the decision of the Election Committee.

LORD JOHN RUSSELL: I thought the right hon. Gentleman could not intend to assert that the Election Committee should be precluded from inquiring into all the allegations contained in the petition. However that may be, it is not probable that the Election Committee, having decided the first and main point in the petition, would require to go into the other inquiry; so that we are not likely to have two inquiries into the same subject going on at the same time. The Election Committee will have to consider the question of qualification or disqualification of the sitting Member; but this Committee is to inquire into an entirely different subject. What is the subject upon which this inquiry is asked? I very much agree with my hon. Friend the Member for Montrose (Mr. Hume) in what he stated to the House; and, although we have certain Resolutions upon our books, I have always stated, that, in my opinion, there is no difference between an interference by a Peer and an interference by a Commoner; but I think that any gross interference with the freedom of election, whether by a Peer or a Commoner, should be made the subject of an inquiry by this House. It is alleged in this petition that several persons, whose names are given, tenants of Earl Fitzwilliam, have received notice to quit solely in consequence of their having exercised their franchise in opposition to the wishes of that nobleman, or abstained from voting for his favourite candidate. I think that is an allegation of a very gross interference with the freedom of election, and I do conceive there would be very great inconvenience if such an allegation against a noble Lord, highly respected by every one, but, at the same time, having considerable property, and, therefore, having the means of exercising such a power as is here alleged, were to be overlooked or postponed till another Session. That would be a great public inconvenience, and I, therefore, agree with the right hon. Gentleman opposite, that upon the whole—notwithstanding the inconvenience to which I have referred—the best course for the House to pursue is to direct an immediate inquiry to take place. At the same time, I hope that future petitioners will bring their cases of this kind at once before the House, and not defer them until the Election Committees have been appointed, because it is desirable that the House should, in ordinary circumstances, avoid the appointment of two Committees upon the same subject.

Mr. ROBERT PALMER said, that finding the petition under consideration did not concern the seat of the sitting Member, he no longer saw any reason why the Committee now sought should not pursue its investigations concurrently with those of the Election Committee, whose inquiry was mainly directed to the alleged disqualification of the sitting Member, by reason of treating imputed to him at the election preceding the last. Unquestionably, it was expedient that, unless for some very important reason, the investigation of charges such as those advanced against Earl Fitzwilliam, should not remain in suspense until next Session.

Mr. VERNON SMITH said, he admitted that Earl Fitzwilliam was entitled to ask that these heavy charges should not be left hanging over him until next Session; but at the same time he must express the decided opinion that this petition had been designed to prejudice the inquiry before the Election Committee, finding, as he did, from the journals, that Mr. Whalley, having been unseated on the 8th of June, and returned again to the House on the 27th, was petitioned against on the same day; whereas this petition against Earl Fitzwilliam was not presented until three days afterwards, on the 30th of June.

Mr. BRIGHT said, the petitioners were not to blame for the delay which had taken place in the presentation of the petition. That delay arose, as he understood, from the difficulty of finding a Member of the House willing to undertake the labour and annoyance attending the presentation of the petition, and not from a desire to come in contact with any petition regarding the last election.

Mr. WHALLEY said, that he had done all in his power to cause the petition to be presented as soon as the Committee on the former election petition had decided; but he had found great difficulty in getting any Member to present it.

Motion *agreed to.*

GOVERNMENT OF INDIA BILL.

Order for Committee read; House in Committee.

Clause 23 *agreed to.*

Clause 24 (The Council may make laws).

Sir HERBERT MADDOCK said, he wished to propose, by way of Amendment, to insert "that in making laws and regulations, regard shall be had to the religion, and manners, and opinions of the different races of people inhabiting the said territories." If the natives of India had not, as they ought to have, a share in the deliberations of the Indian Legislature, at least provision should be made that Indian legislation should not be offensive to their feelings. The 13th of George III. enacted, with this view, that there should be an appeal against the Indian Legislature to the Crown in Council; and the Act of 1833 gave to the Board of Directors power to disallow any act of the Indian Legislature within one year. It was expedient that adequate restrictions should be provided in this measure against the recurrence of such measures as those which, in several instances, had been within the last three years enacted by the Indian Legislature, offensive to the feelings and infractionary of the laws and religion of the natives of India. It had been stated in evidence before the Committee that of late years a great change was observable in the demeanour of the British officers, both civil and military, who were intrusted with the administration of justice and the command of the army in India. It appeared that they were growing less attentive to the feelings, opinions, and prejudices of the people; and if the Government of India were also exhibiting less attention to those feelings, opinions, and prejudices than used to prevail in former days, the time might not be far distant when this country would feel the ill effects of departing from the wise policy which dictated conciliatory measures in the administration of the Government of India. He had lived upwards of thirty years in India, and he appreciated, better perhaps than others, the good qualities of the natives, and it was on this account that he desired to see respect paid to their national religion and manners. It might be urged that the Government of India was a government by the sword. If so, he begged the Committee to bear in mind that the class of persons most likely to be discontented by the acts which had been the subject of recent debate, were the very last who would yield to the sword of the army—a class, indeed, which comprised more than two-thirds of the army in India. But he should be sorry to imagine that we had no hold of India except that which we gained by the sword. He should little value the tenure of any such Government. His firm belief, however, was, that England owed the long continuance of her sway in India to the belief that it was her desire to govern the people justly and beneficently; and that belief, he contended, would be confirmed by the insertion of the words he proposed.

Mr. HUME said, that the object of the hon. Gentleman (Sir H. Maddock) was merely to carry out in another form the proposal which he (Mr. Hume) made to the Committee the other night, and which was then rejected, namely, to admit two natives as members of the Legislative Council. He considered that they were bound to respect the religious prejudices of the natives; and although the Government had refused to allow a Hindoo or a Mahometan to sit in the Council, it was only just that they should declare that the legislation of the Government of India under this new charter was not to be contrary to their religious prejudices and national habits. He thought that they had treated India with insult, by not admitting natives into the Council, particularly after the statement with regard to their fitness made by the hon. Member for Rochester (Sir H. Maddock). He feared the time would come, if they went on legislating against the prejudices and feelings of the natives of India, when the words of the hon. Member would be realised, and that you would not be able to keep them down by the sword. He should support the Amendment.

Mr. LOWE said, that the hon. Member for Montrose had given the best possible reason for rejecting the present Amendment; for he had said that its object was to carry out that which the Committee had rejected on a former night. If so, surely the same reasons which led to the rejection of the former Amendment, would equally apply to this. But, taking the Amendment upon its merits, what did it propose to do? It proposed to add the following words:—"That in making laws and regulations regard shall be had to the religion, and manners, and opinions of the different races of people inhabiting the said territories." Now, what was the meaning of these words? He took it, as a lawyer, that they were merely directory—that they added nothing to, and took nothing from, the powers of the Legislative Council, but would leave them exactly where they were. The words were, in fact, mere surplusage, and would have no legal effect whatever; or, if they had any effect at all, it would be a mischievous one, inasmuch as they would tend to introduce doubts as to the competency of the Legislative Council to deal with a hundred matters connected with the natives, and would therefore be a stumbling block in the way of carrying on the business of the country. But what was the *animus* with which the words were introduced? The Committee were aware that, whereas we professed to govern India on the principles of civil and religious liberty—viewing all sects with an indifferent eye—and whereas the operation of the Hindoo law was to forfeit the lands and goods of any Hindoo who became a Christian, the British Legislature had wisely passed a law to do away with that forfeiture. Now, if the Amendment of the hon. Gentleman was carried, it would be at once presumed by certain parties in India that the present House of Commons disapproved the law in question—that they, a Christian Legislature, were so far forgetful of their duty as actually to approve of their fellow subjects incurring forfeiture of their lands and goods in consequence of embracing the religion of Her Majesty and the great body of her subjects. And, besides, he held that the Government was not bound to respect every law and custom of the natives merely because it was the law and custom, independently of its good sense, reason, and morality. We had already done away with several of their laws and customs. We had, for instance, abolished the practice of human sacrifices; we had abolished infanticide; we had abolished suttee almost all over India. There were many other laws and customs pernicious and immoral in their practice which it was still desirable to abolish, and he trusted that, one by one, as the Government felt their way, they would be able to abolish those also. So far, then, from wishing that Government should be restricted from putting down bad customs and bad laws, he trusted that they would gradually be able to improve them; and that, instead of Hindooising our own Government, we should be able to Europeanise theirs.

Sir HERBERT MADDOCK said, that the hon. Gentleman had objected to the terms of his Amendment; but if he had only turned to the next page of the Bill, he would have found the very same words in the 26th clause quoted from the Act of 1833. So that whatever fault the words had was attributable, not to him, but to the Parliament of 1833. It might be that the words were mere surplusage in a legal point of view; but at all events they would afford great satisfaction to the people of India, and he thought that in itself was sufficient to justify their insertion.

Sir HENRY WILLOUGHBY said, it was hardly fair in any hon. Gentleman to assume that there was no disposition in the Government of India to pay attention to the feelings and opinions of the people. Besides, the hon. Gentleman had himself admitted that the duty of attending to the feelings and opinions of the natives in laying the basis of their legislation was recognised in the 26th clause, and surely that was enough.

Amendment *negatived.*

Clause *agreed to;* as was also Clause 25.

Clause 26 (Her Majesty may appoint Commissioners in England to consider and report on the reforms proposed by the Indian Law Commissioners).

Mr. BLACKETT said, he objected to the preamble of the clause, as being calculated to convey an inaccurate view of the circumstances which had taken place with regard to the late Indian Law Commission. The preamble stated, that—

> "Whereas the Indian Law Commissioners, from time to time appointed under the said Act, have, in a series of Reports, recommended extensive alterations in the judicial establishments, judicial procedure, and laws established and in force in India, and have set forth in detail the provisions which they have proposed to be established by law for giving effect to certain of their recommendations, and such reports have been transmitted from time to time to the said Court of Directors; but in the greater part of such reports and recommendations no final decision has been had."

He believed that the attention of the House was called to this point by the right hon. and learned Member for the University of Dublin (Mr. Napier) on the second reading of the Bill; and that it had also been alluded to by Lord Monteagle in another place, but no satisfactory answer had yet been given by the Government. He thought it was desirable, however, that the matter should not be allowed to drop without either some member of the Court of Directors or the President of the Board of Control giving some explanation why the late Law Commission had been suffered to fall into abeyance in direct violation of the Act of 1833. It appeared that in 1842 Mr. Amos, one of the Commissioners, resigned. The Court of Directors, in December, 1842, sent a communication to the Board of Coutrol, in which they stated—

> "The Act of Parliament which created those offices requires that new appointments should be made as vacancies arise, and it is only by another Act that this obligation can be suspended."

The Board of Control avoided taking the opinion of the law officers of the Crown on this point, and confined themselves to the subject of Mr. Amos's vacancy, respecting which they said (February 1843):—

> "If it be intended to submit to Parliament the abolition of the fourth member of Council, we see no objection to postponing the appointment till the sense of Parliament be taken."

In May, 1843, the Directors wrote to the Governor General—

> "It is probable that an application will be made to Parliament at an early period of next Session for authority to put an end to this commission. In the meanwhile we desire you will not fill up any vacancy which may occur."

That was to say that, whereas the Act of Parliament required that the appointment should be filled up, they (the Directors) desired that the Governor General should break the law. The consequence had been that the law had continued to be violated from 1843 till now. He wished to hear what explanation could be given with regard to this case.

Sir CHARLES WOOD said, he did not profess to know what had taken place ten years ago, and he did not think it wise to waste the time of the Committee in discussing by-past events of that kind. What they had to do now was, to provide for the future government of India; and if the hon. Gentleman had any Amendment to offer upon the clause whereby that object could be better effected, he (Sir C. Wood) would be happy to consider it; but unless the hon. Member had such an Amendment to propose, he thought they had better proceed with the consideration of the Bill.

MR. HUME said, that the Indian Law Commissioners had made a series of reports, in which they recommended extensive alterations in the laws and judicial system of India, and their reports had been transmitted from time to time to the Court of Directors. But, in the words of the preamble to this clause, "in the greater part of such reports and recommendations no final decision has been had." The reports of the Commissioners were here brought home to the Directors; and it was here that explanation was desired. Why had not the Directors attended to those reports? The truth was, the Law Commission had, to a great extent, been a failure; and the Court of Directors were now called upon to excuse themselves from blame, if they could.

MR. DANBY SEYMOUR wished to know what reason there was for supposing that this clause would have any greater effect than the corresponding clause of the Act of 1833?

MR. J. G. PHILLIMORE said, he considered the course taken by the right hon. Baronet (Sir C. Wood) most unsatisfactory. Because a clause in an Act of Parliament had proved a dead letter, and an explanation had been asked, they were told it was useless to inquire into it. In fact, they were called upon to abandon the tenor of experience. But what was the use of experience if it was not to prevent them from doing formally what had been uselessly ten years ago? What had been the result of the very words they were here asked to enact? Nothing. Surely the right hon. Baronet, who professed such entire ignorance of what had taken place only ten years ago, with regard to the country he was governing, could explain why the Commission had been attended with such little result. At all events, Parliament had a right to know the reason, and it ought not to be deterred by the juggle of a double government from an inquiry into a subject of such vast importance.

SIR CHARLES WOOD said, he admitted that there had been great delay and disappointment in connexion with the late Law Commission, but he thought he was taking the best possible means of remedying the evil by proposing the present clause. If hon. Members were not satisfied with the remedy he proposed, let them propose a better.

MR. BLACKETT said, he had no desire to throw impediments in the way of improving the law; but he must say, when the right hon. Baronet used the words "delay" and "disappointment," that there had been a deliberate breach and violation of the Act. The right hon. Gentleman would let this charge go by default. His object, however, was answered in having made the charge, and in seeing the hon. Member for Guildford (Mr. Mangles), and the hon. Member for Honiton (Sir J. W. Hogg), sit by without answering it.

SIR JAMES W. HOGG said, the hon. Members for Guildford and Honiton were exceedingly anxious that public business should be proceeded with, that the clauses of this Bill should be permitted to pass, and that objections should not be taken to a clause by an individual who said himself he did not mean to oppose it. The clause said generally that the Law Commission had made certain proposals, and that these proposals, which had had been submitted to the Judges of the three Supreme Courts of India, had been sent home. He admitted there had been considerable discussion upon them—that was always the case when there was diversity of opinion—but he denied that there had been any violation of the Act of Parliament by discontinuing to fill up an appointment which the Act of 1833 provided for. The hon. Gentleman was entirely wrong upon that subject. For many years there had always been a Legislative Member of Council, and he admitted it was in the contemplation of the Court of Directors in 1842 to abolish it. They had a distinct representation from the Governor General that the expense of the Law Commission was enormous, and that no adequate benefit was likely to arise from it; it was therefore suggested that the work of the Legislative Member of Council might be done by the Advocate General. In consequence of these suggestions, the matter was considered by the Court of Directors, who saw that as the appointment had been made by the direction of Parliament, it must be continued, unless the same authority discontinued it. It was discussed whether or not they should apply to Parliament; they determined not to do so; and the Legislative Member of

Council existed now, and had constantly existed from 1833. The subordinate members, he admitted, had been discontinued; and, in order to keep the Commission alive, another member had been added. The secretary had existed uninterruptedly. There was, however, an impression that the expense far exceeded any benefit that had resulted; but the suggestion to discontinue it did not originate with the Court, but it came from the Governor General in Council.

Mr. BRIGHT said, he did not think the hon. Member for Honiton had got well out of the matter. They were told in very glowing terms in 1833 by the then Secretary to the Board of Control that nothing was so easy as to give a good code of laws to India, and that the advancement of the natives to offices should be encouraged. On both those points there had been a great disappointment. Between 100,000*l.* and 200,000*l.* had been expended on the Law Commission—which was easily done when the members had 10,000*l.* a year—and without any result It appeared by the evidence before the Lords Committee last year that the code prepared by the right hon. Member for Edinburgh (Mr. Macaulay) was positively untranslateable into any language in India. If that was the case, it was right that it should not be adopted; but it would have been better if the Law Commissioners had not resided five years in India at a great expense. If, however, the vacancies in the Law Commission were not filled up, the matter should have been brought before Parliament. He must say that the President of the Board of Control assumed a style which was not very desirable, and exhibited a great deal of impatience. The hon. Member for Newcastle-on-Tyne (Mr. Blackett) had made some very reasonable remarks, and the right hon. Gentleman lectured him about going back ten years, and said that he might either accept the clause or reject it; and he talked of the pressure of public business, and the late period of the Session. That was not their fault, and the right hon. Gentleman tried to take advantage of his own wrong; yet the interests of 100,000,000 of people, who were suffering from their laws being in a perfect chaos, were nothing to the convenience of a Minister. Would this clause have any greater effect than that in the Bill of 1833? The right hon. Gentleman had not shown that. He (Mr. Bright) wished to put a question to the right hon. Gentleman, in consequence of a letter he had received from Bombay, stating that it was reported that it was the intention of the Government to send out Commissioners to each of the Presidencies to inquire into and report on the state of the country; with power to redress grievances and promote improvements, perhaps in the means of communication, the tenure of land, and the administration of justice. He wished to know if the Government had any such intention? He hoped they had, for he believed great good would ensue from such Commissions, whose information would form the basis of future legislation for the government of India.

Sir JAMES W. HOGG, in explanation, said, the right hon. Gentleman the Member for Edinburgh had been appointed Legislative Member of the Council at a salary of 10,000*l.*, but it was no part of his duty to be a member of the Law Commisssion. Being, however, Legislative Member of Council, he volunteered to act as the President of the Law Commission, and he acted gratuitously in that respect during the whole time he was in India. The other member of the Commission had not 10,000*l.* a year, but 5,000*l.* a year. Let the House remember, that although the subject had been in agitation for thirty years, there was no criminal code for England; and he thought it was not surprising, when they considered the extent of India, the diversity of nations and creeds, and the differences of language, that a criminal code had not yet been formed applicable to the whole of India. We had not yet been able to frame one for our own country, where the difficulty was comparatively little, and where the appliances and means were great; it was no marvel that one had not been framed for India. He could not conceive anything requiring more care, more time, and more attention, and he did not think that the delay which had occurred, considering the magnitude and importance of the object in view, was to be blamed or regretted when compared with what would be the consequence of framing for India a code of laws that would not be applicable to its condition.

Mr. BLACKETT said, the hon. Member for Honiton told them the fifth member of the Legislative Council had been always appointed, but that the subordinate members of the Law Commission had been discontinued. That was precisely the charge he brought.

Mr. MANGLES said, the hon. Gentleman had not stated the cause which led to the failure of the Law Commission. The laws were framed by the Law Commission, and then handed over to the Legislative Council, which was overburdened with business, and was utterly unable to give sufficient attention to it. That was the great cause of the failure of the Law Commission for practical purposes. That would be remedied by this Bill, because this plan was founded on an entirely different system. The whole thing would be in the hands of the same body to frame the laws and to enact them.

Mr. J. G. PHILLIMORE said, that the cause of the breaking down of the Commission was, according to the evidence of Mr. Cameron, owing to the irresistible opposition of the Court of Directors.

Sir CHARLES WOOD said, he feared that the progress of the Bill would not be facilitated by bringing charges against the Directors for what they had done ten years ago.

Sir HENRY WILLOUGHBY said, he attributed the failure of the Commission to their having undertaken to do too much. He believed that one code of laws for the whole of India was impossible. He wished to know how the Board in England was to work?

Sir CHARLES WOOD replied, by stating, that the reports of the Commissioners would be transmitted to the Indian Government for its consideration, with power to amend and adopt their suggestions.

Mr. JOHN MACGREGOR said, he should support the clause, from the conviction that never was there a time when greater responsibility rested upon the Crown and the Legislature, in reference to the Government of India, than the present.

Mr. HUME said, he must remind hon. Members that all the evidence that had been taken by the Committee upstairs proved that when attempts had been made to assimilate the laws of England and of India, those attempts had invariably failed.

Clause *agreed to.*

Clause 27 (No appointment of any Advocate General of the said Company shall be valid, without the approbation of the Board of Commissioners for the Affairs of India).

Mr HUME said, he was of opinion, that to subject the Court of Directors to the supervision of the Board of Control in a matter of this nature, would degrade them in public estimation.

Mr. VERNON SMITH said, he took the same view of the clause, and at the same time he must declare his inability to discover a reason for what appeared to be a gratuitous insult to the Court of Directors. If the Directors were to be intrusted with power at all, surely they should be allowed to appoint their legal officer.

Mr. J. G. PHILLIMORE hoped the Government would not abandon the clause. Any one who might refer to the list of Advocates General during the present century would find abundant reason for enacting the clause.

Sir CHARLES WOOD said, the object of the clause was to guard agaist the possibility of an improper appointment; at the same time he attached no great importance to it.

Sir JAMES W. HOGG, citing the names of the principal men who had held the office of Advocate General in the present century, including Sir Robert Smith, Sir W. Burroughes, Mr. Cutlar Ferguson, Mr. Sergeant Spankie, Mr. Pearson, Sir J. Colville, Sir Lawrence Peel, and Mr. Jackson, challenged the hon. Member for Leominster (Mr. J. G. Phillimore) to name a single one of those men who was not eminently qualified, by ability and learning, for the office of Advocate General. He (Sir J. W. Hogg) had certainly felt it his duty to oppose one appointment, and it was of Mr. Lyall's he spoke. But he opposed it, not with reference to the character or acquirements of Mr. Lyall, for he was well known at the University as a distinguished scholar and an accomplished man; but with reference to his standing at the Bar, which, being under six years, he thought was too junior to be appointed to such an office. He stated the whole truth, and did not withhold from the House the only case which perhaps might be subject to remark. He felt assured that it was not the intention of Government to throw any stigma on the Court of Directors; but the clause did appear to justify the statement made by the hon. Gentleman the Member for Leominster, that there was "abundant reason" for it; and if it was only to show that this statement was without foundation, and that the series of appointments had been such as were beneficial to the country, he hoped his right hon. Friend would not persevere with the clause.

Mr. J. G. PHILLIMORE said, he had endeavoured to introduce as little personal matter into the debate as possible; but, as reference had been made by the hon. Baronet to the case of Mr. Lyall, he must say that the early age at which that gentleman was made Advocate General rendered his appointment a very improper one. [Sir J. W. Hogg: That is only one case.] The hon. Baronet should not tempt him to enter into more cases by name, though he did think there were other appointments which would not have been made but for interest. His impression was that Mr. Lyall had been appointed singly and solely because he was the son of an East India Director, and he thought this appointment alone justified the assertion he had made.

Mr. MANGLES wished the hon. and learned Gentleman would give chapter and verse for the charge he had brought against the Directors. [*Cries of* "No, no!"]

Mr. OTWAY said, he must express a hope that the right hon. Gentleman would not yield to the proposition of the hon. Baronet the Member for Honiton (Sir. J. W. Hogg), for the hon. Baronet himself, in the case he had mentioned, had shown the necessity why a veto might well be vested in the hands of a Minister of the Crown.

Mr. F. SCULLY said, he had to renew a charge which had been made some years ago by the hon. and learned Member for Carlow (Mr. J. Ball), that the Directors of the East India Company, particularly in the law appointments, made their selection almost entirely from the English Bar, and that no Irishmen were sent to India. He was anxious that this charge should not be made again, and he rejoiced that power was given by this Bill to the President of the Board of Control to see that these appointments for the future were fairly distributed.

Mr. T. BARING said, he thought if the appointment were vested in the hands of the Board of Control it would be found that the Government were very much open to pressure from without, and that in order to satisfy some portion or other of its supporters it might make legal appointments which would not be preferable to those which were now made by the East India Company. At first he had no great objection to the clase as its stood, because he believed the appointment would be made in concert between the two bodies—the East India Direction and the Government; but if the Committee were to decide upon the principle on which it was now put, that it was to be in the hands of the Government, then he must say that he had great distrust of Government appointments; and he thought it was not unlikely the appointment would be given to some supporter of the Ministry of the day. With these opinions he should wish the clause withdrawn, that the appointment might remain altogether with the Court of Directors.

Sir JOHN FITZGERALD said, he thought there ought to be a check to the power of the Court of Directors in these appointments; he was aware of a case in which Sir James Grant, who had agreed with a predecessor of his in allowing an appeal by a native to a supreme Court, was superseded, and the Advocate General was appointed in his stead.

Sir CHARLES WOOD said, with regard to what had fallen from the hon. Member for Tipperary (Mr. F. Scully), he could state that two, if not three, of the gentlemen mentioned by the hon. Baronet (Sir J. W. Hogg) as having received the appointment were Irishmen. There was not the least wish, on the part of the Government, to keep this appointment in their hands; on the contrary, they left it to the Court of the Directors, subject only to the approbation and control of the Government. The sole object they had in view in this as in all other cases where the approbation of the Crown was made a condition of appointments, was to secure that the Court of Directors should make a proper selection.

Mr. ROCHE said, that not one of the Irishmen who had received the appointment of Advocate General belonged to the Irish Bar; they were all selected from the English Bar. Upon the general question, he had only to say that it was not wished to keep the appointment, but only the *veto*, in the hands of the Board of Control, and, on constitutional grounds, he should certainly support such a course.

Sir JAMES W. HOGG, in reply to the hon. Member for Cork County (Mr. Roche), mentioned the names of several members of the Irish Bar who had held judicial appointments in India, and among others, Sir John Franks, Sir Francis Macnaghten, and Mr. Stretrel. In the year 1844 or 1845, he had, himself, as Chairman, offered, through Sir Frederic Thesiger, the appointment of Advocate General at Bengal to five English Barristers, by all of whom it was declined. The offer was made through Sir Frederic Thesiger, because neither himself or his colleagues were sufficiently acquainted with the merits of members of the Bar, and they made the offer depend solely upon their professional character. It was not men of great practice who would take it, and they selected men of character and talent. He objected to the clause for this reason, that the East India Company down to the present time had had this appointment in their own hands, and to say now that it was in future to be made subject to the approbation of the Crown, was to say, by implication, that they had not honestly discharged their duty in the appointments they had made.

Sir ROBERT H. INGLIS said, he would not be a party to any course that would imply a censure upon the East India Company for their appointments, nine out of ten of which were admitted by the Minister of the Crown to be unexceptionable.

Mr. NEWDEGATE said, he had no wish to support any course which would meet the views just advocated by the hon. Member for Cork (Mr. Roche), who distinctly stated that he valued the clause because it would cause a scramble amongst the Irish Bar for appointments. If the Scotch and English put forward similar claims, as they had a right to do, the scramble for patronage would be on a most extensive scale. He never heard a clause so weakly supported as the present was. If the appointments were vested in the Board of Control, the right hon. Gentleman would be subject to continual pressure on account of them. He trusted that the right hon. Gentleman, in whatever view he might regard those appointments, as they concerned himself, would endeavour to relieve his successors from the odium that must attach to them in respect to those appointments.

Mr. RICH said, the statement of the hon. Member for Honiton (Sir J. W. Hogg), did great credit to the Court of Directors, in the way of appointments. But the East India Company were subject to influences as well as other bodies, and he thought that it would be well to counteract them as far as it was possible. The President of the Board of Control would not have the direct appointment, but merely a controlling power to check any improper selection by the Court of Directors.

Question put, "That the clause stand part of the Bill."

The Committee *divided*:—Ayes 115; Noes 59: Majority 56.

Clause *agreed to*.

Clause 28.

Sir HENRY WILLOUGHBY said, he wished to inquire of the right hon. Gentleman the President of the Board of Control relative to this clause, which provides that the Commander in Chief of Her Majesty's forces shall also be Commander in Chief of the Company's forces. He had some fears that the effect of this clause would be to exclude the Company's officers from the chief command.

Sir CHARLES WOOD said, there would be no such exclusion; it would be perfectly competent for Her Majesty to appoint a Company's officer Commander in Chief of Her forces, and consequently Commander in Chief of the Indian army.

Mr. HUME said, he was glad to hear the right hon. Gentleman's explanation, because the exclusion from the supreme command had long been felt by the officers of the Indian army to be a stigma upon them. They had great cause to complain of the situation in which they had been placed in this respect. In the Affghan war some of the officers of the Indian army had conducted themselves in a manner which would have been creditable to any service. They wanted a little more reform in the appointments in India, and if they had made more use of the Company's officers than they had done, they would not witness such proceedings as were now taking place in India. He would not say anything of Bombay, for he believed there was a great deal of talent there; but, looking to Bengal and Madras, he thought the time was come when some of the officers should be relieved from their commands.

Mr. VERNON SMITH said, he would suggest that the explanation of the right hon. Gentleman should be embodied in words and added to the clause, for he himself had certainly understood that the effect of the clause would be to exclude the Company's officers.

Clause *agreed to;* as was also Clause 29.

On Clause 30 (Sick leave and furlough regulations).

Mr. HUME wished to know whether the Government were prepared with the alterations so much desired with regard to furloughs. The present system was a great grievance in the Indian army, and many officers suffered considerably through not being allowed to come to England on sick leave, though they might go to Australia and the Cape.

Sir CHARLES WOOD said, the sole object of this clause was to remove the restrictions which at present prevented officers on sick leave coming home to England.

Sir JAMES W. HOGG, said, the present rules with regard to furloughs did not arise from any act of the Court of Directors, but were compulsory by the law as it at present existed. The object of this clause was to remove the restrictions, and give the home authorities power to make such regulations on the subject as they should think fit.

Mr. T. BARING said, there had been abundance of evidence before the Committee of the grievance which the present system with regard to furloughs inflicted on the Indian army, and which evidently arose originally from the time required to come to England before the days of steam navigation. What seemed to be the general desire of the witnesses examined before the Committee was, that the Company's officers should be placed in the same position as officers in the Queen's service.

Clause *agreed to.*

Clause 31 (Salaries).

Sir HENRY WILLOUGHBY wished to know why some of the officers were paid in sicca rupees, while all the rest were paid in Company's rupees?

Sir CHARLES WOOD said, that all salaries, without exception, were paid in Company's rupees.

Mr. VERNON SMITH said, he begged to ask what the right hon. Gentleman intended to do with regard to the salaries of the Directors? He thought the original salary of 500*l.* a year, proposed by the right hon. Gentleman, was utterly insignificant for persons in such a position. Nothing was said about the subject in the Bill, and he wished to know whether it was the right hon. Gentleman's intention to propose any larger sum?

Sir CHARLES WOOD said, that having first proposed 500*l.* a year, he had not thought it fitting to suggest an increase, except the general expression of opinion in the House had been in favour of it. If such were the sense of the House, he should have no objection to make the salary 1,000*l.* per annum, which he thought, in many respects, would be more fitting for the office.

Mr. ELLIOT said, he thought that if an increase in the salary were not made, it would be impossible to obtain proper men to fill the office now that they had taken from it all other inducements.

Mr. HUME wished to know if any regulations were to be made with regard to the absence of the Governor-General and the Commanders in Chief from the seat of their Governments.

Sir CHARLES WOOD said, he thought it would be exceedingly undesirable to make any legislative provision on the subject. It had better be left to be settled by regulations from the home authorities.

Lord STANLEY said, he had no objection to the reduction of salaries; but he thought it was rather extraordinary, when they reduced the Commander in Chief's salary that they did not also reduce the Governor General's salary. By reducing one without the other, they increased the disproportion between the salary of the Governor General and the officer next highest to him in rank.

Mr. OTWAY would suggest that the salary of the Commander in Chief should be so fixed that it would cover all the contingencies of his pleasure trips, which were very expensive to the country.

Sir CHARLES WOOD said, that the absence of the Governor General and the Commander in Chief must always depend upon circumstances; they often did more service to the country while absent from the seat of Government than they could have done had they remained there. He believed that the Governor General rather lost than gained by his absence.

Mr. OTWAY thought that the right hon. Gentleman was mistaken there, for he knew that when the Governor of Bombay moved up the country he caused considerable expense.

Sir CHARLES WOOD: So he might, but he would gain nothing by it personally.

Mr. RICH said, that before the clause was disposed of, he wished to know when the House would have an opportunity of discussing the subject of the Directors' salaries?

Sir CHARLES WOOD was understood to say that the only time to raise that discussion would be when a clause was brought up with reference to the subject.

Mr. BRIGHT said, in connexion with this subject, he begged to say, that one reason why he proposed, the other evening, to abolish the oaths was, that he did not see how the Directors, considering the patronage they enjoyed, could well be called on to make the declaration which was included in the oath directed to be taken by the 12th clause. By that clause every Director had to swear that he would not—

> "directly or indirectly accept or take any perquisite, emolument, fee, present, or reward, upon any account whatsoever, or any promise of the same for or in respect of the appointment or nomination of any person or persons to any place or office in the gift or appointment"

of the Company. Now, there could be no doubt that the patronage possessed by the Directors was something advantageous to them. He lately heard of a case from a Member of that House with respect to a relation of his, which would show how the matter stood. This Gentleman applied for an appointment in India, and he got a promise from Mr. So-and-so. When the promise was asked for, "My friend is not rich, and you are a man of business," was the significant rejoinder, which was understood to mean anything that it was not desirable to ask openly and distinctly. The gentleman said, "I am a man of business; what of that?" The answer was, "My friend is not a rich man, and you are a man of business. I need not say any more about it." "Well, I suppose you mean an offer of money, but even if I were disposed to do that, is there not a law by which I am obliged, when I go to the India House, to swear or declare that I have not given, directly or indirectly, and shall not give, any one any fee or reward." "Oh," he said, "these are mere matters of form, and you are a man of business." This was the constant argument. At last the gentleman said, "I am a man of business, but not a man of that sort of business, for it is impossible for me to make the declaration required at the India House. Nothing would induce me to do so." Well, he did not get the appointment, but somebody else did who was a better man of business. [*Cries of* "Name, name!"] He would not name, but he had given the conversation as it occurred, and there was a Member of that House who could give it even more minutely. The Directors, therefore, found a personal advantage in the distribution of their patronage. He recollected the case of a celebrated artist who, knowing that the Directors were forbidden to receive any gift directly, asked a Director, if he would not like to have a portrait taken of himself, his wife and children. He thought that portraits of this kind made by a celebrated artist, to be hung up in the Director's room would be compensation sufficient for the favour asked at his hands. There was no doubt that when they spoke of a Director's patronage, they meant that it was something advantageous to him, though when they said it was worth 10,000*l.* a year, they did not mean that he received that amount in money, but that, by interchanges among friends, and in a variety of ways, he had a large amount of patronage that was personally advantageous to him, and that was the reason why the salaries were so low heretofore; for he did not believe that their patriotism was so great that they would give the whole amount of their time for the twelve months—attending every week and day at the India House—with all the vast anxiety of mind under which they laboured for the good of India; he did not believe that they would undergo all this for 300*l.* a year. If they had no other object in that House than 300*l.* a year—and they did not even get that—he did not believe many of them would be there, and he thought many of them were much deluded in being there. There they sat by night, and in the day they attended Committees, for which the public generally believed they were paid, but it was not so. He voted against the oath which this Bill required the Directors to take, namely, that they would not, directly or indirectly, accept of any fee or reward on the ground that none of them could take the oath in its literal sense and meaning. But coming to the question of salaries, if the Directors were to continue to have patronage, or that portion of their emoluments which patronage gave, he did not think the salary should be fixed at a higher sum than was proposed. If it was proposed to raise the salaries of the nominated Directors only to 1,000*l.*, he did not see how it was possible to keep up the distinction of salaries. There were to be eighteen Directors, and if they received 1,000*l.* a year each, that would be 18,000*l.*; and as the Chairman and Deputy Chairman would probably have double salaries, it would make altogether a sum of 20,000*l.* This Bill greatly increased the expenses of the Indian Government. He did not mean to say that this was not necessary; but when the Legislature of this country was taxing India to a degree more than any civilised or uncivilised Government ever taxed a people before—for he maintained that in proportion to their means no people were so enormously taxed as the natives of India—it was their duty to see that the expenses of the Home Government were not increased, unless they saw that the people of India would gain real and solid advantages in return. He proposed on a future occasion to go into the question of the expenses of the Home

Government for India, which were frightfully scandalous. The India Direction and Board of Control cost twice and quadruple as much as the best Home Government could be established for. If the number of Directors were reduced to seven, so that they had plenty to do, and had full responsibility, he would not object to giving them 1,500*l.* or even 2,000*l.* a year. But when he found East India Directors able to attend that House night and day—that they had business concerns in the city, and that some of them had business of half a dozen other kinds on their hands, besides the enjoyment of their salaries and patronage, he thought the House would be acting regardlessly of the people of India if they allowed the taxes, which were raised extortionately from them, to be lavished by those who did not contribute any part of them.

MR. T. BARING said, the hon. Member who had just sat down was a man of business, and as a man of business he ought not to make statements to that House which he could not substantiate—he ought not, as a man of business, to make imputations and attacks upon individuals unless he was fully prepared to prove and establish them. He (Mr. T. Baring) was a man of business also, and he must be permitted to state that in his experience he had not always found that those most suspicious of others were the most trustworthy themselves. He was sure that the hon. Gentleman did not do himself or his own character and feelings justice, because, as every one was disposed to judge of others by himself, the hon. Gentleman, he must repeat, did not do his own high character justice by spreading imputations and attacks of this kind. This question ought not to have been treated as a mere personal question. He was sure that justice was not done when it was made the vehicle of attacks upon a number of persons who were entrusted with the agency of the Government of India. This showed the feeling which some hon. Members and some persons out of doors entertained, namely, to make every constituted body, whether a Company or a Cabinet, which had possessed power for any length of time, the pointed aim of attacks. He (Mr. T. Baring) thought that it would be far more consistent with the high character of the hon. Gentleman, and the undoubted importance of the question, if he refrained as much as he could from showing that acrimonious opposition to those individuals who had been entrusted with the Government of India, and if he confined himself to the mode in which that Government had been administered. With regard to the question of salaries, he (Mr. T. Baring) presumed the right hon. Gentleman (the President of the Board of Control) would take it into his own hands. The Government was all-powerful on this question, and they should make such alterations in the Bill as they deemed expedient; and, if they took that course, they would be supported by the House in doing whatever was right and proper.

SIR JAMES W. HOGG said, it was very true that the hon. Member for Manchester had, throughout the whole of this discussion, indulged in personal observations, for which, however, he did not wish now to blame him. But when an hon. Member made a statement casting imputations on any man, and made it of his own knowledge, that statement must, *primâ facie*, be taken to be true and to be probable. He hoped the day would never come when any Member might rise in his place and make a charge against any gentleman, or any body of men, entrusted with power, and yet shrink from substantiating that charge. The hon. Member had spoken not generally, but in detail. He had spoken of some personal friend of his own—a friend who seemed to deal in the basest of all traffics. He had spoken of a proposal base to the man who made it, base to the man to whom it was made. He had told them that his friend had been appealed to as "a man of business;" and there could be no doubt as to the meaning of that expression, for the hon. Gentleman added that he could not make the declaration—required by the rules of the India House—that he had given nothing for the appointment. He went further, and said, the appointment did not take place, but went to somebody who was "a better man of business." Now, he (Sir J. W. Hogg) called upon the hon. Gentleman, as he hoped in future that his statements in the House would command belief and credit, to state the name of the party, the appointment, and the name of the Director, whom, if these imputations against him were true, he ought to hold up to public scorn and disgrace. If the hon. Member shrank from this, all that he had said of the Directors would fall back upon himself. He would state to the House some of the foundations on which these kind of stories rested. When he was

Chairman, some few years since, there were rumours respecting the distribution of patronage, so generally circulated that he thought there must be some foundation for them. A Secret Committee sat for five or six months, and over it he presided. Before that Committee everybody was called who could, by his evidence, cast the slightest imputation on any Director. The result was, that they found gangs of swindlers had personated Directors, and promised patronage. The different gangs were indicted, and, he thought, convicted, without exception. In one case there was a son, seemingly appointed by the agency of the father, who paid 1,200*l.* for the appointment. Owing to some unexpected circumstance he went on one occasion straight to the real Director, and in a roundabout way introduced his subject. The Director denied any knowledge of the transaction, and the gentleman pulled out a note purporting to be from the Director. The note was of course a forgery. In the house of one of these gangs they found a tariff of appointments under Government, as well as under the Company—a tariff which went even to titles, and fixed the price of a peerage. On that occasion everybody able to cast any imputation against the Directors did so, and there was certainly one of their own body who appeared to be implicated. He was indicted and convicted. Having stated these particulars, he again appealed to the hon. Member. He asked the House to cooperate with him in his appeal to that hon. Member to state the details, to state the persons, to state the names, and to expose all engaged in that infamous transaction to the public scorn, which they deserved. The hon. Gentleman said that he believed it was admitted that, although there was no money given, yet that the Court of Directors, by the exchange of appointments, or by some other arrangement, received something for their patronage. He (Sir J. W. Hogg) told the hon. Gentleman that that statement was totally void of truth and foundation, and that, according to his standard of morality, any Director who gave an appointment with any expectation, direct or indirect, proximate or remote, of any reward, emolument, favour, or interchange, or anything in return—either money, appointment, or anything else—after the declaration he had made, basely perjured himself, and basely betrayed the patronage which was committed to him for the public advantage. Let the hon. Gentlemen give up the names of those to whom he alluded, and he (Sir J. W. Hogg) pledged himself that the Court of Directors would co-operate with him in exposing those who had been engaged in these infamous transactions.

MR. BRIGHT said, it was quite cheerful to see such virtuous indignation displayed in this matter, and a lecture had been read to him, not for the first time, by the hon. Member for Huntingdon (Mr. T. Baring), but in his speech he had seemed to admit the whole case, for he said that the consideration of the patronage was one reason why the salary was so low as 300*l.* a year. ["Hear, hear!"] That was just the pith of what he (Mr. Bright) had stated to the House. He supposed no man living, who ever had patronage to bestow, had not found it an irksome and unpleasant business. Let them take the right hon. Gentlemen on the Treasury bench. The noble Lord (Lord J. Russell) and the late Sir Robert Peel, before the Official Salaries' Committee, had spoken in language that almost claimed their compassion of the difficulty they had in selecting persons for patronage, and they said that giving one appointment disappointed about twenty persons. It was absurd to suppose that 300*l.* a year was a salary sufficient to induce men to discharge the duty incumbent on a Director of the East India Company. But 300*l.* a year was considered enough, in consequence of the patronage that attached to the position of a Director. This was the notorious belief, not only of the country, but also of the House. The hon. Baronet (Sir J. W. Hogg) had applied to him to tell the House in detail the case to which he had referred. He had told it to the House in considerable detail. He had told it as a narrative communicated to him by a Member of that House, whose name it was not necessary to give, referring to a near relative of that Member. The circumstances he had stated were those which had been stated to him, and he believed them to be true. The hon. Member for Honiton (Sir J. W. Hogg) said that his (Mr. Bright's) friend was the base individual who made the offer. No; his friend was the man who was not sufficiently a man of business to enter into the transaction. He did not say that the person who made the offer was a friend of the hon. Gentleman's. At any rate, he (Mr. Bright) did not know him, but he knew the gentleman who had refused to have anything to do with the transaction.

He therefore hoped none of the baseness of the transaction would apply to him. He hoped, also, that it did not apply to any one belonging to the Court of Directors. But that such things were done, or were believed to be done, was indisputable. It was the natural result of an arrangement by which men, with great and important duties, were paid only 300*l.* a year, the rest being made up by patronage. The President of the Board of Control had seemed to say that it was partly by reason of the diminution in the value of the patronage that the salary of the Directors was to be raised to 500*l.* He did not believe that if he or any Member of that House were placed in that position with 10,000*l.* of patronage a year to distribute, that they could avoid giving way to the enormous temptation of distributing it in a way that would produce some advantage —either to themselves or their families, in some way or other. No office was so open to temptation of this kind as that of the East India Director. He did not approve of the system. Let the patronage be taken from them, and let them have a salary suitable to the dignity of their position and the responsibility of their office. As to making attacks upon the Directors, he had taken the same course for the last seven years. The district of the country with which he was connected was concerned enormously in the manner in which India was governed, and no taunts of the hon. Member for Honiton, or of the hon. Member for Huntingdon, should deter him from denouncing what he believed to be a corrupt system; but he made no charge against the hon. Member for Honiton, or his colleagues. It was quite possible that the Director who was to have furnished the appointment was as innocent as the hon. Gentleman; but he said that the public believed that such affairs as this did actually take place, and that was a conclusive argument against the system which was about to be continued.

Mr. ELLIOT begged to ask the hon. Member for Manchester whether he would give up the names of the parties to whom he had referred; or whether, by concealing them, he would make himself a party to the charge?

Mr. BRIGHT hoped the hon. Member did not mean to say that he was a party to the fraud. He had stated exactly what was told to him by a Member of that House; he knew to whom the appointment was offered, but not by whom, nor did he know the Director referred to. What he had stated was on the authority of a Member of that House. ["Name, name!"] No; he would not state the name. He thought his own reputation should be a warrant of the truth of the statement he had made—he would not abandon the ground he had taken.

Mr. MANGLES said, he would appeal to the House whether such charges should be brought forward without any attempt being made to substantiate them? How could any Gentleman or man of honour hear such charges made with respect to a body of which he was a member, and not feel indignant? He appealed to the hon. Member for Manchester to name the parties to whom he had alluded.

Clause *agreed to.*

Mr. MONCKTON MILNES said, he wished to move, as an Amendment, to leave out the words—

> "The provisions hereinafter mentioned respecting the admission of students into the College of the said Company at Haileybury, that is to say, Sections 103, 104, 105, 106, and 107 of the said Act of the third and fourth years of King William the Fourth, shall be repealed."

He opposed the introduction of words into the clause, the effect of which would be to alter that clause in the Act of 1833, which conferred upon the Directors the patronage they at present exercised. He thought the changes that were proposed were much more considerable than were necessary. The result of the present distribution of patronage of the Company had been highly beneficial. They had the evidence given before the Committee by Lord Hardinge, Sir George Pollock, and Sir Charles Napier, as to the efficiency of the military service in India. Why, then, was so large a change proposed to be introduced? His right hon. Friend (Sir C. Wood), on the second reading of this Bill, had placed great stress on those two noble seats of learning, Haileybury and Addiscombe, from which had issued so many distinguished personages. The effect of the measure was to open competition, to make a man's fortune in life depend on his success or want of success in a preliminary examination at those places. This would have an important effect both on the civil and military service of India. What, for instance, would be the effect on the military service? The words in the Act were, "natural-born subjects of Her Majesty;" and a question was raised in the other House whether that would include the natives of India. It was answered in the affirmative, and, therefore, if the Bill passed, it must be understood that all the natives of India were authorised to submit themselves to general competition. The consequence might therefore be, that, in the course of time, European soldiers would be commanded by native officers. He could not understand, however, if the competition was to take place under certain regulations, how it could be open competition. He demurred altogether to the principle that a man's future life was to be judged from his excellence in his early youth. He denied they could carry that out to such an extent as to make it a general rule. As an illustration of his argument, he would mention that those who were now the most distinguished officers in the East India Company's service had not when at College succeeded in passing for Engineers, but had been obliged to enter the Artillery. Among these were Sir George Pollock, Sir Henry Pottinger, Mr. Kaye, Mr. M'Gregor, Sir Henry Lawrence, and Mr. Abbott. He conceived that the Government would have immense difficulties to encounter in bringing their system of competition into practice. Whether that competition was to be general or special, it was equally open to objection. They had now to decide between two systems of competition—the one which now existed in the East India Company, or the new system which was proposed by the Government. Objectionable as he believed many parts of the Bill were, he considered this was the most objectionable portion, and that from it very unhappy consequences might arise. When the natives of India heard it proclaimed that they had a right to enter the service of the Company, they would, by their own intelligence and ability, render themselves qualified for that service, if they had only the means of doing so. Then one of two consequences would follow. They would either find their way into the service, or else the Company would have arrayed against them a spirit of discontent on the part of the whole people of India, the result of which it would be difficult to foresee. He did not see on what principle of justice, if they once admitted the principle of open competition, they could say to the natives of India they had not a perfect right to enter the service. These were practical difficulties which it became the Government to consider; and if they did not promise to do so, he should feel it his duty to divide the Committee with regard to the colleges at Haileybury and Addiscombe.

SIR CHARLES WOOD said, he thought it desirable to keep the questions relating to the two establishments distinct, and he should now only address himself to the case of Haileybury College. In doing so, he did not think it necessary to add much to what had already fallen from the right hon. Member for Edinburgh (Mr. Macaulay), whose statement was confirmed by all experience, that those persons who distinguished themselves early in life generally occupied prominent stations in after life. By the proposed system the persons admitted to Haileybury College would be in every respect as good as those admitted now by the nomination of the Directors, and there would be this additional advantage, that they would have proved their superiority in point of intellect. Admitting the efficiency of the Indian service, he still saw no reason why it ahould not be improved, and he could not see any reason why they should not take every possible means of insuring the best men for the responsible situations which had to be filled.

MR. HUME said, he wished to know of what use Haileybury College would be if this new system were adopted? Was it to be supposed that the pupils, after acquiring all the learning which procured their admission, could learn anything more at Haileybury? He would submit to the Government that, having every testimony that they possessed the best civil servants of any public establishment ever known, why should they run the risk of destroying such an excellent body of men? He would suggest that, by way of a trial, one-third or one-half should be admitted by competition, and the remainder from Haileybury, by which means both plans would be tested, and the merits of each fairly ascertained. As to Addiscombe, he thought that touching that was the rashest act which could be done. No seminary had turned out so many excellent and superior men as Addiscombe. He would therefore move as an Amendment to be added to this clause:—

"Provided always, and be it enacted, that in any regulations so to be made by the Board of Commissioners for the Affairs of India, provision shall be made that one-third of the number of persons to be admitted in any one year as students into the said College of Haileybury, also one-third of the number of persons in any one year to be admitted as students into the military seminary of the said Company at Addiscombe, and also one-third of the persons to be admitted in any one year as assistant-surgeons of the forces of the said Company, shall be so admitted and appointed from persons nominated or recommended by the Board of Directors of the said Company, acting collectively, and not upon the recommendation or nomination of any individual Director."

Mr. MONCKTON MILNES said, he thought there was one point upon which information was most necessary, namely, whether it was intended that natives of India should be included in the competition, and whether it was to be held out to them that all the services were open to them, if they had sufficient talent to obtain them?

Lord STANLEY said, he would remind the hon. Member that that question would come before the Committee upon the discussion of the next clause. The present clause only said that from the passing of the Act all appointments to Haileybury and Addiscombe should cease, and he held himself free to object to the details by which it was now proposed to carry out the plan.

Sir CHARLES WOOD said, he was quite ready to take a division upon the question of competition with regard to Haileybury, and then to consent that progress should be reported.

Mr. VERNON SMITH admitted that it might be desirable to try the system of competition, but he was not prepared to adopt the system of competition absolutely. He considered that nothing could be better than the plan pursued at Addiscombe, where the pupils, after three years' study, underwent an examination, and those who most distinguished themselves were appointed to the Artillery and Engineers. The consequence was, that those departments of the military service of the East India Company were at least equal, if not superior, to any other similar services in the world.

Sir CHARLES WOOD said, he wished the subject of civil and military appointments to to be considered separately; and he was anxious now to take a division upon the question whether the appointments to Haileybury should be open to competition or not. He fully admitted the importance of this subject, and if it was the wish of the Committee he would not object to reporting progress.

Mr. MONCKTON MILNES said, he would withdraw his Amendment on the understanding that they should begin with the clause to-morrow.

Mr. OTWAY said, he wished to know if the right hon. Gentleman (Sir C. Wood) would inform the Committee what restrictions he proposed upon admissions to Addiscombe? If it was proposed to grant admissions to Addiscombe without some test, some of the most effeminate and least qualified natives of India would, by cramming, just obtain sufficient knowledge to pass, and then get situations in the Artillery, to the detriment of the service.

Lord JOHN RUSSELL said, that he would state the opinions of the Government on that subject to-morrow.

The House resumed. Committee report progress.

CUSTOMS, ETC., ACTS—POST-HORSE DUTIES.

Order for Committee read. The House in Committee.

The CHANCELLOR of the EXCHEQUER said, he would now move, that with respect to post-horse duties, the following Resolution be agreed to:—

> "That from and after the 10th day of October 1853, the Duties of Excise payable under any Act or Acts now in force on Horses let for hire, and on licenses to let the same, shall respectively cease and determine; and in lieu thereof there shall be paid for and in respect of every license to be taken out yearly by every person who shall let any horse for hire, with or without any carriage to be used therewith, the following Duties of Excise (that is to say)—

	Duty. £	s.	d.
"Where the person taking out such license shall keep at one and the same time, to be let for hire.			
1 horse or 1 carriage only . .	7	10	0
And where such person shall keep, as aforesaid, any greater number of horses or carriages,			
Not exceeding 2 horses or 2 carriages	12	10	0
Not exceeding 4 horses or 3 carriages	20	0	0
Not exceeding 8 horses or 6 carriages	30	0	0
Not exceeding 12 horses or 9 carriages	40	0	0
Not exceeding 16 horses or 12 carriages	50	0	0
Not exceeding 20 horses or 15 carriages	60	0	0
Exceeding 15 carriages . .	70	0	0
Exceeding 20 horses, then for every additional number of 10 horses, and for any additional number less than 10 over and above 20, or any other multiple of 10 horses, the further additional Duty of	10	0	0"

The object of the Resolution was to consolidate all the various duties where they were now liable to be paid into a single duty. The new duties had been calculated in such a way, by those most experienced in the matter, as to make a reduction to those persons who would have to pay them, of at least 60,000*l.* a year. The new scale of duties had been much considered by the principal persons amongst the owners of carriages and horses, and it gave them great satisfaction.

In reply to a question by Mr. VANSITTART,

The CHANCELLOR OF THE EXCHEQUER said, that he believed in no case would a person now keeping horses which paid a duty but would pay a less sum than at present.

Resolution *agreed to.*

CUSTOMS, ETC., ACTS—HACKNEY CARRIAGES.

The CHANCELLOR OF THE EXCHEQUER then moved the following Resolution:—

> "That from and after a day to be named, the Duties now payable in respect of Hackney Carriages, and Licenses to keep and let to hire such Carriages, within the distance of five miles from the General Post Office in the City of London, shall cease and determine; and in lieu thereof there shall be payable for and in respect of every Hackney Carriage which shall be kept, used, or let to hire within the limits of the Act of the present Session of Parliament, Chapter 33, for the better regulation of Metropolitan Stage and Hackney Carriages, the several Duties following (that is to say)—

	£ s. d.
For and upon every License to be taken out yearly to keep, use, and let to hire any such Hackney Carriage .	1 0 0
And for and in respect of every such Hackney Carriage as aforesaid, weekly and every week:—	
	Weekly Duty.
Where the License for such Carriage shall authorise the using and letting to hire of the same on every day of the week, the sum of .	0 7 0
And where such License shall authorise the using and letting to hire of such Carriage, on every day of the week except Sunday, the sum of .	0 6 0"

He had only one explanation to state in reference to this Resolution, and that was, to call attention to the duty of 1*l.* for keeping a carriage. The present plan was to levy the duty when the licence was taken out, upon which 5*l.* was paid. In the Bill this would be provided for; those who have paid their 5*l.* shall not pay the new duty until a certain time—say three years from the 5th January next. As to the weekly duty, the tax had been so contrived that parties would have to pay 7*s.* for seven days, and 6*s.* for six days, so that those who objected to hire their carriages on Sunday would not have to pay the duty.

Resolution *agreed to.* House resumed. Committee report progress.

The House adjourned at half after Two o'clock.

HOUSE OF LORDS,

Friday, July 22, 1853.

PUBLIC BILLS.—2ª Succession Duty; Bankruptcy and Insolvency (Scotland).
3ª Land Revenues; Coinage Offences (Colonies).

SHERIFF COURTS (SCOTLAND) BILL.

LORD BROUGHAM *presented* a petition from the corporate body of Procurators of Glasgow, under their seal, and signed by their Dean of Faculty, against the Lord Advocate's Sheriff Courts (Scotland) Bill. His Lordship said that he greatly objected to this measure as wholly insufficient. Although there might be much difficulty as to the most effectual plan of abolishing the double Sheriffships, there could be none as to extending the small-debt jurisdiction, so as to put it on the footing of the English County Courts. The proposed extension of 8*l.* 6*s.* 8*d.* to 12*l.* was a mere homœopathic remedy for the evil complained of. His noble Friend (Lord Aberdeen) was thus only taking a small step indeed, though in the right direction; but it was very much better than if he took a step in the retrograde direction, which he was thankful to him for not doing, as in the present state of parties he could carry that with equal ease. The present position of himself and his noble Friend (Lord Aberdeen) reminded him of what passed half a century ago between his predecessor, a great State physician, and an irregular practitioner—the late Mr. Addington and Mr. Horne Tooke. When Mr. Addington had carried a Motion for Mr. Tooke's exclusion from Parliament, the latter respectfully thanked him for not having moved to have him hanged on the lamp post in the lobby, as the Minister would have had the same majority for that Motion. In like manner, he (Lord Brougham) was thankful for the very small step in advance, as relieving him from all apprehension of a retrograde movement, if, indeed, his noble Friend was capable of such a thing, which he believed he was not.

SUCCESSION DUTY BILL.

Order of the Day for the Second Reading read.

The EARL of ABERDEEN rose to move the Second Reading of the Bill, and said: My Lords, I rise to move the second reading of a Bill proposing to place a duty upon Successions. It is a Bill which has occupied the attention of the other House of Parliament for a considerable time past, whence, after having undergone great discussion, and having been minutely examined in all its parts, and having been fully and completely discussed, it has been sent up to your Lordships by a large majority of that House. My Lords, it is a measure which has been recommended to Her Majesty's Government by various considerations. In the first place, it enables us to relieve the industry of the country from burdens which have hitherto materially affected the employment of capital and labour; and the removal of those burdens will, I doubt not, operate most beneficially upon the industry and welfare of the country. This measure also enables Her Majesty's Government to make provision for that security which it was desirable to obtain for the means of dispensing with the income tax at the period which has been assigned for its continuance. In addition to this, the measure enables us to a certain degree to redress inequalities which have been complained of in the imposition of the income tax. The noble Earl opposite (the Earl of Derby) and his friends have complained of the inequalities arising from the imposition of the tax, without any allowance being made for precarious incomes, or taking into account incomes derived from the exercise of intelligence and skill, and they have recommended the principle of differentiation in the imposition of that tax. My Lords, upon the present occasion Her Majesty's Government have thought it right to tax property equally in all respects, without looking to the sources from which it is derived, or whether it bears more hardly upon the exercise of skill and intelligence than upon other classes. These have been the recommendations of the present measure in the eyes of Her Majesty's Government; but the greatest inducement to adopt the duty which I now propose to your Lordships, was that of remedying an injustice long complained of, and which, in fact, was gradually becoming intolerable to the country. Such was the sense of its injustice, that it could not much longer have been endured, and in a very short time it would have been impossible to avoid dealing with it. The injustice, indeed, is so manifest, that it is wonderful that it should have continued so long. Mr. Pitt, no doubt, made an attempt to remedy that which was an evil in his day, as great and as crying in its nature as in the present day; but he was defeated; and no Minister since his time has, I believe, made any attempt to do that which, although called for by the general voice of the country, the difficulties attending its execution were so great as to have deterred any Government from grappling with them. Now, however, I trust, that the country will feel that my right hon. Friend the Chancellor of the Exchequer has proved himself worthy of accomplishing the design of Mr. Pitt, and successfully he has done so; for, difficult as has been the task, he has grappled with and completed it. When I say that injustice has long prevailed in respect of the legacy duty, it is only necessary to state a single fact, and I cannot do it better than in the words of a writer held in great repute by noble Lords opposite, and to whose opinion they no doubt pay a due respect. The writer says—

> "The poor man who gets a legacy of 100*l.* pays 10*l.* direct to the Exchequer, and the executor, in addition, pays a heavy stamp on probate of the succession. But the great landowner succeeds to 100,000*l.* a year without paying a shilling to the State. A creditor in Scotland who succeeds to a bond for 100,000*l.* heritably secured pays nothing; if it is upon personal security he pays the full legacy duty of 10,000*l.* This glaring inequality, the remnant of the days of feudal oppression, or a relic of times when the landowners had no money, and when taxes could be extracted from moveable property only, should forthwith be abolished. Successions of all kinds, whether in land, bonds heritably secured, or moveable funds, should be taxed at the same rate."

My Lords, I think that is perfectly just, aad it is the opinion of Sir Archibald Alison, a writer held in the greatest esteem by noble Lords opposite. This injustice and inequality were so apparent that the noble Earl opposite seems to have contemplated some measure by which it was proposed to meet and remedy the evil—at least the late Chancellor of the Exchequer, in the House of Commons, described this legacy duty as a system of injustice, and shadowed out some course of proceeding by which a remedy was to be provided, though what that course was, we were not permitted to know. My Lords, it is on the principle that every species of succession should be equally taxed, that we have proposed the measure which I now submit to the consideration of your Lordships. My Lords, this measure, although now only proposed to be read a second time, has occupied more or less the attention of your Lordships upon different occasions. We have heard very strong denunciations of the injustice, oppression, and hardship, and great burdens which it would impose, and the grievous nature of the Bill which is now before you. That being the case, it is rather singular that that opinion does not seem to be shared by the country, for we have no petitions against the measure; although we have had petitions against every other species of burden that can be imagined. I thought when those eloquent and fervid declarations against the tyrannical and oppressive nature of this measure were so rife among us, that of course the table of the House would be loaded with petitions against it. I hold in my hand a very long list of petitions against every sort of tax, contained in the Report of the House of Commons on Public Petitions; but there is not among them a single petition against the succession tax, although the Bill for imposing it has been before the House of Commons for not less than two months, during which it has been actively debated, and this return is made up to the 15th of July. I believe that I might say the same for this House. I have been a constant attendant here, and I have heard of no petitions against this Bill, and I believe none such have been presented, with the exception of one yesterday, presented by a noble Marquess, not now in his place, signed by four or five, I have no doubt very respectable, solicitors. That, my Lords, is the amount of the public disapprobation of this measure, so far as it has been signified by petitions to either House of Parliament. But, my Lords, as I understand that the noble Earl opposite (the Earl of Derby) does not intend to oppose the second reading of the Bill, it will not be necessary to detain your Lordships by going into any examination of the provisions of the Bill contained in its different clauses, as these may be better explained and discussed in a future stage of the measure. Nevertheless, I may venture, upon this occasion, to lay before your Lordships a general view of the objects and character of the measure we now propose for your adoption. My Lords, we propose that a duty shall be imposed upon every species of succession arising in consequence of death, or rather we propose to extend the present legacy duties to every succession of every description. No other mode of transfer of property is taken into account—it is simply a duty on successions in consequence of death. At present real property, whether settled or unsettled, as your Lordships are aware, pays no succession duty, and settled personalty pays no legacy duty. We propose to redress this anomaly, for there really seems no reasonable cause why settled personalty should not be dealt with in the same manner as unsettled personalty. We therefore propose to apply the same rule to every description of succession upon death. We propose to preserve the same scale of consanguinity in measuring the amount of duty as that which now exists, with the exception that whereas at present sons-in-law and daughters-in-law are treated as strangers, and pay 10 per cent upon inheritance, we propose to place them in the same condition as sons and daughters. I know there is a great difference of opinion as to whether the existing scale might not be advantageously altered; but upon the whole, considering that it has existed so long, and that much difference of opinion prevails on the subject, I am of opinion that it is better to retain the scale as it now stands, with the single exception to which I have referred. In applying this principle to land, it was thought, from various causes, that it would be desirable to give as much consideration, and to apply it as lightly as could reasonably be required. It is therefore proposed to estimate all successions to land according to the life interest of the person succeeding. Various modes are laid down in the Bill for estimating that life interest — but it will be estimated only on the life interest. Even upon less than a life interest, in cases where a less interest exists, persons succeeding will only pay upon that interest whatever may be its amount. It is also proposed, as was proposed by Mr. Pitt, to make the succession duty payable by eight half-yearly payments. The first, however, will only commence at the end of the first year, so that a period of four and a half years will be afforded for the discharge of the obligation. That appears to me to be as lenient an application of the imposition of the tax as can well be expected. To show the operation of the proposed measure, let us take a case in which a person succeeds to a landed estate, the capital value of which is 10,000*l.* This will afford a rental of 300*l.* a year. We will take the average age of succession at thirty-five years. That, I believe, is a fair estimate, and it is borne out by what has been ascertained by taking the average age of succession of Members of this House, which is found to be thirty-five years. The value of a life interest at 35 years of age would be 15½ years' purchase, taking the average length of life at 50½ years. The sum, therefore, upon which the duty would be charged would be somewhat less than half the capital value of the estate, or 4,650*l.* The person succeeding to the estate will be charged on that sum. The duty which would be chargeable on that sum, and which would be payable in four years and a half, in eight half-yearly instalments, would be 46*l.* 10*s.*; or, if he preferred paying the amount immediately, a discount would be allowed him of 4*l.* 13*s.*, so that the whole amount of duty payable upon that succession would be 41*l.* 17*s.* My Lords, the produce of this tax is estimated at about 2,000,000*l.* annually. I know it has been supposed by some that the amount will be much higher, and I think the noble Earl opposite some time ago intimated such an opinion himself. I can only say that, according to all the best calculations to which I have had access, that does not appear to be the case, and that, allowing for those uncertainties which must necessarily occur in calculations of this kind, a sum of 2,000,000*l.* only can fairly be estimated as the produce of this tax. Considering also the amount of income upon which the income tax is payable, and which is considered to amount to 250,000,000*l.*, it does not appear that a higher sum than 2,000,000*l.* can safely be relied upon as the produce of this tax. I am aware that it has been said, both in this House and elsewhere that this measure has been conceived in a spirit of hostility to the land. My Lords, I utterly deny that such is the case. We have endeavoured certainly in the financial measures we have proposed, to do our best to reduce inequalities, and in so doing we have no doubt imposed burdens on land from which it was formerly exempt, and we have thought this measure required by the claims of justice and expediency. I, for one, have never contended that it is any advantage to the land that it should be placed upon a different footing from the rest of the property of the country. It has also been said, in a somewhat hasty manner, that the Government have resolved to lay a tax of 2,000,000*l.* upon land. Such persons neglect altogether the nature of the tax itself, and the manner in which it is proposed to be levied. My Lords, instead of 2,000,000*l.* being imposed upon land, the fact is, that upon every calculation which can be made, the utmost that can be expected to be derived, strictly speaking, from land, is only 400,000*l.*—or not one-fourth of the amount of the tax proposed to be raised. That is, exclusive of houses and leaseholds, land, strictly speaking, will not contribute more than 400,000*l.* Now, my Lords, having said thus much, and having stated the main objects of the Bill, and the principle on which it proceeds, I do not propose to go further into the provisions of the measure. The main object and principle of this Bill is, as I have already stated, to extend to all successions that duty which is now only confined to unsettled personal property. But I must make one observation on the course which I understand the noble Earl opposite (the Earl of Derby), proposes to take. I quite understand—and I make this observation with the utmost respect for the privileges of this House—I quite understand that if your Lordships receive a Tax Bill from the House of Commons which is oppressive and unjust in its nature—I say, I can quite understand your Lordships resisting such a measure, and refusing to entertain it. But I do not understand how, having adopted the principle of such a measure, your Lordships can enter upon the consideration of details, the practical consequence of which your Lordships must be very well aware of. If this measure be so unjust and so oppressive, I admit the right, and I do not quarrel with the expediency, of your Lordships rejecting it if the emergency be such as to require it. But, having assented to the principle of the measure, then to raise questions as to whether timber should be taxed in one way or another, or whether it should be taxed at all—I think that, considering the practical consequences of such a proceeding, if successful, these considerations are well worthy of your Lordships' attention. I only advert to this subject with the utmost respect and deference, but I earnestly entreat your Lordships to consider what may be the practical result of a course of this kind. I can only say that I have entire confidence in that good sense and moderation that have always been exhibited by this House upon such occasions. I believe that the course intended, as I understand, to be pursued and to be recommended to your Lordships, is such as has been very rarely practised in this House. My Lords, without further observations, I will now move the Second Reading of this Bill.

Moved—"That the Bill be now read 2ª."

The EARL of DERBY said, that although he certainly thought the noble Earl, who had just addressed their Lordships, had exhibited all his wonted prudence in abstaining from entering upon any discussion of the principles and provisions of this Bill, and in giving to their Lordships a very meagre sketch indeed of the scope and object of its enactments, yet he could not think the noble Earl had exercised the same prudence in showing what he had so often shown upon former occasions—namely, a disposition towards self-laudation—he meant the laudation of the noble Earl's Government—upon the unparalleled merits and the triumphant success of their financial policy. He thought that the noble Earl, to say the least of it, had chosen a very singular time for claiming a financial triumph, when he was introducing to their Lordships, as the basis of the financial proposals of the Government, a measure which the noble Earl had hesitated to characterise, but which he (the Earl of Derby) should take the liberty of describing to their Lordships. He confessed he entirely joined with the noble Earl in the high estimate which he had expressed of the consummate ability displayed in the course of the present Session by the right hon. Gentleman the Chancellor of the Exchequer, upon whom almost the whole burden of conducting the business of the Government in the other House of Parliament had fallen, and who certainly had with great skill and dexterity induced that House to assent to his financial proposals. But when the noble Earl claimed credit for the wonderful success of the right hon. Gentleman's financial operations, he must permit him to remind him that the scheme of the right hon. Gentleman consisted of two propositions: one having reference to the conversion of the 3 per cents, which, if not admitted by the noble Earl himself, would, he thought, be admitted by every one else—although, in the first instance, a triumphant success had been claimed for that also—yet it would would now be admitted to be a signal and melancholy failure; and the other portion of the financial scheme of the Government was the Budget, of which this Bill was the corner stone and foundation, and without which it would be impossible to carry it into effect. Indeed the grounds upon which the noble Earl defended the introduction of this measure, so far as he had defended it at all, were the inability of the Government otherwise to carry into effect the remission of taxation upon the springs of industry, and the desire to compensate to some extent for the inequalities of the income tax; and, in the next place, to redress the manifest injustice which the noble Earl considered to exist in the scale of taxation upon real as compared with personal property. Now, the Chancellor of the Exchequer, in carrying into effect the remission of taxation, was undoubtedly obliged to rely in a great measure upon the funds which he would derive from this measure. He certainly felt for the difficulty of the position in which the right hon. Gentleman and the Government were placed, when, shortly before the right hon. Gentleman assumed office, he laid it down as an axiom that no Chancellor of the Exchequer was worthy of his place who did not provide a permanent surplus of 600,000*l.*, and when, at the present moment, as the result of the triumphant financial scheme of the Government, the right hon. Gentleman ventured to hold out to the House of Commons a possible surplus of 100,000*l.* provided Parliament gave him the 2,000,000*l.* to be derived from this tax. It was by the merits of this Bill—by its justice, its policy, its practicability, and its expediency—that the financial merits of the present Administration were to be judged, and their scheme of financial policy to be appreciated. And if the present Bill were, as he believed it to be, essentially unjust, oppressive, and impracticable—if it led to interminable evasion and constant vexation—if it altered the whole character of the property of this country — if, retrospectively, it imposed obnoxious and heavy burdens upon all former settlements—then, whatever pecuniary advantages might be derived by other classes of the community from remissions of burdens purchased by the adoption of a system so unjust and oppressive, he, for one, did not envy the Government that proposed this measure, with all its injustice and oppression, and then claimed credit for having relieved other classes of the community from grievances by the instrumentality of such a measure. With regard to the diminution of the inequalities of the existing income tax, inasmuch as no alteration whatever had been made, he confessed he was at a loss to understand the meaning of the noble Earl; but he presumed his meaning was, that by imposing additional burdens on real property their Lordships would compensate, to a certain extent, for an undue amount of pressure of income tax upon income arising from precarious sources, as compared with income arising from realised landed and personal property. But the noble Earl went on to make the assertion—and a bold one it was—that the introduction of this measure was imperatively demanded by a sense of justice, looking to the favour which had been shown in the taxation of the country to the landed interest, and to realised property, in comparison with personal property. The noble Earl said that the exemption of real property and settled personal property, from succession duty was a grievance and an evil so crying and oppressive that the only wonder was that it had been tolerated so long, and that in a short period it would have been found intolerable. The noble Earl also said that Mr. Pitt had endeavoured to impose a succession duty, but had failed; and that from that time to the present no Minister had been found who had ventured to introduce to Parliament a proposition dealing with this subject. At length, however, Parliament had found a worthy successor of Mr. Pitt, a phœnix Chancellor of the Exchequer, in whom Mr. Pitt rose from his ashes with redoubled lustre, who had ventured to attempt what Mr. Pitt had failed in effecting, and which every Minister from Mr. Pitt's time to the present had shrunk from attempting. Now, he (the Earl of Derby), left it to the House and to the country to judge whether, there being such manifest advantages to be derived from such a tax, if such a measure had been founded on justice and capable of practical execution, some other Minister besides Mr. Pitt would not have ventured to attempt to avail himself of such a resource, and whether such an attempt as the right hon. Gentleman had made did not rather indicate rashness than any marvellous skill in making such a new proposal to the House. But let their Lordships see how the Bill would operate upon land and upon realised property. He begged noble Lords to bear in mind that he was not talking of the distinction now introduced as between land and other property, but of two distinctions which must be borne in mind, both of which this Bill proposed to deal with—the first, the distinction between real and personal property, real property including not only land but many other things; and that further distinction which it was, for the first time, sought to abrogate and abolish—the distinction between property devised and property in settlement. The noble Earl said, in pointing out the distinction between real and personal property, that real property was exempted from the operation of the legacy duty, while personal property was subject to it. But were there no charges to which real property was subject in this country, from which personal property was entirely exempted? And if the noble Earl was bent on equalising the burdens upon real and personal property, would he assent to subject personal property to an equivalent, or to anything like an equivalent, to the burdens to which real property was subjected under the existing law, and which, he could assure their Lordships, far more than counterbalanced the advantage, such as it was, of being exempt from legacy duty? Take only the poor-rates and the county rates. The total amount of real property, as shown by the poor-rates, was 67,000,000*l.* a year, or thereabouts; the charge upon that property for poor-rates and county rates being about 6,000,000*l.*, amounted to something like 1*s.* 10*d.* in the pound per annum. That was the amount which was borne by real property in this country, and from which personal property was altogether exempt. Now, he did not say that there might not be very good reasons for exempting personal property from those taxes, by reason of the difficulties of collection, and, perhaps, the impracticability of localising that species of property so as to render it liable to the impost. The total amount of property rated to the income tax was 230,000,000*l.* a year, from which, if you deducted the 67,000,000*l.* which paid to the poor-rates, it left a sum of 163,000,000*l.* of personal property which did not contribute one single shilling to that charge for the poor, which he thought their Lordships would admit to be a charge which ought justly to fall upon all property alike, but which did practically fall upon less than one-third of the whole property of the country, that one-third of the property being thereby subjected to a tax of not less than 1*s.* 10*d.* in the pound annually, from which the other two-thirds of the property of the country were exempt. Now, a tax of only one half this amount upon personal property—a tax by way of commutation for poor-rates of only one half the amount of that which fell now upon real property—would produce at 11*d.* in the pound no less than 7,500,000*l.*; and so, if personal property paid its due share of taxation—if it paid, not its due share indeed, but only one half of the amount to which real property was subjected in respect to these charges, it would furnish us with a sum of 7,500,000*l.* a year—a sum amply sufficient, and more than sufficient, to enable us to dispense altogether with the succession duty, to do away with the legacy duty, to do away with the probate duty, and place a very considerable surplus in the national exchequer. Now he was not proposing the imposition of such a tax; but when they came to argue this question as a matter of justice, and as a proper balance of taxation between class and class, then he thought he was entitled to show their Lordships what was the operation of the taxes to which he had alluded, and to show how that single charge upon real property infinitely counterbalanced the exemptions which it was declared to enjoy. Say what you will, it was quite certain that a legacy duty or a succession duty was in point of fact only a property tax in another form. It was a property tax, and a property tax of the most obnoxious and objectionable character, far more objectionable than would be an annual levy to the same amount upon property, which, as he had shown, already stood alone in paying 1*s.* 10*d.* in the pound for the relief of the poor. It was said that personal property paid under the legacy duty 1*s.* in the pound; but if strict justice were to be insisted upon, those who made not the slightest objection to the exclusive payment by real property of 1*s.* 10*d.* in the pound annually, might be fairly called upon to show why they should not have to make a similar contribution to the public burdens; and if they were exempted from the payment of 1*s.* 10*d.* in the pound borne by real property, why were they to complain of the exemption of property so exclusively burdened from the comparatively light charges, under the law as it at present stood? The noble Earl had told their Lordships what he (the Earl of Derby) fully admitted—that the legacy duty was in itself a most obnoxious impost. Be it so; but what was the noble Earl going to do? Was he going to remove the impost which he considered so obnoxious? Not in the least. He was going to leave all the pressure and hardship of the legacy duty as it stood; but the noble Earl thought those upon whom it bore might be reconciled to this obnoxious tax if they could only see the same amount of oppression and vexation thrown upon other property and another class. Now, that was not a very amiable view of human nature. It might be very true that that was the way in which men were sometimes disposed to act towards their neighbours; but he thought he had shown that in this case those neighbours were already burdened by special taxes and special enactments, and were subjected to much greater pressure than the persons who declared them to be peculiarly exempt from national burdens. He repeated that a legacy duty was a most objectionable tax; it was an objectionable mode of levying a tax upon property: but it was peculiarly objectionable when applied to landed property. In the case of personalty the legatee was enabled to devote at once the portion of the gross amount of his legacy to the payment of the tax due to the State; he was subjected to no inconvenience in doing so, and the remainder was clear gain to him. But apply the tax to land which had passed by devise. The land was not capable of being so subdivided, and the man to whom twenty or thirty acres of land came in the shape of a devise was not in the same position as the man who received the price of twenty or thirty acres of land. The successor to landed estate could not cut off an acre or an acre and a half and sell it for the purpose of paying the tax; but he was compelled to incur a debt in the first instance, which frequently became one of the most onerous character, and which he might not have the means of paying for some time; and when, therefore, Government stepped in and called upon him to raise a heavy sum of money upon his succession, it was to such a man a great and serious hardship. And as to the principle involved—what had their Lordships been hearing for the last four or five years? What had been continually dinned into their ears by noble Lords opposite but that, of all taxes, of all abominations, of all impediments to improvement, of all grievances as connected with land, the payment of a fine on copyhold property was the most oppressive, the most grievous, the most subversive of all possibility of improvement—it was a system which could not endure the light for a single moment; and Parliament had, therefore, been asked to pass compulsory enfranchisement Bills for the relief of the copyholder; and what was the Government going to do by the Bill now before their Lordships? They were going to make all the land in the country copyhold. That which they would not tolerate, that which they declared was so grievous a burden, which offered such serious impediments in the way of improvement, and which they decided was an outrage upon the feelings of natural grief at the moment of death, when it existed in the few cases of copyholders—that which they insisted on getting rid of in these private cases—they were now about to adopt with regard to all the land in the country. They were placing every fee-simple estate in the country at the power of the Crown just as if it were copyhold estate; they were reviving a system of taxation of landed property which did exist in ages far remote, but which had been found then to be so intolerable, so inconsistent with all the principles of the English system of land tenure, that since the time of Charles II. down to the present day there had been no attempt to reimpose it.

He had endeavoured to show thus far, not that the Government were relieving personal property from any vexatious impost, but that they were subjecting landed and real property to a similar or even a much greater amount of vexation, and to a process wholly repugnant to the principles for which they had been contending for the last few years with regard to the holding of land. He came now to another conclusion, which was for the first time lost sight of in the present Bill, and which was more important still—namely, the distinction between devised and settled property. He could not, apart from the peculiar circumstances affecting land, draw any broad distinction between the case of land devised and settled property devised. But what was the case with regard to the law in respect to settlement? The whole of the Bill, as far as related to the law of settlement, was a retrospective enactment of the grossest character, imposing by *ex post facto* legislation a tax, not upon that which a person had to inherit, but upon that which by law, by deed, by every solemnity which could be attached to it, was at this moment, and had been for perhaps twenty years, the property of the individual whom they were now about for the first time to tax. Observe, the Bill was to touch all the settlements of property, real and personal, throughout the whole country, upon which the fortunes and the position of every family in England depended, for the miserable purpose of raising a sum, as the noble Earl stated, at first of 400,000*l.* a year, and ultimately of 2,000,000*l.*, for the miserable purpose of getting rid of the soap duty and diminishing the tea duties. These were good enough things in their way he admitted:—but this was the financial triumph of the present Administration! The financial triumph of the present Administration was a measure which upset every family arrangement, every deed and every settlement, throughout the length and breadth of the land. As far as the justice of the case was concerned, settled personalty stood precisely upon the same footing as settled realty; and the injustice of the Bill was equally applicable to both—they were, by *ex post facto* legislation, upsetting all the foundations of property settled throughout this country. He protested against being supposed, by not asking their Lordships to divide against the second reading of this Bill, to assent to the Bill—he protested against being supposed to assent in the slightest degree to the principle of the measure. What was the second clause of the Bill? It enacted that—

> "Every past or future disposition of property, by reason whereof any person has or shall become beneficially entitled to any property, or the income thereof, upon the death of any person dying after the time appointed for the commencement of this Act, either immediately, or after any interval, either certainly or contingently, and either originally or by way of substitutive limitation, and every devolution by law of any beneficial interest in property, or the income thereof, upon the death of any person dying after the time appointed for the commencement of this Act, to any other person, in possession or expectancy, shall be deemed to have conferred or to confer on the person entitled by reason of any such disposition or devolution a succession."

That was to say, that every person who, by any deed passed twenty years ago, had become absolutely entitled in reversion to the property which had been made the subject of family settlement, which might have been given as security for money borrowed, or might have been disposed of by law in the open market, with the full certainty that the law gave him an indefeasible right to that property—every such person came under the operation of this law, and the moment he entered into the possession of his own the Government stepped in and deprived him, not of property which he then acquired for the first time, but of that which was his before the death of his predecessor. Well, then, look at the third clause, which enacted that—

> "Where any persons shall, at or after the time appointed for the commencement of this Act, have any property vested in them jointly by any title not conferring on them a succession, any beneficial interest in such property accruing to any of them by survivorship shall be deemed to be a succession."

He would put a case, and far from an impossible one, which might arise under this Bill. He would take the case of three elderly maiden ladies, who upon the death of their father had agreed to put together such means as they had, and to reside together for the remainder of their lives. Suppose them each to have a life annuity, and that, combining together, they were enabled by the joint proceeds of those annuities to live in tolerable comfort. Suppose those three ladies also, for the purpose of having some common home in which to pass the remainder of their existence, had purchased a house or cottage which was held in fee-simple among the three ladies, with benefit of survivorship. This was not at all an improbable case. What happened? The first of the sisters died, her annuity dropped, and the two remaining sisters lost, of course, the benefit of one-third of their former income. Their difficulties were therefore considerably increased; but they had the benefit of survivorship, and, at the moment when they had lost the advantage of their sister's income to maintain the joint establishment, in stepped the Government, represented by the taxgatherer, who claimed from them a tax upon the benefit of survivorship, in the right of their house and garden. The second sister died, and the last was left, perhaps, at the age of seventy or eighty, the sole representative of the family, living in the house which her sisters inhabited for many years. Again occurred the benefit of survivorship, and when she had only her own single annuity to depend upon, in came the taxgatherer again, and, inasmuch as this cottage and garden were in fee-simple, this wretched creature, now seventy or eighty years of age, was taxed at the highest amount under the law. If he rightly understood the operation of the Bill, she would be taxed at the rate of 24½ years' purchase of her cottage and garden; and, if that were so, the poor creature would have nothing to do but to part with her house and premises, which were endeared to her by old associations, and in which she had hoped to die, in order to satisfy the claims of the taxgatherer under an Act of Parliament which she never dreamt of, or could dream of, at the moment she purchased the property. He had in this taken a case upon a very small scale. He would now take one upon a different scale. Turn to the 34th clause of this enactment. That clause provided—he hardly thought that those of their Lordships who had not read the Bill would believe that such could be its provisions—it provided that—

> "In estimating the value of a succession, no allowance shall be made in respect of any incumbrance thereon created or incurred by the successor, not made in execution of a prior special power of appointment."

Now, take the case—he would not mention any names, but their Lordships would all know that there were cases similar to that he was about to mention—of a once princely fortune of 50,000*l.* a year, the owner in possession being a tenant for life, and being deeply and inextricably embarrassed. Take the case of a son, the successor to that property, who, coming forward to the relief of his father, had sacrificed all his prospects for life, and consented that the estate, with his reversion, should be mortgaged for 40,000*l.* or more a year out of the 50,000*l.* Suppose that that son condemned himself with his eyes open to the reduction of his fortune, so that there was left him barely sufficient to keep up the estate; and when he had cut down his income by that act of filial duty from 50,000*l.* to 10,000*l.* a year, the law stepped in and said that the incumbrance upon the reversion was contracted with his own consent, and that upon 50,000*l.*, and not upon 7,000*l.* a year, should he pay the tax the instant he entered upon the succession thus reduced by his own generous act. Was not this a monstrous case? Mind, no notice had been given to the son in such a case. On the contrary, believing that he might rest upon the security of the law, and upon the inviolability of property, he would have made unparalleled sacrifices; the result of which was, that their taxation—their iniquitous taxation—as he must call it, reduced the son to be almost a beggar, in consequence of the generous assistance extended by him to his father! Was there any justice or equity in this, and was it tolerable that such a law should pass—an *ex post facto* law, having an operation of that kind? But then they were told, "Oh, but he should not have sold his reversion." Now, he thought they had better have told him that before he did it. Well, but suppose that, with the natural reluctance of a man to part with his ancestral possessions, he had not sold the reversion of his property. In that case the individual would no doubt escape the injustice to which he alluded, but they made him an instrument of fraud upon other persons. By the 15th clause, if the reversion of the property were sold, the person in whom the property was vested, upon the death of the life tenant, found himself placed in the position in which the successor would have been, and they taxed him as if he had come into possession in his own right by the death of the predecessor. There was a gross injustice in this. The successor, it was true, escaped, but escaped by fraud; and under this *ex post facto* legislation the person in whom the property was vested, by alienation or otherwise, found himself liable to a heavy charge which he had not dreamt of, although he had given a full and fair price at the outset for the value of his reversion. Again, suppose a man raised money upon a reversion, or the security of a reversion. The money being spent, the lender would come for his security, and would find that that security had diminished by the operation of this law; so that what had been in the first instance perfectly sufficient to cover the amount he had lent, might be made insufficient, and, consequently, he was deprived of what he had a fair right to expect. Was there any justice or equity in such a course of proceeding? He would not weary the House by multiplying cases to show the retrospective operation of the Bill, but he was convinced it would inflict injustice and hardship on all classes of the community. There was one point in which settled personalty did materially differ from settled realty, and that was in the infinite number of frauds to which, in regard to personalty, they would be subjected. They knew the property and to whom it went in the case of settled realty, and there could be no difficulty in levying the tax, or evasion with respect to it; but he did not see how it would be possible with settled personalty to get at the person who succeeded to it, or to whom it had devolved, or, in point of fact, to get at the property at all. There would be no means of tracing it. A man might have been living for all his life at the apparent rate of 1,000*l.* a year, and yet when he died his executors might be at a loss to know where the greater part of his income had been derived from. There might be property of which the executors knew nothing, or of which his family knew nothing; he might have had a life interest in railways, in canals, or in banks, but his will would show nothing of it, and his bankbook would show nothing of it. The consequence would be, that there would be, with regard to settled personalty, constant and perpetual frauds and evasions, which would render the collection of the tax a matter of considerable difficulty. The framers of the Bill had evidently perceived that, and he begged their Lordships' attention to the mode in which they proposed to meet the difficulty. That mode was, by a system so inquisitorial and so objectionable

The Earl of Derby

in every respect, that he was satisfied of this—let the noble Earl opposite say what he pleased about the imposition of this tax being the means of getting rid of the income tax, and boast as he pleased about the absence of petitions against it—he (the Earl of Derby) was certain that such would be the operation of this Bill, that at the end of seven years the noble Earl who talked of the absence of petitions now, would find that the machinery of the tax was so odious that there would be a very general petition as to the merits of the two taxes, praying that the income tax should be continued, and this intolerable and oppressive tax removed. By the 42nd clause the duty was made a first charge upon the property; and certainly, in looking through the Bill, it appeared as if the Chancellor of the Exchequer must be very hard run for ready money, for the Bill proposed to give him power to raise money in a mode which had always hitherto been discouraged as much as possible in private life, and which was always accounted one of the most uneconomical and most discreditable modes of raising money—namely, by *post obits.* The Chancellor of the Exchequer was authorised by this Bill, on the part of the public, to raise money by *post obits*—to anticipate the money to be paid upon reversions, and to allow the persons so paying in advance an allowance calculated upon the time, during which the payment would otherwise be deferred upon an approved rate of interest. That was the new plan of raising money—anticipating the revenue for five, six, seven, eight, or ten years, according to the most extravagant and expensive mode of calculation. He could not help thinking that this clause indicated no great confidence on the part of the Chancellor of the Exchequer in the duration of the tax; it seemed as if he meant to get all he could, and take the chance of the law being repealed, and of not having to pay back the duty which he might have received in advance if such were the case. He was about to refer to the machinery by which it was proposed to secure the collection of the duty. He would beg to call the attention of such of their Lordships as were now acting as trustees to the persons enumerated in the Bill as being liable for the payment of the duty. Every guardian, committee, tutor, curator, or husband, was made liable for the payment of the duty on any succession, but to the extent only of funds disposed of by them. The noble Earl himself must have felt strongly the gross injustice of this measure, if he thought that a trustee should be thankful for not being charged with the payment of duty on property that never came into his hands—

Earl GRANVILLE: The same proceeding that now took place under the legacy duty would take place to the full extent under the succeession duty.

The Earl of DERBY said, he did not think the noble Earl was attending to what he said. There was a broad distinction between the case of a trustee who was concerned in the payment of duty on property passed by will, and property under settlement. In one case there would be no difficulty in ascertaining the liabilities, and in the other case he might not be able to ascertain them. Next, it was proposed that all the persons who were made accountable should give notice to the Commissioners or other officers of their liability. The 45th clause provided that—

> "The persons made accountable for the payment of duty in respect of any succession, or some of them, shall, in the case of personal property, at the time of the first payment, delivery, retainer, satisfaction, or other discharge of the same or any part thereof to or for the successor or any person in his right, and in the case of real property, when any duty in respect thereof shall first become payable, give notice to the Commissioners or to their officers of their liability to such duty, and shall at the same time deliver to the Commissioners or to their officers a full and true account of the property, for the duty whereon they shall respectively be accountable, and of the value thereof, and of the deductions claimed by them, together with the names of the successor and predecessor, and their relation to each other, and all such other particulars as shall be necessary or proper for enabling the Commissioners fully and correctly to ascertain the duties due."

That was pretty well. The executors were made the instrument for giving information to the Government taxing officers. They were bound to give notice to the Commissioners, to deliver to the Commissioners a full and true account of the property and the value thereof, and all the particulars necessary to enable the Commissioners to ascertain exactly the duty payable; but, if the Commissioners were dissatisfied with the information so given, they were authorised to cause another account to be taken by persons appointed by themselves, with power to examine into all such papers and documents as might be necessary to make a new assessment; and if the trustee did not appeal against that decision, he was to be saddled not only with the additional amount of duty, but also with the expenses of the inquiry and examination instituted by the Commissioners at their discretion. His only alternative was to appeal, which appeal, in cases where the amount was above 50*l.*, was to lie to the Court of Exchequer, which had power to distribute the expenses as it might think fit. Here was a trustee, having no interest, made personally accountable and liable to furnish all these documents and give all this information; and in the next place he was compelled to accept the estimate of the Commissioners themselves, or to incur the expense of an appeal to the Court of Exchequer. If the person who was liable to the payment of duty should fail to pay it within one month, for every month he was in default he was liable to pay, by way of penalty, a sum of 10*l.* on the whole amount. He would not go through a variety of clauses by which provisions were made for every possible case; for a case, for example, where payment of the duty was made in the first instance, notwithstanding contingent incumbrances, and where it would be necessary to call on the Commissioners to obtain a remission of a portion of that duty. No doubt such machinery as this—grievous and inquisitorial as it was—was necessary to the collection of the duty; but he contended that it very seriously deteriorated from the expediency and the good policy of the imposition of such a tax, and was a serious diminution from that immense credit which the noble Earl had taken to himself and the Chancellor of the Exchequer for the triumph of their financial operations. But he had not quite done with the vexations and annoyances of this Bill. The noble Earl had told them that the duty was to be levied as upon the value of an annuity, estimated according to the life of the person coming into possession. Perhaps the noble Earl would explain to him at what rate or on what condition a person seised in fee-simple was to be taxed for an annuity—for while he told them on the one hand that a person should be taxed by way of annuity on the probable duration of his own life, he found in a clause of the Bill that there was an annuity to be charged for a period of ninety-five years, or in perpetuity, which he apprehended was a case of fee-simple; and consequently on a person coming into possession of a fee-simple, the duty would be charged at the rate of twenty-four and a half years' purchase of the property—that person inheriting from a remote ancestor. He would take another case. They would naturally suppose that when a son succeeded his father he would have only to pay a duty of 1 per cent in all cases. Not at all. If that property should have descended from a remote ancestor, and his father have been only tenant for life, and the son succeeded to the father in consequence of an original settlement, he was to be charged with the full amount of 10 per cent, though he should succeed his father in property of which he had been long in possession. He knew of several such cases. He would take the case of a man who had the misfortune of being a natural son. He had long ago the property settled upon him; he had a son, or perhaps a daughter, or it might be a case in which the property had been settled on a natural daughter and her heir male. She had taken this property, and the heir male had the right in reversion to this property long before the passing of this Act; but, inasmuch as she had no legal claim, when she died, and her son came into possession of the property, he had all his feelings wounded and embittered, in addition to the pecuniary injury done to him by the tax, by being told that in consequence of the misfortune of his mother's birth, which it was possible he then learnt for the first time, he succeeded to the daughter of nobody, and consequently he was taxed to the amount of 10 per cent, as if he had received his estate from a perfect stranger. He would ask their Lordships next to consider by what process it was proposed to ascertain the value of an estate to be charged in the first instance with the payment of this tax? The 49th clause provided that—

> "Every person who, under the provisions of this Act, may deliver any account or estimate of the property comprised in any succession shall, if required by the Commissioners, produce before them such books and documents in the custody or control of such person, so far as the same relate to such account or estimate, as may be capable of affording any necessary information for the purpose of ascertaining such property and the duty payable thereon."

Thus the Commissioners had the power, under this clause, to compel them to produce, not only all their rentals, and leases, and covenants with tenants, and to lay bare all the circumstances of their estate, and all their embarrassments, but the whole amount of their mortgages and their family settlements, and make these Commissioners acquainted with all the circumstances of their family—and even, he believed, of their title deeds. He was told that it would not be absolutely necessary for the Commissioners so to call upon them; but it was clear that if the Commissioners should be of opinion that their documents were necessary, they might call upon them for their title deeds, just as well as for any other document. Certainly, so far as he saw, there was nothing in the clause to prevent them. When by this disclosure of their family affairs and settlements, and all that had been secret, even to the members of their family, had been effected—then, in estimating the value of land used for agricultural purposes, houses, buildings, &c., when the property was not of fluctuating character, an allowance was to be made for all necessary outgoings; but who was to judge of what should be necessary outgoings? As far as this clause went, the Commissioners might hereafter, according to their sovereign will and pleasure, tell every man what he should lay out on his estate, and the amount of expenditure he should be entitled to deduct from the duty payable to him. Then, again, he would beg their attention to the provision with regard to mines. How was it proposed that the yearly value of mines, and property of a fluctuating character, should be ascertained? The 26th clause provided—

> "The yearly value of any manor, opened mine, or other real property of a a fluctuating yearly income, shall either be calculated upon the average profits or income derived therefrom, after deducting all necessary outgoings, during such a number of preceding years as shall be agreed upon for this purpose between the Commissioner and the successor, before the first payment of duty on the succession shall have become due."

Now, he defied any man living to tell the principal value of a mine, a mine in course of working. There might be mines worth a million, only they could not raise it in the course of the next 100 years. There might be mines worth one million, that were not drawing one-hundredth part of the annual value, and might not possibly pay the cost of working them for a number of years. When the principal value was ascertained, 3 per cent per annum was to be charged on the amount of such principal value. Though they were realising nothing, still they were to be taxed 3 per cent on the value of their mine. One more case, and he would have done with the injustices and hardships of the Bill. Take the case of timber. With regard to timber, a calculation in the first instance was to be made of the net amount that might be received by the sale of the timber in an average number of years; and if that calculation was accepted, then the duty was to be fixed; otherwise, he would have forthwith to announce the fact to the taxgatherer—to show him the accounts of his woodcutters, and the charges for carting, and so on—to go through all this process for the purpose of telling the taxgatherer that the sum of 4*s.* had become due to Her Majesty. Certainly the penalty for non-compliance with those regulations was not very formidable, and he had no doubt that many of their Lordships would prefer violating the law to going through all this process. The duty payable for cutting 10*l.* worth of timber was 4*s.*, and the penalty for failing to give the necessary information was 10 per cent, so that they might violate the law systematically and perseveringly at the rate of about ½*d.* per month. This tax upon the casual cutting of timber was a gross injustice, as well as a permanent, constant, and wearying system of vexation. If either of the noble Earls acquainted with Cumberland had been present, they would have been able to tell their Lordships of the disastrous effects of the storms of 1849, by which timber was blown down which they would probably have given many thousand pounds to preserve. If such were to happen again, and if they presumed to make the least use of those fallings, instead of leaving them to rot on the ground, they would have to go to the taxgatherer and acquaint him of what they had done—to tell him that they had suffered a damage which they would probably have given much to avoid, and, consequently, that it was their duty to pay a very considerable sum to Her Majesty. He confessed it was with some regret that he had heard the noble Earl, in introducing this Bill, make use of the claptrap argument that it was unfair that the rich man of 10,000*l.* a year should be exempted, while the poor man should pay who only came into the possession of 100*l.* That, he thought, was not a sound argument, nor one which ought to be put forward in that House. He could tell noble Lords that they were much mistaken if they thought that it was upon the rich that the burden of this tax would fall. It was upon that numerous class of men who were just able to keep themselves above water, that the tax, with all its vexations, its annoyances, and its expenses, in the shape of perpetual litigation, would chiefly fall. He had been much surprised to hear, the other day, on the authority of Mr. M'Culloch, that the average amount of rentals from landed property in this country was not above 170*l.* He would leave it, then, to their Lordships to consider—taking into account the many large landed properties of the country—what an enormous number of rentals there must be of from 50*l.* to 100*l.*, or even below that. All these holders would be subject to the annoyances and vexations of this Bill. Such persons as these must almost necessarily be thrown into the hands of lawyers, and there could be no doubt that the lawyers must reap an abundant harvest from the proposed new system.

He had now stated to their Lordships his objections to the Bill. They were not objections only to details—they were objections to the very principle of the measure. He had endeavoured to show their Lordships, first, that on the ground of justice there was no reason to impose an additional and most obnoxious tax on the owners of real or settled property. He had endeavoured to show that with respect to property, and settled property more especially, there would be an amount of fraud and evasion created by the Bill, which would either deprive them of a greater portion of the pecuniary result of this measure, or would cover the country from one end to the other with an interminable litigation; that with respect to settled property they were for the first time introducing an abrogation of the distinction which had always been drawn between it and devised property, and that, in doing so, they were subjecting, by a retrospective operation, all owners of such property to an amount of grievous oppression and injustice not to be compensated by any amount of pecuniary advantage to the revenue. He had shown that the owner of property must be subjected, not once for all, as in the case of the legacy duty, but from the commencement of his possession to the close of his life, to a constant succession of inquisitorial proceedings—to an exposure of his family settlements, of the secret disposition of his property, and of all his secret embarrassments, and that from time to time he never would be free from the most odious of all positions—that of a public accountant for a debt which never could be discharged. He had shown them that the Bill would not press exclusively, or even principally, on the large landowners, or on the wealthier classes—unjust as he thought that would be; but that it would press more heavily and seriously on the humbler classes, who were at present ignorant of its operation. They had not, indeed, as the noble

Earl remarked, loaded the table with petitions against this measure, which they had been led to believe was for the purpose of taxing the great owners of property; but he did not hesitate to say, five years would not pass before their Lordships would have no reason to complain of any want of petitions and appeals to them to provide a remedy for the grievances to which this Bill would give rise. Now this Bill, which was the crowning triumph of the Government of the noble Earl opposite—this measure, which was the basis whereon the fame of his administration in finance must rest—and which was the main principle of that Budget which had placed Mr. Gladstone on a pinnacle of eminence far higher than that on which Mr. Pitt's character, as a Finance Minister, rested—was not a measure to meet any present exigency of the State, or introduced as a temporary measure which might be tolerated for a short period, but was laid down emphatically in the preamble as being the permanent system under which the financial affairs of this country were to be administered. Now, he told the noble Earl, that as a permanent measure under which the finances of the country were to be administered, this country would not bear it—nay, more, that this country ought not to bear it; and he was satisfied that so far from this Bill being permanent, even if the noble Earl succeeded in passing it in its present shape, no very lengthened period would elapse before it would be repealed by the unanimous demand of all classes in this country who were connected with property, except the attorneys and solicitors, who would derive a very rich harvest from the litigation which would arise under it.

And now one word as to the course he would take. The noble Earl had said he could understand the course of objecting to the principle of the Bill, and rejecting it on the second reading; but that he could not see how they could assent to the second reading and to the principle of the measure, and then ask the House to deal with the details in such a way as to defeat the object in view. Now, in the first place, he protested on the part of himself and of the noble friends with whom he had the honour to act, against being held in the slightest degree to assent to the principle of the Bill, and, though they should abstain from taking the sense of the House on the second reading, and content themselves with saying "Not content," they should take that course, not in the absence of a strong sense of the evils and unparalleled injustice of the Bill, but from a desire not unnecessarily to embarrass the financial affairs of Her Majesty's Government. But at the same time he must say, that if their Lordships were to carry their submission so far, and if they were humbly to bow the head to every injustice that the House of Commons pleased to inflict; if they were to tell them they were exceedingly thankful for inflicting this grievous injury because it was no worse; and if they allowed the rights of the people to be infringed, and serious injustice done to the community at large because the privileges of their Lordships' House prohibited their seeking to limit the evil and to mitigate the injustice—better, he said, would it be for their Lordships to abandon their functions altogether, and not to have any Taxation Bills at all sent up for their consideration. And he trusted that the House of Commons would not push their privileges to the extent he had indicated. He trusted their Lordships would not, notwithstanding the advice which had been given to them, pass that Bill as it stood; and though he would not ask them to reject the Bill at this stage, he certainly would not abstain from submitting, on Monday next, such Amendments as, in his judgment, would tend to mitigate the grosser injustices of the Bill. The first Amendment he should submit would arise on the second clause of the Bill, with respect to which he would propose the omission of the words "past or," so as to make the Bill altogether prospective in its operation. It would save all those settlements and rights of property that had been created under a different state of the law, and without any expectation on the part of the persons who were interested that either House of Parliament would, by any legislation, affect their rights. He should probably propose other Amendments also. He should submit these Amendments with no desire that the Bill should not have the fullest and fairest consideration; nay, in the present state of circumstances, with no desire that a Bill founded on the principle of the Bill before them should not pass for the present; but amongst his Amendments there was one, by which he should ask for the judgment of their Lordships, whether they were prepared to adopt this measure, not only as a means of meeting the present temper of the people of England, but as a permanent system on which the finances of this country shall be established.

The Duke of ARGYLL said, that any

noble Lord who should rise to follow the noble Earl (the Earl of Derby) would at all times require the indulgence of the House, but that he himself always felt that he stood especially in need of it. He did not, however, despair, humble as were his powers, of persuading the House that the noble Earl had materially misrepresented the Bill now before their Lordships, and that it was not characterised by the mischief and injustice which he had attributed to it. The first part of the noble Earl's speech consisted of a passage of irony directed against his noble Friend at the head of the Government, because he had ventured to pass a high, and, as he (the Duke of Argyll) considered, a just eulogium on the right hon. Gentleman the Chancellor of the Exchequer; but he (the Duke of Argyll) did not think that the irony of the noble Earl was at all deserved. They were accustomed to refer to *Hansard* for the purpose sometimes of showing that opinions once held by certain persons had been abandoned, and for other purposes of the day; but he believed the speech of the right hon. Gentleman the Chancellor of the Exchequer, in introducing his financial scheme during this Session of Parliament, was one of those speeches that would be referred to at future times for the guidance of that and the other House of Parliament in the settlement of great principles of finance, and the public policy of this country. The first point in detail to which the noble referred was with regard to the Budget of the Government, and he expressed his surprise that the surplus was so extremely small; but he (the Duke of Argyll) could only say that Her Majesty's Government owed no thanks to the friends of the noble Earl opposite that the surplus was not smaller—for during the Session that section of the friends of the noble Earl with whom he was more immediately connected voted against every proposal for a new tax, and in favour of every proposal for removing an old one. The next point to which the noble Earl referred, was to the incidence of local taxation upon real property as compared with personal property, and he combated the argument of his noble Friend at the head of the Government, that it was unjust that real property should be exempt from the legacy duty. That was an old subject, and had been frequently debated in their Lordships' House. He did not know that the landed interest would be materially benefited if it were possible to extend to personal property the incidents of local taxation. Of course, the personal property of farmers and their stock in trade would be subject to local burdens; and he did not think it was possible that the noble Earl himself would propose as a means of relief to the landed interest, that personal property should be liable to the charges which now ordinarily fell upon land. If the noble Earl did propose it, and if such a system were adopted, he believed those incidents would tell most seriously against the landed interest, and the occupants of land. The noble Earl went on to say that the measure of the Government placed in effect all the real property in the country in the position of copyholds subject to fines, with the Chancellor of the Exchequer as receiver. It was a plausible analogy, but there was a great fallacy in it, for the principal evil of fines was their arbitrary and uncertain rate; whereas in the case of the succession duty the rate of tax would be fixed, and payable only at certain and known times. The next point to which the noble Earl adverted was to what he considered the enormity of extending the principle of the legacy duty to settled as well as to devised property. There had been much discussion on the point; he (the Duke of Argyll) confessed that the distinction which noble Lords opposite seemed to draw between persons in possession of property under wills, and persons in possession of property under settlements, seemed to him altogether fanciful and arbitrary. He could not see any difference in abstract principle, except, as had been said by his noble Friend on the woolsack, that one was possessed of his property by a will of a short date, and the other by a will of a long date. And when the noble Earl said he thought the principle of a legacy duty was a bad one, he (the Duke of Argyll) must observe that he did not agree with him. He did not think they could often recur to abstract principle in defence of any tax; but if there was one occasion on which he thought they ought fairly to declare that it was the duty of individuals to contribute to the necessities of the State, he thought that all persons were especially called on to contribute when they were receiving benefits and advantages solely by the force and authority of the public law; and if there ever was a time in a man's life when this was the case, it was when, by virtue of the will of his predecessor, he became the possessor of property. So much for the general principle of the tax.

And so far as the distinction between property taken by will and that taken by deed went, he thought the obligation to contribute to the necessities of the State was greater in the latter than in the former case. A settlement often carried a property to a fixed and final destination against the likings and dislikings of intermediate possessors, and he thought that a person who came into its possession under such a law, which could only be maintained in a highly artificial and settled state of society, was certainly liable above all others, in abstract principle, to be called upon to contribute to the necessities of the State. He would not follow the noble Earl into all the remarks he had made on the clauses of the Bill, as they were merely on matters of detail which would be discussed hereafter; but he would refer to one point on which the noble Earl had dwelt with great emphasis—the injustice and hardship which, he said, this Bill would impose on persons coming into estates for the future, and who had burdened their reversionary interests. It was not possible to deny that under this, as under any other law, cases of great individual hardship might occur; but could they alter the provisions of this Bill without giving a *bonus* to extravagance? How would they distinguish between persons who had burdened their reversionary interest from commendable motives, and those who had done so in order to spend their inheritance in extravagance, and to anticipate the period of their possession? The noble Earl then referred to the hardship of calling upon persons who had purchased a reversionary interest to pay this tax, when they had laid out their money not knowing that they would have to pay this charge. That remark was equally applicable to the income tax, and, indeed, to all new taxes. The noble Earl had himself been a Member of a Government which had imposed the payment of the income tax upon persons who had laid out a sum of money upon the purchase of terminable annuities, at a time when they were not liable to that tax. There was not the slightest difference between the two cases; and, in fact, the objection was one which must to some extent apply to the imposition of every new tax. The next point to which the noble Earl objected, was the alleged monstrous power given to Commissioners to call for the production of documents to prove the mode in which a person coming into possession of property, had derived it. This objection really seemed to him the greatest bugbear which had been raised for the purpose of opposing this measure. Why, their Lordships had just passed a Bill for the registration of all deeds whatever; and in Scotland all the title deeds and entails of landed property were accessible to every one who chose to pay a shilling for inspecting them at the Registration-office; and when a return of probate duty was required, any of the documents which noble Lords opposite were afraid should see the light, might be called for by the Commissioners of Inland Revenue. The noble Earl then asked whether persons succeeding to property in fee-simple were to be charged upon their life interest? He (the Duke of Argyll) believed they were. In reply to another question, he might state, that a person coming into possession of settled property would pay duty as if he derived it immediately from the settlor. Cases might be put, in which the tax would operate very unjustly; but he (the Duke of Argyll) believed that in most instances the provision would be a great advantage to the owners of landed estates. Take the case of several brothers successively taking an estate. They would, under this provision, be charged only 1 per cent, as if they took immediately from their father, the settlor, instead of 3 per cent as if they took from each other. The noble Earl then objected to the clause which provided for an "allowance being made for all necessary outlays;" but he had not considered that these words were introduced as being the most favourable that could be devised to the owners of real property; they might be somewhat vague, but it was found quite impossible to define what were the necessary outlays on land. With regard to timber the noble Earl seemed to think it would be a great hardship if the duty was made payable on timber blown down in a storm; but he (the Duke of Argyll) did not see that any alteration could with justice be made in the clauses relating to the taxation of this article; he thought it was impossible to distinguish the case of timber from that of any other produce of land, as far as the principle of taxation was concerned. Almost the last point to which the noble Earl had adverted, was what he must call the claptrap argument about the injustice of exempting the rich man from the legacy tax, and imposing it on the owner of small property. Said the noble Earl, "the operation of this Bill will not tell against great estates, while it will press most severely upon small landed properties." Now, unfortunately for the force of that argument, a great part of the small landed properties of the country, not under settlement, were brought under the existing legacy duty. He would refer their Lordships on this point to the evidence of Mr. Baxter, who was examined before the Committee of their Lordships' House, which inquired into the burdens upon real property. That gentleman was asked how the legacy duty operated on property in the county of York. Much of the property in that county was copyhold and customary freehold, which was not intended to be subject to the legacy duty; but by the construction of the Act, Mr. Baxter stated that the parties found themselves bound to pay the duty in every case where the land was devised to be sold, for the purpose of the produce being divided among the children, or others, of the testator. A very large proportion of the smaller properties in that county were so devised, and were consequently converted into personalty, and rendered liable to the tax. It was perfectly apparent, therefore, that small landed properties were liable to the existing legacy duties, while large landed properties were exempt. Was it fair or reasonable that this difference should exist—that, while small proprietors were subject to the impost, great landed proprietors should be entirely exempt from paying that duty on succeeding to their estates? The noble Earl referred to this measure for the extension of the income tax as being the keystone of the Budget of the Government, and said that it was, in fact, their whole Budget, the rest being but of slight importance—

The Earl of DERBY said, that what he had stated was, that the whole Budget depended on this tax. Had it not been for the funds to be derived from this tax, the Government would not have been able to make the remissions they proposed.

The Duke of ARGYLL proceeded: The noble Earl had also instituted a comparison between the Budget of the present Government, and that brought forward by the Government of the noble Earl. Now he (the Duke of Argyll) was quite willing to compare the present Budget with that of the late Government, and he did not think that the former would suffer in the comparison. When a new tax was proposed, they ought to consider it in reference to the necessity out of which it arose. Within four months two great financial statements had been presented to Parliament, both being similar in this respect, that each proposed large remissions of existing taxes, coupled with the imposition of new taxes. Both also were alike in proposing the remission of the tea duties, and the extension of the area of taxation to the income tax. The remissions peculiar to the Budget of the late Government were almost confined to those of the duties on malt and hops, amounting to 2,650,000*l.* of revenue. Now, he thought, when the country was called on to pay a new tax of any kind, it was entitled to ask what were the necessities that rendered its imposition necessary. Now, in order to remit the duties on malt and hops, it was proposed to impose a house tax; and yet he believed that if these taxes, so to be remitted, were considered with reference to the consumer, there were no taxes upon consumption, the removal of which were less called for. He had no doubt, indeed, that the proposition of the late Government to remit these taxes, was made not so much in the interest of the consumer as the producer; but he believed that the benefit derived by the landed interest from the removal of these taxes would have been very slight, if, indeed, they had derived any benefit whatever, coupled as this remission was with the admission of the principle of the graduation of the income tax. Now, not only was the succession duty on real property different from the house tax proposed by the late Government, in not being a new tax, but only a continuation of the existing legacy duty; but it was also different, inasmuch as it was proposed, not so much for the purpose of remitting indirect taxation, which must render the continuance of the income tax absolutely necessary, as for the purpose of enabling Parliament to make provision for the termination of that very income tax. The noble Earl seemed to think that much reliance could not be placed upon the extinction of the income tax in 1860. He saw a smile on the lips of the noble Earl. Nevertheless, he (the Duke of Argyll) would repeat that the object of this succession tax was to enable Parliament to dispense with the income and property tax altogether in the year 1860. He did not think that statement afforded any grounds for the noble Earl's sarcasms; at any rate his Government had not made any proposition which would, even under any circumstances, have enabled Parliament to effect this object if it pleased. By this extension of the legacy duty he (the Duke of Argyll) thought it very probable that in 1860 the income tax might be abolished. Of course they could not know what would take place at that period. The present Parliament could not bind any future Parliament to abandon the tax; but at any rate the present Government did what the late Government did not—they did all that a Government could do in providing a resource which would enable Parliament to terminate this tax in 1860, unless subsequent measures interfered with that state of things. It was the necessity of providing for the ultimate extinction of the income tax which had rendered it necessary for the Government to propose some new tax. The question, then, was what that tax should be; and, looking to all the resources on which they could rely, he would ask on what other source of taxation could the Government have relied than that which was embraced in the Bill before the House? They could not by possibility propose an increase in the Customs duties. They found an existing tax which affected all personal property not under settlement. They found, on research, that attempts had been made, under almost every Government for years past, to extend that tax to real and to settled personal property. Motions had been annually brought forward for that purpose; and when they looked at the arguments by which that proposal had always been resisted by each succeeding Chancellor of the Exchequer—all of them endeavouring to show that under the existing law legacy duties were realised to a very great extent virtually from real property—it was felt that the argument was too weak to be maintained, and that there really existed no sound reason why one description of property should be subjected to the duty, and another description be exempt from it. And then, when they regarded the declaration of the Chancellor of the Exchequer to the noble Earl's own Government, that the legacy duties constituted a system of injustice that could not possibly remain unredressed, and saw that it was impossible to do away with the existing duty, and to provide a popular substitute—under these circumstances, seeing that it was absolutely necessary some new impost should be devised to enable Parliament to deal with the property tax, it seemed to the Government that there was no alternative so consistent, not merely with the necessity of our position, but with abstract right and justice, as that of extending the legacy duty to all property. These were the circumstances which justified the Government in proposing this tax; circumstances and grounds so satisfactory to the country that there had not been a single petition (except the one presented to-night from some few solicitors) presented against the tax in either House of Parliament. He would, in conclusion, remark that the Chancellor of the Exchequer, by proposing this tax, had not only done so, as a provision by means of which Parliament might at a future period terminate the income tax, but that the latter tax should, during its continuance on a descending scale, continue to be connected with the great purpose of the remission of indirect taxes on great articles of consumption, for which it had been originally imposed, and with reference to which its imposition had been attended with such signal success. He was not one of those who entertained the objection, upon an abstract principle, to an income tax being used except as a war tax. He believed that it might be resorted to most advantageously under other circumstances, and at other times, than those connected with war; and he thought it never could have been associated more happily than it had been with the gigantic scheme which was commenced by the late Sir Robert Peel in 1842, and with which scheme the tax had been connected down to the present moment. He would remind the House that the amount of Customs and Excise taxes remitted since that scheme had been in operation, was between 11,000,000*l.* and 12,000,000*l.*; and yet, if they looked at those two great branches of revenue, they would see that they produced nearly the same amount as they yielded when Sir Robert Peel introduced his new system of finance in 1842. All this had been accomplished by means of the income tax; and now, such was their position, that if they pleased they might reserve that tax for the future service of the country. The experience of the past thus gave us the right to entertain a confident hope that the income tax would finally cease and determine in 1860; and in order to attain this most desirable consummation, which he did not think the noble Earl opposite was justified in considering as utterly impossible, he hoped the House would not refuse their assent to this Bill.

The EARL of MALMESBURY: My Lords, I am quite sure you will excuse me if I do not now enter upon a comparison of the Budget of my right hon. Friend the Member for Buckinghamshire and that of the present Chancellor of the Exchequer. Comparisons, they say, are at all times odious; and I am sure I shall the more deserve the indulgence of your Lordships if I adhere strictly to the question before the House. I rise, with some reluctance, to speak on this subject, as upon it I detained your Lordships for some time on a former occasion. My Lords, I cannot but regret that your Lordships did not give me a Committee to investigate this question. I do not regret that I asked for it, for since the period when I addressed your Lordships the House of Commons has so completely altered the Bill which I then held in my hand, that the first twelve clauses are wholly and entirely changed. It appears to me, my Lords, that we should not have lost anything if we had passed the last six weeks or two months in endeavouring to ascertain the incidence of such a tax, and in determining where the injustice, if any, lay. Among the many boasts of this age—and it is an age of boasting—whether in the public press, or in the speeches at public meetings—there is the boast that this country is increasing in power and intelligence. But I must say that of all these boasts none is so loud and so unreasoning as the boast continually made that we have arrived at perfection in the mode of conducting our financial arrangements. It was strange, indeed, that such perfection should be said to have been attained in the middle of the 19th century, if this Bill is to be regarded as the consummation of the system; for the measure now before your Lordships is identical in its principle, and almost identical in its working, with a law which was brought into this country at the time of the Norman Conquest, and which continued in operation from the time of the First William, till the year 1664, when the Revolution swept away this tax, as it did many other oppressive laws of the time. In the counties of England there were persons called "escheators," whom the King employed, at the death of certain tenants called tenants *in capite*, to ascertain the value of their lands, from which to extract a fine which he believed was equal to one year's value of the land. This principle, which is precisely the same as that embodied in the present Bill, was abolished in 1664 by the growing intelligence and desire of liberty then prevailing in this country; and now, 200 years afterwards, in the middle of the 19th century, it is left for the Government of the noble Earl (the Earl of Aberdeen) to endeavour to renew as a general law what was even at that time only in partial existence. If your Lordships will bear with me for a few moments, I think I shall be able to prove to your Lordships that this tax is in its nature the most absurd, and, if I may be allowed the term without offence, cowardly and most unjust ever proposed—nothing but the sternest necessity can justify it. Since 1796, when there might have been an excuse for it in the existence or imminency of war, this tax on legacies has been continued by various Governments, not only during the long war, but also during the long peace that succeeded the war, rather from the reluctance to change anything against which there was no cry, than from its own merits. But I beg you, my Lords, to consider well the policy and principle of such a tax, and its obvious tendency. Of its principle there can be, I think, but one opinion. I am speaking not so much against this particular measure as against any tax on successions of any sort or kind; and certainly my first feeling was one of astonishment that a tax which was founded on so evil a principle should have been adopted and applied to the whole community by a statesman bearing the character of the Chancellor of the Exchequer, who, whatever we may say as to his want of financial experience (which he himself would scarcely assert was very great), has always assumed a high standard of moral principle, which, indeed, he is continually exhibiting both by profession and practice; and who, if his works are to be accepted as illustrations of his mind, he has made it one of his objects to enhance and to elevate the moral standard of public opinion in this country on all subjects which are canvassed by public opinion. Yet the right hon. Gentleman has founded his financial policy upon speculation on some of the worst and vilest feelings of human nature. He has speculated upon the selfishness of humanity, by proposing to press, not upon the present possessors of property, but on those who may hereafter possess it, and who may, perhaps, not now be in existence. That was the principle on which he brought forward his scheme for conversion of stock. He attempted to frighten those who held money in the funds, by holding up to them the prospect of conversion of the 3 per cents as almost certain; whereas the highest financial authorities would have told the right hon. Gentleman that such a thing was all but an impossibility; but his offers were all intended to work on that egotistic feeling in our na-

'ture which prompts us to sacrifice others to save ourselves. So as to the succession tax. It is a tax not likely to press upon those at present possessed of property, or on men like your Lordships and the Members of the other House of Parliament, for they, for the most part, have probably already acquired all the property they are likely to inherit; but you are called upon to vote a tax which others will have to pay, and which will press upon the future possessors of your property. The tendency of the tax is therefore most immoral, founded as it is upon the idea of saddling posterity with those demands which we ought to be prepared to meet ourselves. My Lords, the tax may be characterised as cowardly, because those who are now determined upon extending it, with those who originally imposed it in 1797, are perfectly aware that it is only actually imposed upon one man at a time; it is not, like most taxes, levied on the whole community at once, when all feel its pressure at the same time, but it seizes on each man separately, one at a time, and after fleecing him seizes another, to deal with him in the same manner; so that you never have the whole or any great portion of the community exposed to its pressure and disposed to resist it; nor can you ever bring their combined force to bear on the Minister of the day. Let us look, my Lords, at some of the absurd and unreasonable consequents arising out of a tax on succession. My own ideas of a tax is, that it ought to be so imposed as to bring the largest possible amount into the Exchequer—that it should be imposed as equally as possible—and that from the very first moment of its operation it should afford indications of the prosperity of the country by a gradual but continual increase in its returns. But a succession tax is nothing of the kind; it will operate most unequally, and I am afraid that its first effect will be to depreciate the value of landed property very much indeed; that it will render a sale very difficult, and will thereby defeat its object of bringing large returns into the Exchequer. It might be said that this was only a matter of opinion, and therefore I will say no more on the point. Indeed, the Chancellor of the Exchequer seems only to care about getting money out of the country, and cares not how, only the more he gets the better he will be pleased. It might indeed be said of the present Chancellor of the Exchequer, that he speculates upon mortality, and compels every man worth 20*l.* to exhibit the spirit of a patriot and die for his country; at any rate he takes care that the country shall benefit by his death. Thus, the right hon. Gentleman will have a lively interest in the increase of mortality, especially among the upper classes of the community, and a sickly season will prove a harvest for the Exchequer. On the same principle it might be said that their Lordships, and especially the noble Earl (the Earl of Shaftesbury) were acting most unpatriotically in labouring, by boards of health and sanitary measures, to lengthen human life, and diminish the rate of mortality, the result of which, of course, must be to deprive the Exchequer of considerable returns, and diminish the amount of its revenues. My Lords, under this system, if you are really friends to your country, you ought to die once in every four years—you ought to obstruct all sanitary measures, and if you were "heart and soul in the matter," you would struggle against the prolongation of human life by any measures of legislation. My Lords, a Chancellor of the Exchequer has never probably been very popular in this country; still upon the whole, he has hitherto been tolerably well received in good society. But now what will be his position? Why, my Lords, he will be a kind of vulture soaring over society—waiting for the rich harvest which death will pour into his treasury. He will be heir to everybody's property—he will be a general heir having an interest in every man's decease. It will be worse than it was in days of feudal tyranny—every one will hold under the Crown and the Chancellor of the Exchequer, and every heir will pay a fine. My Lords, the social position of the right hon. Gentleman will be most embarrassing and most disagreeable to himself and others. I have in these remarks, my Lords, spoken with some lightness; but the subject is serious, and I beg of your Lordships to consider what is the principle on which the tax is founded. It is to be levied on a calculation of the value of the property to the party who succeeds to it, and this is to be estimated according to his age, and on this he will have to pay a poundage according to the degree of his consanguinity to his predecessor. Now that might be oppressive, but to a certain extent it would be consistent, if human life always ceased at the same period, and existed under the same circumstances—if each man lived exactly a century, if every man man married at twenty-five, and had a child nine months after marriage, and the whole affair went on like clock-work. But that is not so, and your calculation is not practical but theoretical. The Government say, that because one man comes into his property at the age of twenty-one years, and his property is worth twenty years' purchase, all others of the same age shall pay at the same rate. It may be so, or it may not as to him; but another man at the same age might be in a galloping consumption, with but one lung left; yet, on this calculation, he must enjoy the property twenty years before he will have acquired the equivalent to the amount of tax which he will be called upon to pay on succeeding to it, and when in reality his life is not worth three years' purchase. This is not the mode followed by insurance offices. The Government tables profess to have been drawn up on the *data* of actuaries; but insurance offices are not satisfied with such calculations. There every man is thoroughly examined by the medical attendant of the office, the stethoscope is applied to his chest for the purpose of sounding his lungs, inquiries are made as to his habits of life, and conclusions are drawn from all these matters as to the probable duration of his age. If there be an infirmity in his health, the rate of insurance is increased, and if it be serious, he is probably rejected altogether. Nothing of this kind is to be done under this Bill; for the duty is to be charged alike on all lives, no matter what the state of health of the person succeeding to the property, and differing in amount only in proportion to the degree of consanguinity. How, then, can it be just to charge all who succeed to property at a certain age at the same rate? I am arguing against the abstract justice of the whole system. How can it be just to measure the value of human lives in such a manner that the life of the elder son of a Peer may be taken as of no greater value than that of a military officer who comes into possession of the property in the midst of a war, or that of a manufacturer engaged in some process notoriously unfavourable to life? I cannot conceive a more flagrant injustice than to make a mere theoretical and arithmetical calculation to determine the value of life of all persons without consideration of age or health. My Lords, it has been said that this succession tax is a species of compensation for the promised cessation of the income tax, which it is predicted will expire in seven years. I only hope the prophecy will become true; but as to which tax is the most unjust, I think there can be little question. For my own part, I had rather pay the income tax for the rest of my life than support a succession tax to be levied upon my posterity for ever. For what is the difference? The income tax is levied on the property a man possesses, and is in the *boná fide* enjoyment—enjoyed by those who are liberal in spending, and by those who are avaricious in hoarding; whereas the succession duty is a tax on what has scarcely been acquired, and which, perhaps, may never be enjoyed. The tax is calculated upon the value of the property for twenty years to come; but he may not have it for two years. My Lords, to talk of such a tax as compensation for an income tax levied year by year on what a man actually has received, is an insult to common sense, and in my opinion downright nonsense. Another argument, my Lords, that has been adduced in favour of the succession duty is, that personal property has long been subjected to the legacy duty, and that it is most unfair that real property should not be taxed in the same manner. But is it your Lordships' opinion that the imposition of a second injustice will remove or palliate the first? Would it not be more statesmanlike to do away with what you allow to be an evil, rather than to extend it and render it universal? Do you say you could not do away with it? I believe that you could. It is of no avail to allege that the late Government did not do so. We were prevented by events which had taken place, and because when we came into office we were bound to diminish taxation in a certain direction—it was a point of honour with us to do so. We attempted to do so. We failed; but it was not our fault. We were obliged—we believed ourselves obliged—to propose a reduction of the malt duty, and to relieve a portion of the community whom we believed to have been the principal sufferers from recent legislation. We could not, therefore, afford to repeal the legacy duty. My right hon Friend the Member for Bucks (Mr. Disraeli) alluded to the subject; and as he has been much misrepresented upon it, I may say that when he spoke of it as an unjust tax, he did not mean merely that it was relatively unjust, because personalty paid it, and realty did not; but he meant that it was in its own nature unjust, and that on account of its inherent injustice he had considered whether it could not be abolished. I think I am justified in making these observations on this subject, because it has been alluded to by noble Lords opposite in a manner which renders this explanation necessary. My Lords, I repeat what I have already said. I am opposing the principle of any succession tax. But there is a feature in the proposed plan open to especial observation—I mean the graduated scale of duty on different degrees of consanguinity, which is not the least objectionable and absurd part of the system. I do not suppose that the right hon. Gentleman would acknowledge that he had endeavoured to secure that an estate should be taxed as heavily and as frequently as posssible; but he considered, no doubt, how he could most easily pass the measure and diminish the number of its opponents. I certainly cannot see why brothers should be charged more than eldest sons—why, while a brother is to be charged at the rate of three per cent, a son is to be charged one per cent. Why should that be? It is likely that a brother should succeed brother more quickly than a son would succeed to a father. There is rarely any very great difference in the ages of brothers; and one is likely to succeed another not many years after he has come into possession, yet the brother is to be charged at a higher rate than the son, who, probably, will succeed the father many years after the father has come to the property. It is difficult, indeed, to conceive why one heir is to be taxed more heavily than another, all being equally heirs in the eye of the law, and equally entitled to the property. But if any difference is to be made, surely those who succeed most rapidly should be taxed at the lowest rate. As to natural children, again, the measure is very harsh. I admit the *bar sinister* which heralds place within escutcheons; but in this age of liberality it is unjust by legislation to add a mark by which mankind may point them out as the victims of crimes of others, not their own; and this system is calculated to increase and revive the unfortunate circumstances of their birth, which ought rather to be concealed. It cannot but be observed, my Lords, that those who will pay at the rate of ten per cent will be few in number, although it is estimated that the aggregate amount they will pay will be greater than that contributed by those who are taxed at a lower rate—it is evident that it is because they are few in number they are to be heavily taxed—it is because they are weak they are to be wronged—and the Chancellor of the Exchequer, who durst not lay four per cent on a large body, upon them can safely perpetrate his injustice. My Lords, my noble Friend the noble Earl (the Earl of Derby) has gone so fully into the different clauses of the Bill, that I shall not enter into them. I would, however, offer an observation on something which fell from the noble Earl opposite (Earl Granville), the Lord President of the Council, on a former occasion, something more in the nature of an admonition than an argument—when he warned your Lordships that opposition to this measure would render you odious or unpopular, because you would thereby endeavour to continue exempted from the payment of the succession duty. My Lords, I must remind your Lordships that there is a very large amount of property in the country entirely exempted from the tax—the property of the Church. My Lords, I rejoice it is so, for I am not of those who, because one half of the community are ill used, would ill use the other half. But what, my Lords, becomes of the argument of the noble Earl, who is afraid your Lordships might become unpopular if you were to oppose the tax? What is the opinion of the noble Earl as to the exemption of the Church? Does he think the Church will become unpopular? I should be sorry to suppose the noble Earl less anxious as to the popularity of the Church than of the aristocracy. If the Church will not become unpopular by reason of not paying the tax, why should your Lordships, by reason of opposing it? My Lords, my noble Friend near me (the Earl of Derby), has given notice of his intention of moving in Committee several Amendments on the clauses of the Bill:—if the noble Earl shall not propose an Amendment in the Bill, with regard to the disclosures of title deeds, I shall feel obliged to do so. Those of your Lordships who have estates in the country, and who live there, are doubtless well aware of the power which the country attorneys hold over the small landed proprietors; and I will as k them if, in their opinion, it will be safe for the owners of small landed property to trust the deeds of that property in the custody of these attorneys, who will rush, immediately upon a person's coming into a succession, to explain the meaning of this not very intelligible Act, and conduct the business in what they will no doubt call the best manner possible? I will not enter into the subject of the danger of litigation being brought on by the title deeds of property being exposed to the observation of strangers or of designing persons; but it is a well-known fact that estates have been lost, or costly litigation of many years' duration have been in numerous instances the result of title deeds to property being committed to the charge of persons unworthy of the trust, who have used their knowledge for their own ends, or lent themselves to the ends of others. For these reasons, my Lords, I feel so strongly the justice of protecting muniments of title from the disclosure enforced under this Act, that I shall certainly ask your Lordships' opinion upon it. I shall also, my Lords, feel it my duty to propose Amendments on the question of timber being included in the operation of this tax. I hope that the Government will before going into Committee on this measure, consider how the case really stands as regards timber. Persons succeeding to estates on which timber grew, unless they like to enter into an arrangement (which I must say I consider would be a species of gambling), will be obliged to pay for the timber as they cut it an *ad valorem* duty, settled according to the degree of consanguinity to their predecessors. A man who inherits from a stranger will pay, when he cuts his timber, 10 per cent on its value; but your Lordships will remember that he at the same time is subject to the income tax; so that, in point of fact, he will pay 13 per cent on the value of all the timber he cuts. Now, I will ask your Lordships to consider the matter from a different point of view. The duty upon foreign timber is less than, by this measure, it will be upon home timber. Upon timber from the Baltic the highest duty is not above 9 per cent; Canada timber pays a nominal duty of 1 per cent, while staves and such things are admitted duty free. Thus then by the present measure, timber small and large—down to underwood, will in some cases pay 13 per cent, often far more—in some cases ten times as much as the foreign or colonial timber. The result, in short, will be, that Her Majesty's Government, the strenuous advocates of free trade, will place a duty on a home article, in some cases, five times as heavy as upon the same article produced abroad. I will but repeat my request to the Government to consider this question before Monday, with a view of seeing if some alteration will not be made in the clause referring to timber. I will not trespass any longer on your Lordships' time, for I hardly dare to trust myself to say what I think of the character and nature of the measure. It is a Bill which I can only characterise as a Bill of pains and penalties; it is one which will keep a ledger between the holder of landed property and the Government continually open, and it will never close but that death will open it again.

EARL GRANVILLE said, he would, in the few observations which he felt called upon to offer to their Lordships, adhere to the merits of the Bill a little more strictly, perhaps, than the noble Earl who had just sat down. He had certainly expected that the noble Earl would have addressed himself very particularly to the scheme of taxation proposed by the present Government; but the noble Earl had not only compared the Budget of his right hon. Friend the Chancellor of the Exchequer with the Budget of the late Government, but he had gone a great deal further, for he had compared it with that of William the Conqueror. He confessed he had thought that the noble Earl who followed his noble Friend who moved the second reading of the measure, had employed epithets sufficiently strong with regard to the Bill, and, indeed, he had considered that epithets were exhausted; but he must do the noble Earl who had just sat down the justice of saying, that he had employed epithets as strong, and in quite a new style, when he spoke of the Bill as being "cowardly and absurd, as well as unjust." The noble Earl had made some remarks with regard to the unjust operation of this Act in the case of persons in a weak state of health, if the value of their succession should be computed according to the invariable rules laid down in this Bill, whereas, he said, in insurance offices very different rules were acted upon; but it was quite clear that in legislation you could only act upon general rules, and could not enter into individual cases—to make exceptions for the case of bad lives was clearly impossible: on the other hand, any one acquainted practically with the principles of life assurance would see that it would be impossible to make exceptions with regard to the question of consanguinity. It was, he was quite willing to admit, not possible to arrive at perfection; but the measure had been prepared with due regard to the probabilities of succession, because instead of paying a percentage on the fee-simple, it was to be paid only on the value of the life interest; and as regarded the principle of consanguinity, the principle was to proportion the amount of the tax to be paid to the expectancy of the persons succeeding. In the case of natural children, to whom reference had been made, the question was certainly a very difficult one, but not, he considered, relevant in the slightest degree to the proposition before their Lordships. If any change in the condition of such children as regarded inheritance were to be made, it would involve a question of great importance, as affecting public morality; but it ought to be brought on in a regular way, and not by a sidewind, as its introduction into the present subject would be. The question before their Lordships was, whether they would allow it to go forth to the people of this country that they had rejected a measure which had been received with satisfaction by the country—["Oh!"]—with satisfaction he would repeat—for the fact of there having been, as stated by his noble Friend who moved the second reading, no petition against the measure—with the exception of the five solicitors whose petition the noble Earl had presented that evening, and who were probably the "five respectable solicitors" whom the noble Earl said he had consulted when he made his first speech on this subject—was a pretty plain proof that the country did not feel in the slightest degree the injustice of this tax. This measure was also important, because upon its adoption depended, in an indirect manner, the means of affording those remissions to the people at large which were proposed to be given by the Budget. With regard to the exemption of the property of the Church, the people of this country were perfectly able to discern a distinction between members of the aristocracy succeeding to landed estates for their own advantage, and the case of a succession to the property of the Church, the revenues of which must be regarded as a salary for duties performed. The noble Earl who had just sat down had given notice of his intention, in the event of the noble Earl who sat near him (the Earl of Derby) not doing so, of moving an Amendment with regard to the production of documents and title deeds before the Commissioners. Now, he could only assure the noble Earl, subject to the correction of his noble and learned Friend on the woolsack, that, in practice, the production of papers could be required whenever a request was made for the repayment of probate duty. He was unable to understand the absurdity and jealousy which existed on the question of exhibiting the title deeds of property, after they had so recently passed a Bill for the registration of title deeds, and when it was considered that in Scotland and Ireland the titles to estates were all registered and were accessible to the public. He would also remind their Lordships, that in England the greatest number of mortgages on land were raised from persons to whom the borrowers had to submit their title deeds often without any guarantee that an improper use would not be made of them; and yet it was never found that any evil resulted from the practice. If there existed so much indifference as to the exposure of title deeds in the one case, he was unable to understand the extreme sensitiveness manifested in the other. He would also point out to their Lordships that unless some such power were given to the Commissioners under this Act, in the event of a false representation being made to them as to the value of the property succeeded to, they would be entirely without a remedy; and in all cases where successors or persons acting for them, and accredited as their agents, should be required to produce such documents, the Commissioners would only look to the title itself, and not to its origin; they would only examine the title to the property, without, in the smallest possible way, caring how the predecessor acquired that title; and in the case of a person succeeding to property from his father, if he stated that there were charges on the property, for which he claimed exemption, and the Commissioners, entertaining some doubt as to that statement, required the production of his title deeds and documents, as a general rule—he spoke subject to correction—the practice would be adopted of allowing the person to seal up under an affidavit all parts of his deeds and documents which did not bear any reference to the particular question at issue. He did think that if any expression of contempt were allowable, the term "bugbear," as applied to the compulsory production of documents by the noble Duke near him, (the Duke of Argyll) was justifiable; and he did hope that if the noble Earl proposed any Amendment to do away with the compulsory production of such documents, their Lordships would reject that Amendment. He did not approve the principle of discussing the Bill at its present stage, clause by clause; but as that course had been adopted, he was compelled, in reply, to refer to particular clauses. With regard to the question of imposing the tax upon timber, on which the noble Earl opposite had also given notice of his intention to move an Amendment, he would put it to their Lordships if the value of the timber upon an estate was not one of the first considerations, generally speaking, which entered into the mind of the purchaser. Timber was as clearly property as anything possibly could be, and he could not see the slightest reason why it should be exempted from a tax which professed to be levied upon all descriptions of property. The clause, as amended, dealt with that particular description of property in the most favourable possible way, inasmuch as the duty was charged solely upon the net amount of money received in hand for the sale of the timber. In addition, it was extremely easy to avoid all the annoyance to which the noble Earl had made allusion, by agreeing at once to a computation of the value of the property. He did not think it necessary to enter further into details at present, as the measure would soon go into Committee, where the various clauses would have to be considered; but as the noble Earl opposite had given notice of his intention to move Amendments in Committee, he hoped that he would, with his usual courtesy, lay upon the table of the House the terms of those Amendments, so that the Government, or noble Lords who were not yet quite decided as to the course which they meant to adopt, might not be taken by surprise.

Lord ST. LEONARDS was understood to say that he should defer entering into the subject of this Bill until it got into Committee; but he wished to ask a question. The noble Earl who commenced that discussion said that brothers-in-law and sisters-in-law were to be exonerated from this tax?

The LORD CHANCELLOR said, that his noble Friend who moved the second reading of this Bill stated that by the present Act sons-in-law and daughters-in-law would stand in the same predicament as sons or daughters by blood. His noble Friend might have gone higher—a brother-in-law would stand in the same position as a brother, and a sister-in-law as a sister. He should be sorry to differ from his noble and learned Friend on a point of law, but it was certainly his entire conviction, that, according to the law as it at present stood, a legacy to a son or daughter-in-law paid a duty of 10 per cent.

The Earl of HARROWBY thought the Chancellor of the Exchequer had fallen into considerable inconsistency in proposing this tax; because the right hon. Gentleman had himself first shown that they could not establish a balance between the burdens upon real property and personal property, but that if they took the whole scheme of our national taxation into account, it would be found that their relative burdens were fairly adjusted; and, having done this, the right hon. Gentleman, strange to say, immediately proceeded to lay down an equality between real and personal property in respect of the legacy duty, as if they ought both to be taxed in the same way. The right hon. Gentleman overlooked the essential difference between the two species of property. The property which now paid legacy duty was capital, whereas landed property was not capital, but income; and yet it was now proposed to treat land as capital, and expose it to all the entanglements and embarrassments of extending this tax, thereby bringing the unhappy landowner into constant collision with the Government. All classes of property were not treated alike under the other parts of our system of taxation. Personal property, for instance, was not subject to the poor-law, because of the great inconvenience and the inequalities and injustices there would be in assessing it to the relief of the poor. Well, the same argument applied to this Bill. Land was already taxed more than its fair share; the Chancellor of the Exchequer himself had shown that it paid more towards the income tax than it ought to do—it was liable to the stamp duty—and in every transaction it was embarrassed by the claims of the revenue. It was all very well to say that serious inequalities and injustices were inseparable from this succession tax; but that was a reason why they should not impose it. One of the great vices of this tax was, that it would entail legal and other expenses greater even than the amount of the duty itself; it would render a man a Crown debtor for five years, and make him the slave of his landlord for the same period. And again, the difficulties which the Bill cast upon land would press most severely upon the smaller class of proprietors, and it would greatly tend, generally, to check improvements. All these social evils were overlooked by this Bill, which would not only inflict a tax, but also sterility and inextricable entanglements upon the land. Again, the injustice of the Bill was further seen in the fact that one estate and that it would lead to interminable lawsuits. He should therefore move for expunging the clause.

MR. ROCHE said, if the register were agreed to, the whole effect of the clause would be destroyed, because the moment a tenant gave notice to register, the landlord would give him notice to quit. It would therefore create bad feeling between landlord and tenant, and put a stop to all improvements.

MR. CONOLLY said, he was opposed to the clause, as tending directly against the rights of property in Ireland. He would not relinquish his rights for any temporary popularity; and he would ask, who would buy property in Ireland if it were subject to a clause of this nature?

MR. DRUMMOND said, he looked upon the clause as the very essence of the Bill. It was a bad measure for a bad state of things; but the state of things as they existed rendered it necessary; and it was, in his opinion, much more important to make it retrospective than prospective. Let them compensate for what had been done, and leave the future to the good sense of the persons concerned, as was the case in England.

SIR ARTHUR BROOKE would suggest that the clause ought to be made to define more clearly what were improvements, and the person who was entitled to compensation for having made them—the tenant who held the farm, or the party who held the lease.

Question put, "That the clause stand part of the Bill."

The Committee *divided:*—Ayes 103; Noes 44: Majority 59.

Clause *agreed to;* as were Clauses 15 to 19.

Clause 20.

CAPTAIN ARCHDALL said, if this were such a very fair, proper, and just measure as had been represented, it would be extremely hard that the poor tenants of England and Scotland should be deprived of it. As this clause limited the Bill to Ireland only, he should move that the clause be omitted.

MR. NAPIER said, he must support the clause, on the ground of the different circumstances of the two countries.

MR. DUNLOP said, that Scotland did not require a Bill of this nature; and he congratulated the right hon. and learned Gentleman opposite on the position to which at length this measure had attained.

MR. LUCAS said, he also begged to congratulate the right hon. and learned Gentleman upon the state at which this and the Landlord and Tenant Bill had arrived; and, on the part of the people of Ireland, he emphatically thanked the right hon. and learned Gentleman for having introduced these measures, and for the attention and care which he had bestowed upon them. With regard to the Motion, he could only say that he had discussed the Bill with reference to Ireland alone.

VISCOUNT GALWAY said, as a humble English Member, he must protest against the application of the Bill to England, where it was not required.

SIR JOHN WALSH said, as he did not regard the Bill as just or wise for Ireland, he certainly should not vote for its extension to England.

Amendment *negatived;* Clause *agreed to.*

MR. V. SCULLY said, he begged to propose the following clause:—

"Any judgment or decree obtained under this Act, in respect of Compensation for Improvements executed by any tenant who has been evicted from or put out of possession of his holding, shall be the first charge thereon; and, in default of payment within the time limited by the Court in that behalf, shall entitle the tenant to go forthwith into actual possession, or into receipt of the rents and profits of such holding as mortgagee thereof, and to continue in possession or receipt until fully paid off with interest and costs."

Brought up, and read 1°.

Motion made, and Question put, "That the clause be read a Second Time."

The Committee *divided:*—Ayes 25; Noes 116: Majority 91.

House resumed.

Bill *reported* as amended.

PILOTAGE BILL.

Order for Committee read.

House in Committee.

MR. CARDWELL stated the nature of the provision which he proposed with respect to the pensioning of the Cinque Port pilots, the object of which would be to place them in the same position as they now occupied. With this view their benevolent fund had been valued by actuaries with reference to their present and future liabilities, on account of allowances to superannuated members of the fellowship. Upon the assumption that these pilots would be entitled to be pensioned at the age of 65, the calculations of the actuaries to whom the matter had been referred, showed that there would be a deficiency in their present benevolent fund to pay those pensions, owing to the falling-off in the sum which had been received by way of double pilotage since the introduction of reciprocity treaties. New countries had been continually coming into reciprocity, and the consequence had been a constant tendency for that fund to diminish, to such an extent, indeed, that there was 268*l.* short of the sum necessary to meet the accustomed pensions. The principle on which he now proposed to proceed was this, that as far as possible every advantage which everybody would have been entitled to, and would have obtained if the Bill had not passed, should be continued to them under the new arrangement. This he thought was the fair, equitable, right, and liberal principle on which the House ought to proceed. The hon. Gentleman the Member for Sandwich (Mr. J. Macgregor), had given notice of an Amendment based on this—that every heretofore pension and privilege which they had enjoyed should be continued, and, if there were not means enough elsewhere, that they should be furnished from the Consolidated Fund. But that, he thought, was carrying liberality beyond the bounds of justice and reason. All they were called upon to do was to give everybody as much as they would have had if this Bill had not passed; but they could not go beyond that, and find the means from the Consolidated Fund for giving the pilots advantages which they never could have enjoyed if the Legislature had not interfered. Then, upon the assumption of the actuaries, calculated on the diminished rate of pension which would have been necessary from the cause to which he had alluded, there would be, if the Committee would permit the whole of the money belonging to the Cinque Port pilots to be exhausted in the process, sufficient funds to put everybody in the position he had mentioned. It was his wish that the Court of Loadmanage, who had heretofore been the trustees of those persons, should, if they desired it, take the whole funds into their own management, and so administer them as might seem to them best. He had reason to believe, however, that neither the trustees nor the pilots desired that that administration of the funds should be adopted. In that event, he was willing to make this offer, which he believed was reasonable and liberal—that if they thought proper that the trust should be transferred to the Trinity House to be administered, the Board of Trade would regulate the winding up of the fund between the Cinque Port pilots and the Trinity House. There then remained this further question. Of course, any prospective arrangement based upon the calculations of the actuaries was liable to contingencies. Those contingencies should not fall upon the poor persons who were the subjects of this arrangement, and the Trinity House should be called upon to take the risk of them. This would place the Trinity House in the double position of insuring that the calculations of the actuaries should be made good, while their funds for providing pensions to pilots would be burdened by the new pilots who, when the Cinque Port pilots should die out, would, by the Bill, be appointed by the Trinity House to replace them. It was right, therefore, that some arrangement should be made whereby the Trinity House should be indemnified from loss. No great sum would be required for this purpose—probably from 5,000*l.* to 10,000*l.*, which was a very small amount in the great importance of the settlement which would be made with regard to the Trinity House. All that the Committee, therefore, was called upon to sanction was, that the Trinity House should exercise what was now their legal right, the right of transferring from their own balance that moderate sum, to be calculated by the actuaries, in order to indemnify them from the possibility of loss, and to put the Pilotage Fund upon a satisfactory basis. The result of the whole arrangement would be that the Cinque Port Pilots' Fund would be applied to their use, and they would be put in possession of the same advantages as if the Legislature had not interfered; and the Trinity House, out of their own balance, would apply to the Pilotage Fund the indemnity sum of about 10,000*l.* The transfer of that sum required no legislative sanction, but only an expression of opinion by the Government, in which they would be guided by the opinion of the Committee.

MR. J. MACGREGOR appealed to the right hon. Gentleman not to diminish the incomes of the Cinque Port pilots, the records of whose existence were perfect so far back as the year 1426. The custom always had been to give to superannuated Cinque Port pilots 50*l.* a year till death. There were now fourteen receiving the annuity, and 130 active pilots. No doubt, under the Bill as proposed, the pilots would receive as much as under the strict letter of the law they would be entitled to if the Bill did not pass. He was pleading the cause, however, of a deserving body of men, whose privileges, as a fellowship, dated from time immemorial. The fourteen men who were now superannuated averaged seventy years of age, and the services which they had rendered had been of an important character to the country. He should urge, upon the recommendation of an eminent actuary, that instead of capitalising the fund, the Trinity House should become responsible for the annual payments. The annual sum that would be required to continue the present income of these aged men would be 648*l.*, and that would be a yearly decreasing sum, because as deaths occurred they would not be replaced. The effect of the right hon. Gentleman's measure would be to reduce the income of these deserving men from 50*l.* to 30*l.* a year, and he should be sorry that such a proposition should be acted upon. He submitted this consideration to the President of the Board of Trade, believing it would be agreeable to the right hon. Gentleman to receive the pressure of the Committee in favour of these industrious, brave, and meritorious men.

DISMISSAL OF INDIAN SUDDER JUDGES.

Mr. OTWAY rose to ask the President of the Board of Control, whether he was now in condition to inform the House as to the dismissal of two Judges of the Sudder Adawlut Court? A short time ago two Judges were suspended by the Bombay Government, it was generally understood, on charges brought against them by a member very high in the civil service in that Presidency. That gentleman, Mr. Luard, was himself suspended by the Bombay Government. Shortly afterwards one of the Judges was promoted to the office of Judge at Poonah—an office in nowise inferior to his former one. The other Judge was offered the office of Paymaster General, which he did not think proper to accept, and he returned to this country. Shortly after that, Mr. Luard was restored to his office. He now asked the President of the Board of Control, whether he was then in a condition to inform the House of the cause of the dismissal of two Judges of the Sudder Adawlut by the Bombay Government, and whether he had approved of that act; also, whether he approved of the suspension of Mr. Luard, and whether that suspension was in consequence of charges brought by that gentleman against those Judges; and further, whether the suspension of Mr. Luard had been withdrawn in consequence of orders from the Home Government?

Sir CHARLES WOOD said, that of the Judges referred to, Mr. Legeyt, finding that he was indebted to one of the parties in a suit which was coming before him for adjudication, applied to his creditor, Mr. Sunkersett, to suggest somebody to whom the debt might be transferred, in order to avoid the imputation of being swayed in his decision by improper motives. The imputation made was, that the transaction was not real but fictitious; and, being called on to explain, he replied, that as regarded himself the transaction was *bonâ fide;* but whether, as between Sunkersett and the party to whom the debt was transferred, the tranfer of the debt was ficticious or not, he was not able to say. That was not such a denial as left him free from suspicion, and the Bombay Government thought it undesirable that a person in such a position should remain on the bench. In the case of Mr. Grant, it was stated that he was found to be pursuing a course of conduct which caused great scandal at Bombay. He (Sir C. Wood) did not mean to say that he entirely approved the conduct of the Government of Bombay. What he had to consider was, whether, in compliance with the desire of those two Judges, he should direct their restoration. After full consideration, but with great pain—for they were in other respects men of high character—he had come to a conclusion on the matter. He could not think it would raise the character of the Sudder Court if he directed the restoration of those two Judges. With respect to Mr. Luard, he had given great dissatisfaction in the performance of his duties of a collector of inland customs; and it was a question how far he ought to be continued in that office. He had also chosen to write a letter, in which he affirmed indirectly general charges of corruption against two other persons high in office at Bombay. There was nothing so indecent and improper as that persons in high office should bring general charges against other persons, unless those charges could be proved. The Bombay Government suspended Mr. Luard, referring the case home to this country; and Mr. Luard had been called upon to state whether he would put his charges in a distinct shape.

THE SITTINGS OF THE PARLIAMENT.

Mr. DRUMMOND requested attention to the inquiry which he had given notice of his intention to address to the noble Lord the Member for the City of London, whether an alteration might not take place in the period to which the public accounts were made up, with a view to holding the Sessions of Parliament in winter, and not in summer; and whether some additional aid might not be given in the higher departments of the public service, in order to facilitate the performance of the public business in that House? In order to save the time of the House, he should rush at once *in medias res*, and state his conclusion before he gave any reasons. His object was twofold—first, to get Parliament to meet at a more convenient season; and, in the second place, to shorten the duration of the Session. They were sitting all the year round, and it was, he believed, generally admitted that if it were not for the shortness of the time for which money was voted, they would never be required to sit at all; and, but for that consideration, no Minister and no Government in its senses would ever suffer Parliament to assemble. Parliament was obliged to meet simply because that House gave the Minister money only for a certain time. The time to which they entrusted the Government with money was but to next Easter. Now, suppose they extended the time up to next Christmas twelvemonth; certainly they would not meet next February; and certainly they would meet six weeks or two months before that Christmas, namely, in October. Suppose they changed the time at which the accounts were made up; it was evident Parliament would meet six weeks or two months before the financial year ended. Could anybody tell why, when all of them individually, and every mercantile house in the world, made up their accounts at Christmas, and when many public accounts were also made up at Christmas, those public accounts to which his inquiry related were made up to Easter? There was, indeed, no uniform system of making up the public accounts, and he should refer to the opinion of the chief officer appointed to manage those matters, who had said to him that in former times the public accounts were made up for various periods, and often at the caprice of the accountant; that we were scarcely better off at the present day; that it was impossible to prepare a completely audited account of the whole receipt and expenditure of the kingdom, as in France, till one date had been fixed on for all accounts. The truth was, that in olden times the accounts were made up according to ecclesiastical, and not according to civil rule—the persons appointed to keep the accounts being clerks, naturally made them up to the same period that the ecclesiastical accounts were made up. He should like to see the accounts made up to Christmas. Then Parliament would meet two months before—namely, on the 1st of November, and do what all other people did, live in towns in the cold weather, and in the country in hot weather; instead of which, like most irrational people, or like no other people, and not like themselves in past time, they spent the summer in London, and the winter in the country. There was another point to which he wished to call the attention of the House. The noble Lord (Lord John Russell), some two or three years ago, desired to appoint an extra Secretary of State, coupling with that measure the suppression of the Lord Lieutenancy of Ireland. He (Mr. Drummond) objected to the suppression of the Lord Lieutenancy of Ireland. The first reason for the suppression was, that of "the philosophers," who held that there was no great reason for state, and so forth; but questions of that kind ought to be determined more by the feelings of the people than by abstract doctrine. The noble Lord, however, stated at the time that the business of the country had so far increased that there was a demand for further aid to despatch it. A paper lately presented, with respect to letters in the dfferent departments, afforded a tolerable criterion of the business done, showing an increase in the amount paid for postage for the public departments from 38,000*l.* to 125,000*l.* This showed that there were now at least four times as many letters to answer as there were in 1838; and it was in evidence before the Dockyard Committee, that there was hardly time to read the letters, and that the secretaries had to sign the answers as fast as they possibly could. There were departments where there was not time to enter the items *seriatim*, and they had to be numbered. The Government were themselves in fault, from the way in which they drew business on themselves. The reception of so many deputations must materially interfere with the business of Ministers of State. Then there was attendance on a vast number of Committees, besides all the ordinary business. A much greater number of accounts was called for by Parliament than formerly, and the number was increasing every year. It was impossible for any one who had not been in the position of the noble Lord the Member for the City of

London to say how a division of work was to be made. Moreover, an immense deal of time was taken up in that House in answering all sorts of odd questions. A Member read a paragraph in a newspaper, and asked a question on the subject—one about a dispute with a cabman, and another about the soldiers getting wet at the encampment at Chobham. There was a great loss of time in answering questions of that kind. He should not occupy the time of the House in replying to objections which might be taken to his proposal. In olden times it would have been said, "Oh, what will become of the fox-hunting!" but he did not believe there were many fox-hunters left in the House. In his opinion they ought to return to a common-sense view of the subject, and live in the country in pleasant weather, and in town in winter. The hon. Gentleman concluded by repeating the inquiry to which he called the attention of the noble Lord the Member for the City of London.

RUSSIA AND THE PORTE.

MR. LAYARD: Before the noble Lord answers the remarks made by the hon. Member for West Surrey, he will perhaps allow me to ask a question on a subject of great importance. It is now some days since the noble Lord the Member for Tiverton (Viscount Palmerston) requested me to postpone a Motion of which I had given notice, in consequence of negotiations being then in progress. It is understood that those negotiations consisted of a joint proposal from this country and France to the Government of Russia. I consented to the request of the noble Lord, and it will be in the recollection of the House that he promised to give me an early day for bringing the subject forward. I have since that time been given to understand that the noble Lord the Secretary for Foreign Affairs (the Earl of Clarendon), in another place, has stated that he will be prepared in the course of a few days, whether these proposals have been accepted or not, to lay before Parliament all the papers connected with this subject. During the last fortnight events of very great importance have taken place in the East of Europe. I will venture to state that, in the whole history of the intercourse of nations, acts so unjustifiable, so outrageous, so dangerous as those which have been committed within the last three months, have never before been committed in Europe. The Government of Russia has sent a large body of troops into the provinces of Wallachia and Moldavia; and not only have they taken military possession of those provinces, but they have assumed a great part of the civil administration of those provinces; and not only are they occupied in fortifying the principal towns, but even military stations on the Danube. Moreover, communications of a very insulting character have been addressed, not only to Turkey, but, I think this House will agree with me when I say, to this country also, and that those communications have been put forward in a manner totally unprecedented in diplomacy, and in a most offensive manner. A kind of crusade has been preached in Russia; and that event has been celebrated in the most public manner, not in Russia alone, because we learn that a crusade against a neighbouring Power, characterising it in the most offensive terms as "infidel," has been preached in the very provinces of that Power, and that the prince of one of those provinces has been required to attend a public ceremony to return thanks for this crusade against his own Sovereign and suzerain. What has been the consequence of these acts? The Power against which these proceedings have been taken, has been put to great expense. Not only have her resources been exhausted, but she has been obliged to call to her aid the very labourers from her fields, those on whom the population depend for subsistence. It is known from the best authorities that there is great danger of a general outbreak in Turkey, and that it may occur at any moment. I presume that the acts to which I have alluded, which outrage the public laws of Europe, which are calculated to put an end to all those treaties on which the system of Europe is founded, and by which its peace may be trampled under foot, merit the serious attention of the Government. I say advisedly that there is scarcely a weak State in Europe which does not contemplate with alarm the present course of events. That which has occurred to-day may happen again to-morrow; and, following the same course, any powerful State may, on the same terms, annex any neighbouring State weaker than itself. We are told, forsooth, that these outrageous acts are merely negotiations. I presume that Her Majesty's Government, although evincing a laudable desire to maintain the peace of Europe, and although ready to make every sacrifice for the preservation of that peace, have nevertheless made an unqualified and energetic protest against acts like these, and have taken means to prevent them being viewed as precedents in similar cases hereafter; and I think it would be but an act of justice to this country and to Europe at large, that these protests should be placed before the public, and that they may have the opportunity of judging whether they are adequate to the great importance of the subject, and are such as we as a nation ought to have made; and I must say that, if, unfortunately, such protests have not been made, those Members of this House who think as I do should have the opportunity of registering a solemn protest against a policy which would, in that case, be inconsistent with the dignity, the honour, and the interests of this country, and, moreover, I will venture to say, dangerous to the existence, not only of Turkey, but of every weak State on the continent of Europe. Every hour's delay at this time increases the opportunity of Russia. We know what has passed. We know how far we can rely on the assurance she has given us. We know how far we can rely on assurances which have been still more lately given, and which show us that Russia is not disinclined to take advantage of the propositions which have been submitted to her consideration. Let the House remember, that if these negotiations can only be prolonged for a few months, our fleets will be compelled either to violate a treaty, the violation of which Russia has declared would be a *casus belli*, or to return to their winter anchorage at Malta. We find that for several reasons Russia will not leave the principalities she has occupied. We are told by an organ that is not supposed to be altogether unconnected with the Russian Government, that Russia having made a nine months' contract for provisions will not leave the principalities, at all events, before the expiry of that period; and it has also been insinuated that she will not then quit the principalities until she has been paid the expenses of the invasion. Such a demand reminds me of the old eastern custom, where a great man, after compelling a village to furnish provisions, makes the inhabitants pay him a sum of money for the wear and tear of his teeth in chewing them. Under these circumstances, I think Her Majesty's Government ought to be prepared to lay on the table, in sufficient time before the close of the Session, those papers which may give the public an opportunity of forming an accurate opinion on this question; and I must request the noble Lord to appoint a day—either this day week, or, if more convenient to him, Monday week, which will be a whole month from the time the subject was brought forward—or the discussion of this momentous question.

LORD JOHN RUSSELL: Before I advert to the question put by the hon. Member for West Surrey, I will state what has been our course of proceeding with respect to that very interesting and important question to which the hon. Member for Aylesbury has invited the attention of the House. The House will recollect that at an early period, in answer to questions put to me on this subject, I stated that demands had been made by Prince Menschikoff upon the Government of Turkey, which in the opinion of that Government, and in the opinion of her allies, England and France—were inconsistent with the independence of Turkey. At a later period, I stated, in reply to another question, that Her Majesty's fleet had been ordered to leave Malta, and to proceed to Besika Bay, in the neighbourhood of the Straits of the Dardanelles. The hon. Gentleman speaks of negotiations. That proceeding hardly comes under the designation of a negotiation. It was intended as a proof, and is a proof, how much Her Majesty has at heart the independence and integrity of the Turkish dominions. But when the hon. Gentleman complains that papers have not been laid on the table, and that this House is not in a situation to express an opinion on the course of proceeding adopted by Her Majesty's Government, I must say that I think, of all preparations for war, the best is to exhaust every means to obtain peace—that it is not until all the means of negotiation have been tried and have failed, that any Ministers would be justified in placing at hazard that peace which has happily continued for so many years, and by which the prosperity, the wealth, the commerce, and the liberties of Europe have been so largely promoted. If this is the case, I think the House will agree at once that while these negotiations are carried on, they can be better carried on from Government to Government than by laying all the papers connected with such negotiations before a popular assembly, and exposing to popular debate the matters involved in them. In so saying I have no doubt I ask much from the indulgence of the House—I have asked much from the confidence of the House. But I ask it on no party ground. I do not ask it of one party rather than the other; but I ask it in full reliance on the patriotism of this House, and on considerations which this House will always give to those persons who happen, at the moment, to be the Ministers of the Crown. I have only to add, that these negotiations, so far from having been brought to a close, have hardly had a commencement at St. Petersburg. Considering the distance—the necessity of applying at Constantinople to ascertain the opinions and the wishes of the Turkish Government — the communications that must necessarily take place between France and this country, and the distance, again, to be traversed in conveying communications to St. Petersburg—I think the House will not wonder that these negotiations are not in a state to be laid before the House. My noble Friend the Secretary for Foreign Affairs has declared elsewhere that as soon as his public duty will permit, he will lay all the necessary papers before Parliament. I know that there may be some disadvantage in not making known to the world the document that has been drawn up in protest or answer to papers which have been rather ostentatiously circulated throughout Europe. A despatch written by M. Drouyn de Lhuys has, however, appeared in print —a most able State paper, containing very convincing reasons, stating facts which undoubtedly weaken, if they do not altogether do away with, the assertions in the State paper to which it is an answer. Had it been the custom and usage in this country to give papers separately, the present Government would have been happy to produce at once the despatch of Lord Clarendon on the same subject, in which he has used a similar line of argument. But in conformity with the usage always adopted by Parliament, we think it right to reserve that paper until all the papers can be laid before Parliament. For my own part I entirely agree with what was stated at a time when I was absent from the House, by my noble Friend the Secretary for the Home Department. We are ready to rely upon the forbearance of this House, so long as forbearance can properly be given. If we were unhappily to find that these negotiations could not be terminated honourably and satisfactorily for peace, we should as confidently rely on the patriotism of this House, and its determination to support the honour and dignity of this country. I will only say further that the conduct of the Emperor of the French, and of his Government, has been entirely in accordance with that of Her Majesty, and of Her Majesty's Government, and that the two Powers are united to maintain the faith of treaties—to preserve, if possible, the peace of Europe—to preserve it with the honour of both countries unsullied—to preserve it with the view of maintaining the happiness of Europe and the peace of Europe.

Mr. LAYARD: What, as to a day?

Lord JOHN RUSSELL: I think after what I have stated, the hon. Gentleman cannot expect me to name any particular time. It is not my intention to enter into the question which has been raised by the hon. Member for West Surrey (Mr. Drummond), as to the propriety of our sitting in winter, and having our holiday in summer. For my own part, I am one of those who agree with him. But whenever the House has met in the autumn, as it did last year, I certainly think our sittings in summer have not been much shortened. I think it is possible that another year—I will not say next year—we may be able to finish our Session at the end of June or the beginning of July, and in that case we might, if necessary, make arrangements for an autumn Session.

AUSTRALIAN DIRECT STEAM NAVIGATION COMPANY.

Lord HOTHAM rose to put a question to the right hon. Gentleman the President of the Board of Trade, of which he had given notice. The granting of charters, with limited liability, was a subject of great importance to large numbers of persons who had embarked their capital in steam navigation, and risked their fortunes in enterprises of various descriptions. The question had been frequently under the consideration of the House, and the subject, he believed, had occupied much of the attention of the President of the Board of Trade. He entertained a strong opinion against the propriety of granting these charters. He did not wish to make any complaint against the right hon. Gentleman for granting the charter to the Australian Direct Steam Navigation Company; but he wished to know if he had any objection to lay on the table of the House such information as would enable the public, and those interested in the question, to judge on what ground he had proceeded in granting that charter?

Mr. CARDWELL was glad to find, from the observations of the noble Lord, that very great vigilance had been directed to the subject of granting charters of limited liability, and he had great satisfaction in giving the noble Lord an answer with respect to the grant of the charter in question. At an early period of the Session he stated, in answer to the hon. Member for North Lancashire, that an inquiry into the whole subject of limited liability would be instituted by the Government, and that in the meantime a guarded course would be pursued. He was quite ready to back that assurance by laying on the table any returns which he could produce on the subject. The charter was granted in conformity with precedent, and it could not have been refused without overruling the uniform system which had been acted upon in the case of the Royal Mail Company, the Pacific Steam Company, the Peninsular and Oriental Company, the Indian and Australian Mail Company, the General Screw Company, the South American Company, and several other companies. He trusted that before long the system would be placed on a better footing.

MR. CAIRNS said, that the subject of limited liability was one in which the trading interests of this country took a deep interest, and which required the exercise of the greatest vigilance on the part of the Government. He did not think that the precedents of the Board of Trade would be a sufficiently safe guide in the granting of charters with limited liability, as that body had granted charters to carry out the most trivial and useless objects.

NATIONAL EDUCATION—(IRELAND).

LORD STANLEY said, the question of which he had given notice relative to national education in Ireland, required one or two sentences to make it intelligible. It was well known that that system was a system of united secular instruction, together with separate religious instruction; but in order to supply a deficiency which was felt to exist in a system of that kind, a rule was framed, by which, in addition to that theological and that secular teaching, a joint instruction was given, partly of a moral and partly of a religious character, to all the children in the school. In order to guard against any possible abuse, it was provided that the works used for that joint instruction should be subject to the approbation of the Board, which was composed of some of the highest authorities, both Protestant and Roman Catholic. A further security was also provided against any possible encroachment upon individual liberty of conscience, by the framing of a rule—the eighth—as to the construction of which some ambiguity existed, and which had been interpreted in different ways. It was understood by some persons that in the event of the parents of a child objecting to his receiving instruction from a particular book, that child should not be compelled to receive such instruction. By others it was construed to mean that if the parents of any single child objected to its being taught from a particular book, and objected to that book being used at the time of joint instruction, that book should, on the remonstrance of that one parent, be disused. Some decision had recently been arrived at, but of the exact nature of that decision no satisfactory information had been afforded, and statements the most contradictory had been made by persons professing to speak on the highest authority. He wished to ask whether the rule to which he had referred had been rescinded or affirmed; if affirmed, what interpretation had been put upon it; if rescinded, what regulation had been substituted for it? He also wished to know whether the statement was true, that in consequence of any step which had been taken by the Commissioners, Archbishop Whately had tendered his resignation at the Board?

SIR JOHN YOUNG said, the Commissioners had carefully considered the matter, and come to a decision upon it. He was not at present in a position to state the precise alteration which had been made in the rules by the Commissioners, and he confessed that, after reading the minutes as carefully as he could, and listening to parties upon either side, he was not surprised that different opinions should have been expressed in the other House on the subject, and that different conclusions should have been arrived at by noble Lords. The exact state of the case would be unintelligible without a long statement, and that statement he could not make until he had an opportunity of laying the decision of the Commissioners upon the table of the House. He, therefore, thought it would be better for the House to suspend its judgment until the papers were produced. With respect, however, to the nature of the education given under the National system in Ireland, there could be no doubt it was a separate religious and combined literary education. As the noble Lord had truly stated, it was intended that it should partake also of a moral and religious character, for he found it stated in a letter published by Lord Stanley many years ago, that, in selecting books for the National schools, the principle upon which the Commissioners proceeded was, not only to choose such books as inculcated sound moral principles, but also to introduce into the schools books containing the most important parts of sacred history, the precepts of morality comprised in the Scriptures, and the examples by which those precepts were illustrated and enforced. It appeared, however, that a great difficulty immediately arose, and that it was found quite impracticable to carry out the system proposed. At the same time there could be no doubt it was the wish of everybody acquainted with the subject of education, especially in Ireland, that, if at all practicable, a combined religious and moral education should be continued in that country. How far the recent alteration in the rules would effect that object, he could not at present undertake to say, and he hoped the House would suspend its judgment upon the subject until it had possession of the decision at which the Commissioners had arrived. It was quite clear, however, that neither the Commissioners nor any other extraneous authority could enforce compliance with a combined system of religious and moral education, where the parties chiefly interested harboured feelings of jealousy and dislike towards each other, and that the success of any system must mainly depend upon the exhibition of good temper, and the observance of mutual forbearance. With respect to the question as to whether Archbishop Whately had resigned or not, he regretted that, as the noble Lord had not stated specifically what his question was, he had not been able to make inquiries in the course of that day; but up to yesterday he certainly had not heard that the Archbishop had resigned, or had communicated to the Lord Lieutenant any intention to resign.

Mr. NAPIER said, that the statements of the right hon. Baronet had embarrassed him even more than the debate in the other House. He understood that the noble Earl at the head of the Government had distinctly stated what was the *ultimatum* arrived at by the Commissioners. The statement of the noble Earl was to the effect that, whereas formerly the rule went to exclude the book and not to exempt the child, the alteration now made was to exempt the child and not exclude the book. The noble Earl had also stated, what he believed was correct, that the Board had expunged from their list of school books two publications of the Archbishop of Dublin, which had previously been used with their sanction, and, indeed, by their express order, in the National schools. He held in his hand one of the books which had been so expunged—that entitled *Scripture Lessons*—and he had no hesitation in saying that a more admirable or a more useful book could not be submitted to the youth of Ireland. Yet the Board had struck it out of their list as unfit for either Protestants or Roman Catholics, though it had been published by themselves, and furnished to their schools for a number of years. If Parliament was to have any control over these Commissioners, and if such books were to be expunged as fit neither for Protestants nor Roman Catholics, he thought the House would be to blame if it did not take the matter up, and have a full discussion upon it at the earliest convenient moment.

THE PETERBOROUGH ELECTION.

Mr. BRIGHT said, he understood that in the course of the evening a Committee had been nominated, in pursuance of the Resolution adopted by the House last night, in the matter of the petition charging Earl Fitzwilliam with having interfered in various elections for Peterborough. It would be in the recollection of the House that, when he moved for the appointment of a Committee, he endeavoured to follow in all particulars, except in having reduced the number by two, the precedent of the Stamford case. He stated that his object in moving that the number of the Committee should be seven, was, that the General Committee of Selection might appoint five; that he should be chosen as another; and that some other Member of the House should be selected to watch the case for Earl Fitzwilliam. He understood that the House acceded to that view. He now found, however, that the General Committee had nominated seven members, and that he was not one of them, though there might, for anything he knew, be one of the friends of Earl Fitzwilliam upon the Committee. He was not aware that any of the Gentlemen who had been placed upon the Committee knew anything of the case; and if they did not, it would be necessary to have counsel, who were not the best parties to bring out the truth in such an inquiry. He should be very glad, personally, to be excused from serving upon the Committee; but having moved for its appointment upon the understanding that he should be chosen one of its members, he did think that the course which had been taken by the General Committee of Selection was not that which the House intended, or which would best promote the ends of justice. He was not at the present moment certain what step to adopt with the view of reverting to the intention of the House; but he should consider, between that and Monday, what course he ought to pursue in the matter, and should then state his determination with regard to it.

GOVERNMENT OF INDIA BILL.

Order for Committee read. House in Committee.

Clause 32 (Subject to regulations all persons desirous of being admitted to Haileybury or Addiscombe, or appointed Assistant Surgeons to be admitted for examination).

Sir CHARLES WOOD said, he would state to the Committee what course the Government now intended to pursue with regard to the appointments comprised in this clause. The original proposition of the Government had been that all the appointments to Haileybury should be thrown open to public competition. One hon. Gentleman had intimated his intention of moving as an Amendment to this proposal, that the system of appointments to Haileybury should remain by nomination as at present. Another hon. Gentleman, the Member for Montrose, had an Amendment on the paper, that only one-half the admissions to Haileybury should be open to public competition, the other moiety remaining the result of nomination as now. It was the intention of the Government on this point to adhere to its original proposition, and to throw all admissions to Haileybury open to public competition, the natives of India being admissible to that competition equally with Her Majesty's other subjects. With regard, however, to admissions to the military seminary at Addiscombe, the Government had seen reason to reconsider its original proposal. That proposal, as contained in Clause 33 of the Bill, was to render admissions to Addiscombe also matter of public competition, altogether abandoning the existing system of patronage in that particular. He had, however, since the Bill had been presented to the House, received many communications from Members of the Committee, Gentlemen who had thoroughly investigated the existing system, and who had intimate practical knowledge of its working—all urging upon the Government the inexpediency of interfering with that system, and manifesting, from the evidence of all the military men who had been examined, that the result of the system had been to render the engineer and artillery services of the East India Company equal if not superior to the corresponding services of Her Majesty's army. It had been determined, therefore, to adopt the unanimous views of these competent judges of the matter, and to leave the system of admissions to Addiscombe as it now existed. He might add, in correction of a misapprehension which had gone abroad of his original statement of the measure, that the principle of public competition in admissions to Addiscombe had never been contemplated by the Government as applicable to other than the engineer and artillery services, that was to say, to the scientific departments of the East India army. With regard to appointments to assistant surgeonships in the East India Company's army, he intended to adhere to his original proposition, that these should be altogether open to public competition, the natives of India being equally admissible to candidateship with Her Majesty's other subjects.

Mr. HUME was very glad to find the Government willing to avoid the mistake they had originally announced with regard to military appointments to the East India Company's service, and he was satisfied that the evidence before the Committee upstairs, and the opinions of the most competent authorities, would, were they equally accepted by the Government, equally induce them to reconsider their proposition with regard to admissions to Haileybury. He proposed to make the trial of throwing the admissions open to public competition by making that principle apply only to one-half, and if that trial should succeed it would be easy then for them to extend it to the whole. The manner in which the high offices in the civil service had been filled, and the general fitness of the civil servants appointed for their duties, was a proof of the success of the present system, and was a safeguard against any sudden change in the mode of conducting the business of the Government in India. He feared that to open the whole of the admissions to a public competition in the first instance, would be to run too great a risk. The trial was made in 1833, when the system of allowing each Director to nominate four persons for each office, was introduced; but that plan was found objectionable in working, and it was altered afterwards by Act of Parliament. Mr. Tucker, who was a good authority on the subject, had given strong reasons against the adoption of the principle of general competition, and had shown that it was not those who were the brightest at college who were the most competent men of business in after life. He should move in line 5 to insert words confining the competition for admissions to Haileybury to one-half of the whole number.

Amendment proposed, in page 14, line 5, after the word "appoint," to insert the words "one-half the number of."

SIR HERBERT MADDOCK said, he could not agree with the Amendment of his hon. Friend who had just sat down, for he thought that it would lead to extraordinary confusion if they admitted one-half the students into a college who were nominated by their friends, and another half composed of persons who had gained that position by their individual attainments. He was of opinion that all these admissions should be open to public competition. If the plan was to be adopted of sending men to Haileybury who had passed a previous examination, he wished to know whether the right hon. Gentleman proposed to limit the number so admitted; because, if not, it appeared to follow almost as a matter of necessity that, once admitted, they would be supported and sent out to India, so that on their first examination the future prospects of the young men would altogether depend. He imagined that it would be far better if the admission to this seminary, or to some other place of education suited to the purpose, were left entirely open to all who chose to enrol themselves as candidates, and who had passed a sufficiently satisfactory examination, but leaving their future appointment to competition before their departure to India. The Government of India was mainly carried on by 600 or 700 English gentlemen, who were sent out there for that purpose, and it was, of course peculiarly incumbent on the Legislature to take every precaution to render the administration of India as perfect as possible. Now, though there could be no doubt that the civil service had been highly distinguished, yet it must be evident that out of so many there must be some who ought never to have been admitted into it; and he thought, that, with the view of securing at all times the best servants, there should be a fair and open selection by competition. When once they should have thrown open the civil service to all the country, he could not conceive what necessity there would be for retaining Haileybury as a separate establishment. It was said that this clause would open Haileybury to all British subjects; and the right hon. Gentleman opposite seemed to anticipate that amongst those who would become competitors would be some of the Natives of India. He (Sir H. Maddock) rather doubted that, and he doubted whether it was desirable to encourage any plan which placed Natives and Europeans on precisely an equal footing in respect to the denomination of offices which they held. He felt himself bound to record his vote in favour of leaving the whole of these appointments open to competition.

MR. VERNON SMITH said, he differed from the hon. Gentleman in thinking that any difficulty would arise from admitting one set of persons by competition, and another by patronage. In his opinion the hon. Member for Montrose had taken a very reasonable course, and had made a most reasonable proposal. The object of this Bill was altogether experimental, and the Amendment was of a similar character. The hon. Member for Montrose said that instead of having only one mode of admission into Haileybury, they should have two, in order to see which succeeded best, and then adopt the one which was found to be most successful. This was a very grave and important question; they were about to interfere with the mode of admission into a service which had been found to be perhaps the best of which they had any experience, and therefore they should be very cautious as to how they altered it. The change now proposed evidently originated in the desire to carry out the great principle of competition, a principle excellent in itself, but not adapted to all circumstances. Some persons—as for instance the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay), condemned those who were opposed to the principle of competition in this case, as though they favoured ignorance. He (Mr. V. Smith) did not think that that was a very just inference to draw; but he certainly was prepared to deny the assertion of the right hon. Gentleman, that academical distinction was the surest test of success in life. It was easy enough to quote particular instances; but, generally speaking, he did not think that academical distinction was the best test of a man's future career, and particularly in that kind of success which was desired in the Indian service. If any person would look to the list of persons who had been with him at the University, instead of finding those who had been most successful there the most prominent in public life, he would find them, still scholars, indeed, and men of letters, but buried in remote parts of the country, and not the most prosperous in the struggle of life. Competition as regarded Haileybury College had been proposed by the right hon. Gentleman the Member for Edinburgh in the last India Bill, and what was called the fourfold system had been the result, according to which every Director, instead of selecting one, was to nominate four persons, and to allow the successful candidate to be determined by competition. He did not know precisely why that plan was adopted, but he believed it was on account of the difficulty of finding persons who would enter into such competition, and the unwillingness of the Directors to make an invidious choice, which must result in disappointment to three of those nominated, to the injury of their subsequent chances of success in life. He (Mr. V. Smith) must say he believed that the fourfold system of competition was, on the whole, a better one than that now proposed. The President of the Board of Control said that his plan would at least do no harm; but it was, to say the least, doubtful whether it would not do harm by excluding persons who might be excellent public servants, but who would not submit to competition, for fear of incurring the stigma of rejection. There were many who had been most distinguished in after life who in youth were lively boys, averse to study and competition of this sort; and when they talked of great men who had distinguished themselves at a University, he could tell them of persons who had succeeded in the world without attaining distinction in those studies. Besides, the right hon. Gentleman had not told them what kind of competition he proposed to institute. It was quite possible that they might have a system from which a Charles Fox, when a boy, would have shrunk with disgust, and an Arthur Wellesley would have retired with defeat. But that was not the only view to take of this subject. He was perfectly ready to admit that there was a vulgar use of patronage, which was commonly called "jobbing," and which every one deprecated; but it must be remembered that there was also such a thing as a noble use of patronage. Now the greatest enemies of the East India Company had not said that bad men had been introduced into the colleges; and, so far as his experience went, he must say that he had never seen a finer set of young men than he had at Addiscombe. They were now creating a Government for India, and he feared it must be owned that Her Majesty's Ministers were rather disposed to disparage the Government which they were about to establish. The First Lord of the Admiralty had certainly gone further than most of his colleagues, inasmuch as he had positively admitted the incapacity of the Court of Directors. But he (Mr. V. Smith) did hope that, if they really were to institute a fresh Government for India, they would not be so unwise as to strip it of every ornament, advantage, and privilege which the Directors had hitherto exercised, and which, he maintained, it was necessary for them to exercise. He begged the Committee to look at the effect of the present system of patronage on the Indian service. At present the servants of the Company always looked to the Directors for protection—as, in fact, the authors of their political being, and consequently were disposed to serve them with that fidelity which was expected from them. But it might be a very different thing if they owed their places to competition, and not to the governors whom they served. On all these grounds he was inclined to adopt the Amendment of the hon. Member for Montrose; and if he went to a division, he (Mr. V. Smith) should give him his support. The proposal of his hon. Friend was one of experiment on a Bill of experiment, and for that reason he should be glad to see it adopted.

LORD STANLEY said, he was not about to enter into the question of public education at Addiscombe; but the remarks of the right hon. Gentleman who had just sat down, so far as they applied to the civil service, did appear to him to deserve as well as to require some answer. The right hon. Gentleman, in the first place, had contended that those who had taken academical honours, and had distinguished themselves in competition in early life, had not, in the majority of instances, become successful at a later period of life; and, on the other hand, that many of those who had not distinguished themselves in early life had attained great eminence afterwards. Now, he (Lord Stanley) ventured to differ from the right hon. Gentleman with respect to both the one and the other of these points. As to the subsequent distinction obtained by those who had achieved academical honours, he must say that he thought the right hon. Gentleman the Member for Edinburgh (Mr. Macaulay) was perfectly justified by the facts to which he had referred, as well as by the experience of both Universities in the matter. It was impossible, he thought, to look at the records of academical distinctions without seeing that, generally speaking, in the far greater number of instances persons had achieved honours at a later period of life very much in proportion to those they had obtained at an early period; and this was more and more the case in proportion as we came nearer to the present day—in proportion, he meant, as we came to deal with the educational system which was in operation at the present day, rather than with that which was in operation in former times. There was then a fair *primâ facie* ground for contending that this test of competition, as hitherto applied amongst them, had been so far successful as to justify them in trying it further. At the Universities, from the nature of those institutions, there was a tendency that not all of those who had been distinguished there should be afterwards engaged in the occupations of active life. The Universities themselves absorbed a very large number, and a great many occupied themselves in teaching, and were not, therefore, brought into competition in later life. That circumstance must be considered; but if amongst those who had distinguished themselves in the Universities, they should select those who had afterwards taken a part in active life, they would find that the proportion of those who distinguished themselves in the world was much greater than appeared at first sight. The right hon. Gentleman (Mr. V. Smith) put the converse case, and asked them to consider how many distinguished men there had been in all professions who would fail in undergoing the test of early competition. His (Lord Stanley's) answer to that was, that so far as that was the case, he believed it was very much on account of the prevalence of the very ideas which the right hon. Gentleman was now supporting; that it was very much because, until within the last few years, until, indeed, the present generation, that a sufficient degree of importance had not been attached to the practice of public examination and competition in early life. The result was, perhaps, also due to another circumstance, that until very recently the teaching in our Universities, however excellent for a particular purpose, was not such as to qualify men in the best manner for public life. These circumstances ought to be taken into consideration in discussing the question whether they ought to apply the test of competition. But there was one point upon which the President of the Board of Control had not given them sufficient or satisfactory information—he meant with respect to the period at which the competition was to be introduced. Now, every thing, in his opinion, turned upon that. He did not think that, on the whole, they could have a better or fairer test than that which was furnished by competition at the age at which academical degrees were usually granted—namely, at about 20 or 21 years of age; but it would be a different thing if the test were applied three or four years earlier, and if the competition was a competition between boys, and not between young men. He did not believe that the accidental distinction which one might obtain at the age of 17 or 18 was any great test of real ability, because, obviously, distinctions at that age depended more frequently on the effect of cramming and artificial training, than on the spontaneous efforts of the mind. He thought, then, that the principle of competition, as against the principle of nomination, was one which deserved the sanction of the House; but at the same time it was very important to see that the period of the competition was not fixed at too early a period of life. He confessed that he should not have been greatly dissatisfied if they had made examination the sole qualification for entrance into the civil service directly, without the interposition of a previous trial merely for matriculation on entering college. He believed that it would be an infinitely better plan if they were to say that such and such is the standard of qualification required for the civil service, and that those who had approached nearest to that standard, and those alone, should be admitted to the service. He believed that such a plan would in every respect be found to answer better than that of an examination at the entrance to college, which would necessarily take place at an early period of life. That was his principal objection to the scheme of the Government; but that did not affect the question at that moment before the Committee—namely, the question with regard to the principle of competition as against nomination; and, on that point, so far as it applied to the civil service, he should certainly support the general principle of the clause.

Mr. J. G. PHILLIMORE also intended to support the clause as it stood, thinking it better that the admission should be by competition, than by the present plan of nomination. But at the same time he was not insensible to the evil of cramming to which the principle was exposed, and he admitted that this evil should not be lost sight of in considering the difference between the two principles. He certainly did not think that the panegyrics which had been uttered upon the present system of nomination could be justified, because it was apparent, from the clearest evidence, that the persons employed in the judicial department in India did not possess even an average amount of talent. The existing system of appointment had been condemned by Lord William Bentinck, who said—

> "The bane of our system is not solely that the civil administration is entirely in the hands of foreigners, but that the holders of this monopoly, the patrons of these foreign agents, are those who exercise its directing power at home; that this directing power is exclusively paid by patronage, and that the value of this patronage depends exactly upon the degree in which all the honours and emoluments of the State are engrossed by their clients, to the exclusion of the natives. There exists, in consequence, on the part of the Home authorities, an interest in the administration precisely similar to what formerly prevailed as to commerce, and directly opposed to the welfare of India."

It was because he (Mr. Phillimore) believed that the present system was directly opposed to the welfare of India, that he would give his vote in favour of the clause.

Mr. ELLIOT observed, that some of the most eminent officers in the Queen's service, who had held commands in India, including Lord Hardinge and Sir Charles Napier, had borne testimony to the admirable education afforded at Addiscombe, and had spoken in the highest terms of the efficiency of the artillery and engineer officers in the Company's service. He must say, with regard to the civil service, that he could not concur in the desire entertained in many quarters that it should be thrown open to competition. He believed that the mode in which the civil servants of the Company had hitherto been appointed, had tended very materially to promote the efficiency of the service. He had no doubt that, if persons were selected merely for their academical attainments, they might get men more of one stamp than those who were appointed at present; but they required men of varied character for the Indian service, and some of those who were by no means remarkable at college for their learning had become celebrated for the energy and spirit which they had afterwards displayed. The Court of Directors had been blamed, not only for their selection of civil servants, but also for having promoted officers in that department who had been involved in some dilemmas; but he begged to inform the Committee, that when civil servants of the Company reached India, the Directors had no power with regard to their promotion. That promotion rested entirely with the Governors of the Presidencies to which they were appointed, or, if they were sent to Bengal, with the Governor General. He need scarcely remind the Committee that Sir Charles Metcalfe, who had been employed in the Indian service, was afterwards selected by Her Majesty's Government to fill the office of Governor of Jamaica when the affairs of that colony were in a critical state, and was eventually appointed Governor General of Canada; that Sir George Anderson had been Governor of the Mauritius, and was at present Governor of Ceylon; and that Sir George Clerk, an experienced servant of the Company, had been selected as Governor of the Cape of Good Hope. He believed that two out of the three Gentlemen he had named would not have obtained appointments in the civil service, if they had been subjected to the competition which it was now proposed to establish. He was sure Sir George Clerk would not be offended at his saying that he (Sir G. Clerk) was as little inclined to study, as a young man, as he (Mr. Elliot) was himself; but that Gentleman had, notwithstanding, attained the highest honours. Sir Charles Metcalfe, although not an excellent scholar, was, as a young man, a jolly, jovial, happy fellow; but he got employment in the East India Company's service, and the Committee knew what was the result; he (Mr. Elliot) doubted, however, whether, if the proposed system of competition had been in existence when Sir Charles Metcalfe was a young man, he would have passed the examination. It had been alleged that the Court of Directors had not dispensed a sufficient amount of their patronage among those who had served them in India; but he must say he thought they had always behaved with great fairness to that class.

If, however, the proposal of the Government should be adopted, he conceived that the Indian servants of the Company would be placed in a most disadvantageous position. It would, for instance, be impossible for the widow of any of the Company's officers, depending merely upon her pension, to give to two or three sons, until they attained the age of eighteen or nineteen, the education which would qualify them to become competitors for the chance of entering the Company's service. It was of advantage to the Indian service that a connexion between those who had retired from the service, and those who had just entered, should be kept up, for the sons of retired officers were received with respect and affection by those of the Natives who had known their father. He hoped means would be adopted for affording to the sons of civil and military servants of the Company a chance, at least, of obtaining some of the appointments in their gift.

Mr. NEWDEGATE considered that the point raised by the hon. Gentleman deserved the consideration of the Committee. They were called upon to effect an important change, and to open what had been termed a close service; some hon. Gentlemen were so carried away by the theory of competition, that they forgot there were other qualifications required for the Indian service than those which could be tested by examination as to learning. It was necesary to insure, on the part of the servants of the Company, the very highest qualities—honour, honesty, and attachment to the Government whose interests they were required to maintain. Under the system which it was now proposed to establish, it would, however, be impossible that anything could be known of the connexions, the early education, the dispositions, or inclinations, of the persons who came forward as competitors for appointments. All that would be known would be, that they possessed a certain amount of literary acquirements. The House of Lords was not a useless body, but it was not appointed by competition. They were hereditary; and how were they fitted for their exalted position save by the education they received from childhood—an education in principles, not literary acquirements, with which a man might be crammed. The real test of an Indian servant was the way in which he applied himself to, and performed, his duties; and that test the covenanted service of India had for years most honourably borne. He considered, also, that the adoption of this clause would deprive the East India Company of the opportunity of rewarding, in the most satisfactory manner, the faithful and honest services of those whom they employed in India, by enabling children to follow the same honourable course of life which had been pursued by their parents.

Mr. J. D. FITZGERALD observed, that when he became a Member of the Committee on Indian Affairs, he entertained some considerable prejudice against the Company and their servants; but his experience on the Committee had proved that that prejudice was, to a great extent, unfounded. He believed, however, that in adopting the principle of competition, in lieu of nomination, they secured an important test, if not the best test, of merit. The result of his experience, however, had been to show him, that, from whatever cause, the nominations had all flown in one channel; for whilst the Hibernian Celt was unknown in India, the Caledonian Celt was quite familiar. The hon. Member for Honiton (Sir J. W. Hogg) had stated last night that the claims of the Irish Bar with regard to Indian appointments had not been neglected, and he mentioned the names of Sir Francis M'Naghten, Sir J. Franks, and Mr. Strettel, as persons holding judicial appointments in India. He (Mr. Fitzgerald) had made some inquiries on the subject, and had ascertained that Sir F. M'Naghten was appointed in 1815; that Sir J. Franks had been appointed 28 years ago, and that Mr. Strettel never had held a judicial appointment.

Sir HENRY WILLOUGHBY feared that competition would have the effect of excluding the sons and relatives of distinguished servants of the Company from the appointments which their friends had deserved. Not that he objected to competition, but he felt it was monstrous to discuss it without some scheme before them, to show how it was intended to work. He thought they were making a fearful experiment without adequate information to support them.

Question put, "That these words be there inserted."

The Committee *divided*:—Ayes 39; Noes 93: Majority 54.

Mr. BLACKETT hoped the President of the Board of Control would postpone the consideration of that portion of the clause which referred to the Addiscombe patronage, because it was contrary to the understanding on which many Members had voted for the second reading. When the right hon. Gentleman announced his intention of restoring it to the Directors, there were but few Members present in the House.

SIR CHARLES WOOD said, it was not his fault that hon. Gentlemen did not attend in their places. He had declared his opinion, with respect to a particular course, during the ordinary routine of business, and he could not be held responsible for the number of persons present at the time.

MR. OTWAY saw no reason why, in the course of time, the Natives should not be admitted into the military service, as they ought to be admitted at once into the civil service. He thought they might at once make them collectors—three or four to the district which was now done by one Englishman; and the consequence of that would be an improvement every way. He expressed his thanks to the right hon. Gentleman for the course he had taken as to admission to Addiscombe.

SIR HERBERT MADDOCK considered that some hon. Gentlemen had made a mistake with regard to the admission to Addiscombe, for the youths went there to the higher branches of education, in consequence of their success in public competition. It was proposed to continue upon the present footing all the rest of the cadets sent to India; for it appeared to him when the number of Directors would be reduced from 24 to 18, that absolutely and in reality there would be a greater amount of individual patronage than there was when the civil appointments were direct. It appeared to him that the Commander in Chief would be a good person to have a portion of the patronage, and that the Court of Directors in their corporate capacity, might be entrusted with a considerable amount of it.

MR. BRIGHT said, that as the right hon. Gentleman was departing from the arrangements which he had made to the House in his opening speech, by restoring to the Directors a portion of the patronage which he had originally proposed to take away from them, perhaps he would inform him whether he intended to add to the salaries of the Directors. The Bill did not fix the amount, and it appeared to him that it ought to be fixed. He should be glad to hear what the intentions of the right hon. Gentleman were on this point.

SIR CHARLES WOOD said, he proposed to bring in a clause to fix the rate of the salaries.

MR. BOUVERIE said, that the hon. Member was out of order. The proper time to ask the question respecting salaries would be when the clause relating to them should be before the Committee.

MR. BRIGHT said, that the proposition of the clause before the Committee was to restore the patronage of the Directors. The right hon. Gentleman had himself connected the question of patronage and salaries. Although he deferred to the Chairman (Mr. Bouverie), and would sit down, if wrong, yet he thought he was in order, and entitled to put the question.

SIR CHARLES WOOD said, the hon. Gentleman asked him a question, whether he intended to introduce a clause to fix the salaries of the Directors, and the answer he gave him was that it was his intention to bring in such a clause.

MR. BRIGHT: But as to the amount of the salary, the right hon. Gentleman said nothing.

SIR CHARLES WOOD: The hon. Member should confine himself to regular proceedings. When the question of disposing of the clause respecting salaries should be before the Committee, he would state what he intended doing.

MR. J. G. PHILLIMORE said, the right hon. Gentleman had taken credit for doing away with a large portion of the patronage of the Court of Directors, which he was now about to restore by this clause. He certainly had not supposed that the right hon. Gentleman would, without notice, have abandoned a part of his Bill. If it had been generally known, many hon. Members who had staid away from the House would have come down and voted upon the questions before the Committee.

MR. OTWAY said, that the question of salary and patronage had been so repeatedly discussed that it was no wonder that hon. Members should feel desirous of being informed upon the first point. The effect of the right hon. Gentleman's alteration would be to give to the Directors from 1,000*l.* to 2,000*l.* a year more in value to each Director. The additional appointments would amount to that. In reference to the remarks of the hon. Member for Manchester, he considered that the right hon. Gentleman ought to state to the Committee the additional salaries which he intended providing for the Directors, and which would come out of the pockets of the people of India.

Mr. BLACKETT wished to ask whether the alteration proposed to be made in this clause in any degree affected the conclusion to which the right hon. Gentleman had arrived in his speech upon the first reading of the Bill, when he said he thought it only fair to increase the salaries of the Directors when he proposed to diminish their patronage?

Sir CHARLES WOOD said, he had never connected the patronage with the salaries, and had all along repudiated the idea that the Directors received any personal benefit from the patronage. When on this subject he would take the opportunity of making a statement which he had been requested to make to the House. The hon. Member for Manchester had last night made a very strong statement to the House affecting the character and reputation of the Court of Directors. He had that day seen the Chairman and Deputy Chairman of the Court of Directors, and they requested him to make an announcement to the House to the following effect: They regretted exceedingly that charges of a general nature should be made in such a manner as was done last night by a Member of that House; that statements of that kind should have been made by an hon. Member in his place without at the same time imparting his authority. With regard to the charge so made, they felt that it was so general as to make it impossible for them to answer it except by expressing their disbelief that any member of their body had acted in any way whatever so as to warrant such a charge; but they stated that as on a former occasion, when charges such as these were brought forward, they appointed a committee to investigate those charges, and at the same time prosecuted to conviction certain persons who had been guilty of tampering with the sacred duties of the Directors, and succeeding in bringing them to merited punishment—so they were prepared to pursue on this occasion a similar course. They were anxious that this statement should be made in the face of the House and the country; and it was their earnest wish to have every accusation that could be brought against them investigated in the most searching manner. They called upon the hon. Member for Manchester—who must be anxious to see the Court of Directors, a body exercising important and responsible functions, able to refute these charges—they called upon him to produce the evidence on which he rested his charges, and they pledged themselves that they would spare neither time nor money, nor effort, to prosecute to a conviction any person who had been dealing in such a way as the hon. Member had represented with any appointment in the gift of the Directors; and at any rate if the evidence was insufficient to allow a conviction, to hold him up to the infamy which he so richly deserved.

Mr. BRIGHT: I want the House to understand exactly what it was I said; and after that I shall leave the hon. Member for Lambeth (Mr. Wilkinson) who is the authority for what I stated to the House, to confirm my statement. What I stated was this—that an hon. Member of the House told me that a near relation of his own had had offered to him by a person—a gentleman—so he was represented to me—an office or appointment in India; and that in the course of the conversation relating to it, intimations were held out as to what would be expected in such a case. The gentleman to whom the appointment was offered afterwards ascertained that it would be necessary for him to make a declaration or oath that he had not given, nor expected to be called upon to give, any compensation or payment for this appointment. When he ascertained that, he found that with his views upon the quession it was impossible for him to accede to the intimations that were held out to him, and at the same time conscientiously make the declaration required of him; the consequence was that he did not get the appointment, and I presume, if the appointment were given at all by this gentleman, he found some other person who was not so scrupulous as the gentleman to whom I have referred. That is the statement I made to the House—of course I do not again enter into the details of it; and I may now add that my hon. Friend the Member for Lambeth stated it to me in the course of conversation. Perhaps it was not desirable that, without consulting him, I should have stated it to the House. I can only say that I did not intend to state it before I rose to speak; but believing that similar cases on the part of the Directors were notorious, I did not conceive it would have roused such a feeling as it did last night. I said then that my authority was an hon. Member of this House. I did not state that he was then in the House, though I knew he was, because I was not aware that he was at liberty to give the name of the party. I did not wish to excite hon. Members of this House to call upon him to rise and confirm it. But since last night the hon. Member has put himself in a somewhat different position, and therefore I have nothing further to say, but leave him to give an explanation.

Mr. WILKINSON: I hope the House will believe that I was anxious last night, when I heard the hon. Member for Manchester so severely attacked, and knew that I was his informant, to rise and corroborate his statement. The reasons why I did not do so were twofold: first, my statement to the hon. Member was made in private conversation, and was made in illustration of the manner in which, according to common apprehension, the great patronage of the Company was administered. That may be altogether unjust, and I am bound to believe hon. Gentlemen who say that it is so; but I say that there is a strong impression existing in the public mind to that effect, and having mentioned it merely as such, I must say it took me somewhat by surprise when the hon. Member stated publicly what I had told him in private conversation. That was one reason. The other was, that as I was not then at liberty to give my authority for the statement, I thought it would not be productive of any advantage if I did rise, and I therefore remained silent. I have now to state that the person to whom this transaction occurred is my own brother; and that it occurred about last October twelvemonth, though I cannot be altogether sure with regard to the month. I have had a communication with my brother this morning, but he does not feel himself at liberty—having given his word of honour—to divulge the name of the party. The House must, therefore, take the facts on my own statement. The circumstances occurred substantially as the hon. Member for Manchester related them. My brother was desirous to send his son to India, and he made no secret of his desire. Soon after a gentleman came to him whom he had known many years, and said that he could get an appointment for him. My brother said he was much obliged to him; but a long time passed, and the appointment did not come. At last the gentleman came, and hinted something very much to the effect of what the hon. Member for Manchester mentioned to the House last night. My brother, who was not at all acquainted with the forms of the East India House, had no idea that there was any impropriety in what was suggested by this gentleman, and never supposed that there was any illegality in an East India Director selling a piece of patronage of this sort. I mention this, because the hon. Baronet the Member for Honiton said last night, that the party who offered money was as base as the party who accepted it. I beg to say that my brother has as nice a sense of honour as the hon. Baronet himself. But when the gentleman proposed to my brother that he should give something for the office, I must say he was rather pleased than otherwise, because he would be glad to give 300*l.* or 400*l.*, in order to escape being under obligations to any one, by buying the appointment in the same way as a commission is bought in the Army. So matters remained, till a friend went to the India House, and showed my brother a copy of the documents that he would be required to sign on getting the appointment; and when he saw these declarations he certainly was startled. He went to the gentleman and explained to him that it was impossible he could sign this declaration when he knew that he had given a consideration for the appointment. The gentleman's answer was, "Oh, you do not understand these things, they are matters of mere form; I shall give you the appointment, and you will give something to a friend of mine, who is in indigent circumstances—that is all." My brother, however, could not swallow a piece of casuistry like this, and the affair came to an end. At the same time my brother pledged his word of honour that he would not divulge the name of this gentleman; and therefore he cannot give it up. I must say, however, that the gentleman in question is not one of the parties to whom the hon. Baronet the Member for Honiton alluded last night, as carrying on a traffic in these appointments without being able to sell them, because he holds such a position in the City of London that there could be no doubt whatever that if he had taken a consideration from my brother, he must have given what he had contracted to give. It may be possible that a Director had given the gentleman this piece of patronage, which he proposed to sell without the Director's knowledge; but that he did offer to sell it is certain.

Viscount JOCELYN: Sir, this is one of the most painful things that has ever taken place in this House. That one Gentleman should have mentioned in public what he heard in private conversation affecting the character of a body of gentlemen entrusted with great power and patronage, and who are sworn on their oaths not to use that power in an improper way—that such a thing should have taken place without further explanation, must leave a stigma on the whole of the members of the body to whom it applies. I think before the hon. Member (Mr. Bright) mentioned it, he ought to have ascertained who it was, and should have been prepared to give his name. If I were a Director I would call upon the House, and the honour of the House, to desire that the name should be divulged. Remember what it is we are doing. We are about entrusting a body with the same great powers they have hitherto enjoyed, and without any additional checks. Is it right that these gentlemen, to whom we are entrusting these powers, should be left under the stigma of having made a corrupt use of their patronage, and that too in breach of their oaths? I think this is a question of honour that affects us all; and I call upon the hon. Gentleman, before another day passes, to come down to the House and let us know who is the guilty party. I think that the East India Directors have a right to claim that the name should be mentioned, and that the party should be placed on his trial. This I must say, that we have had before us, in the Committee upstairs, evidence on the question of patronage; and there is not, so far as I can remember, a single fact alleged affecting the honour and integrity of these gentlemen in the disposal of their patronage. Do not, then, let us send forth to the world this statement against the Directors on the authority of a single Gentleman, and be afraid to state the name of the guilty party.

Sir ROBERT H. INGLIS: Sir, I heard yesterday the statement of the hon. Member for Manchester with great pain, but I am bound to assert that he did not refer to any Director as the guilty party. That he left such an impression on the House is but too clear; but it might, on the other hand, be equally true that the whole negotiations took place not only without the guilty knowledge, but even without the suspicion, of any member of the Court of Directors. I honestly believe that that was the fact. I believe that not one member of the Court, so long and so ably represented by the hon. Member for Honiton, is at this moment open to the suspicion of being a party to such conduct; and if it can be made out that the hon. Member for Manchester charged—as I believe he did—no one individual Director with the cognisance of it, then I think the time of the House may be better occupied in the discussion of the Bill before us, than in pursuing further this painful subject.

Lord JOHN RUSSELL said, he could not but regret that the hon. Member for Manchester should, with such information, have made a charge such as that which he had made last night against the Court of Directors. He ought to have considered that they were now about again to place in the hands of these Directors the government of a great empire, and that therefore they ought to be persons of high character, and that there ought not to rest upon them the least suspicion of being accustomed to dispose of their patronage on any but public considerations. It was of the utmost importance, on the other hand—though the hon. Member seemed to think light of it—that it should not go out to India that these Directors were persons of any one of whom it could be said that he had disposed of his patronage in any such improper manner; and it was evident that the character of the Directors would be seriously affected by such charges as these. The transaction, however, to which the hon. Member had referred was between two persons, neither of whom were Directors, and neither of whom, so far as it had appeared to the House throughout, had any authority from, or any connexion with, any one of that body. He really thought that the hon. Member for Manchester ought more seriously to consider matters of this kind before he brought them forward as charges against the Company. If it were possible, it was the bounden duty of the Directors, having got the cue, to inquire whether any person had made such an offer in the name of any one of the Directors. Such an inquiry might utterly fail; but he would say, for his own part, that notwithstanding this charge had been hazarded, he thought the character of the Court of Directors—apart from the question whether or not they ought to be entrusted with the Government of India—would stand as high as ever in the estimation of the public, as men fulfilling the duties of their position with a full sense of its honour and dignity.

Sir JAMES W. HOGG wished to point out that it was not only the Directors of the East India Company who were punishable for the sale of patronage, but any third party who was guilty of a transaction so dishonourable could also be indicted and punished for it. He mentioned this because cases had occurred in which persons had pretended that they had the sale of patronage, and that they could give appointments, who in reality had no appointments to give, and who got money for which they could give no consideration. The question then arose, if there were so many dupes, how could things go on? but that was readily explained by the fact that the person offering the money was as liable to be indicted and punished as he who received it. Those men, therefore, who, one after another, had been duped, and who had given 500*l.*, 1,000*l.*, and even 1,200*l.* for appointments, and not one of whom had got anything in return, did not make the matter public, because they, having given money, were just as liable to be indicted and punished as those who received it. This trafficker in appointments, who had made such an offer to the brother of the hon. Member for Lambeth, was just as base, just as dishonourable, and just as liable to punishment, as if he had been the Director himself who had the appointment to give. It was obvious that, whatever might be that person's position in the City, in life, or in society, that "base" was not a harsh or uncalled-for expression to apply to his conduct, because, though the brother of the hon. Member—an honourable man—shrunk from being a party to such a transaction, the person who made him the offer evidently knew that it was dishonourable, since he had the audacity to propose to him the only way in which the law could be evaded. Whatever his position in life might be, he had been guilty of a base, dishonourable action—doubly so, because it tended to implicate a body of honourable men. If it were consistent with the feelings of the hon. Gentleman—and he hoped it would be so—to give up the name of the gentleman to the Chairman of the Court of Directors, they had the means of tracing the matter, because a registry was kept of every appointment made, of the person to whom it was given, and at whose request. They could trace the matter to the bottom, and they could either show that there was some Director who had participation in this transaction—and, if so, they were prepared to indict and punish him—or they could show that this individual had been so dishonourable and base as to attempt to sell an appointment, but that he was more—that he was a swindler who had attempted to sell that which he did not possess. He hoped, for the sake of public morality—for the sake of public justice—the hon. Member would endeavour to press upon his brother the necessity of bringing to justice this culprit, whom he had the misfortune to know, and with whom he had had the misfortune to have had communication.

MR. BLACKETT said, he thought the hon. Member for Honiton had indulged in much undeserved censure of the hon. Member for Manchester. Surely it could not be said that when his hon. Friend was placed in possession of information relative to a great public scandal, it was his business to be silent. He gave the House all the information in his power; and he thought the hon. Gentleman showed remarkable courage in refusing to retract an assertion which he believed to be perfectly correct; and also that he showed a just sense of honour in refusing to betray the confidence which the hon. Member for Lambeth had reposed in him.

MR. MANGLES quite agreed that the hon. Member for Manchester had shown considerable courage. In charging a gentleman in the City of London, not connected with the Direction, the object of the hon. Gentleman was to throw doubt and distrust on the Court of Directors. The hon. Gentleman had shown the *animus* throughout in justifying the proceeding, in saying that the practice was notorious. It was at least equally notorious that the Court of Directors had spared no pains to bring the parties who had been guilty of such practices to justice—that they had not even spared members of their own body, but had prosecuted every one whom the law could be made to reach; and if the hon. Member for Lambeth would, as he was bound to do, bring forward this charge, he would pledge the Court of Directors that they would prosecute to the utmost the guilty party.

MR. WILKINSON: I wish to state, in reply to the observations of the hon. Member for Guildford, that I did not say that the party in question was in communication with a Director, but that he professed himself to be in communication with a Director, or other person who could secure the appointment. I trust the Committee will bear in mind that it was not I who made the public charge; and I may say that I should not have made a public charge of this sort unless I had been at liberty to give up the names of the parties concerned. Whether my brother will consider himself justified, under all the circumstances, in disclosing the name, I cannot tell, but I do not think it fair to call upon me to do so.

Mr. J. G. PHILLIMORE reminded the Committee that the hon. Member for Manchester most carefully guarded himself against breathing any imputation against any Director; but, on the contrary, he repeatedly said that it was perfectly possible that the Director in question knew nothing about it.

Mr. MASTERMAN considered every individual who had risen to defend the hon. Member for Manchester only made the case worse. Any one who had listened to that hon. Member must be aware of the stigma he cast on the Directors; he made charges, and then had not the courage to state where or who was the delinquent. He would not trust himself to use the expression of indignation which rose to his lips. He considered it highly reprehensible, first to bring a charge of this nature against a body of honourable men, holding high position, and of unblemished character, and then to shrink from substantiating it. For himself, he was a Director; he had always held a fair character in the world, and he repelled the imputation. He looked at the indiscretion which the hon. Member had been guilty of, and he asked where was the man, after this, who would trust himself to hold a private conversation with the hon. Member for Manchester? Then, there was the hon. Member for Lambeth, who had just reason to complain, as having been made the means of libelling the honour of the Court of Directors; but he thought the hon. Member was bound, as a man of honour, to endeavour to get rid of the obligation which now kept him silent, and to afford to the Court of Directors an opportunity of tracing this disgraceful charge to its source. He had heard many circumstances stated abroad of the same sort, and he could only say he had always followed up the slanders whenever he had an opportunity. The hon. Member for Manchester resolved in his mind to throw out charges against the Court of Directors, and the first opportunity that presented itself out came this story. He was astonished that a man of so much ability should descend to throw out reflections against a body of men whose honour he held to be unassailable.

Mr. BRIGHT said, he trusted when the hon. Member for Surrey made another speech, charging that House with being a mass of corruption, that at least the House would not laugh and cheer his statement after what had taken place to-night. Last night they were discussing a question of salary, whether it should be more or less, what was the inducement for men to take the office of East India Director. Questions of that nature and the sale of patronage had been spoken of constantly in that House. Now no one ever said that the Archbishop of Canterbury had patronage worth 20,000*l.* a year, and that the Prime Minister had patronage worth 15,000*l.* a year; but the invariable and constant phrase was that the patronage of an East India Director was worth 12,000*l.* or 14,000*l.* a year. He made a statement to the House—whether it was judicious or not, of course, every one would form his own opinion—but he should like to see the Member who had never done an injudicious act—he made a statement, and if no one believed it last night, they had all reason to believe it now. There was not an individual in that House who did not now believe that somebody who represented himself to be connected with a Director had offered to the brother of the hon. Member for Lambeth, to procure an appointment in India for a consideration. He did not charge the Directors with it; and the hon. Baronet the Member for the University of Oxford was quite right in saying that he guarded himself from anything of the kind. His object was to show that there was truth in the phrase, that this patronage was worth something, and that by one mode or other it had passed from hand to hand in the market, and was made something valuable of. He did not for a moment suppose that the Directors of the East India Company generally, or commonly, made a traffic of their patronage;—but that the East India appointments were bought and sold, was, he believed, as undeniable as that the East India Company existed. He gave one case. It was not a case against the hon. Member for London, or the hon. Member for Honiton—

Sir J. W. HOGG: Against whom then?

Mr. BRIGHT was not saying it was a case against the hon. Baronet; he was saying it was a case where this patronage had been offered for a consideration, and that was the statement he made to the House, and that statement was confirmed by another Member of that House.

Mr. MASTERMAN rose to order.

MR. BRIGHT said, he was in order. He was merely stating a fact. There was not a man in the world whom he would not sooner suspect than the hon. Member for the City of London, who was so goodnatured that he could not look vexed even when he got up to lecture him. But what he objected to was that he should be lectured by the hon. Member for Honiton, and two or three others, as if he had brought a charge against the hon. Member for Honiton or his co-Directors. If he had had a charge against them, he would have made it openly and directly; but his object was to show that these things were trafficked, and that he had shown; and he would go further and say that the mode in which the Government permitted this patronage to be distributed by twenty-four Directors, who were not directly responsible to any body, that that was a mode of distributing the patronage which actually encouraged the very practices which he believed the Government and the House would be anxious to prevent. In the course that he had taken with regard to the East India Company, he had endeavoured to fortify himself by authority that could not be disputed. He did not regret, so far as the Company was concerned, that he had mentioned the case of this person in the City, whoever he might be; but he had to apologise to his hon. Friend the Member for Lambeth that he did not ask his permission to repeat the story; but he confessed he had not thought of stating it until he was on his legs, and this question of patronage and the salary of the Directors was under discussion. He made the statement—he believed it to be true, and he believed it to be confirmed by the general impression out of doors. He defied any person in or out of the House to say, that he had sacrificed the public interest in any way by the statement that he had made on this question.

MR. OTWAY then, referring to the clause, complained that the right hon. Gentleman (Sir Charles Wood) had acted disingenuously in having induced a number af Members to vote for the clause giving the salary, under the idea that the Directors would be deprived of the patronage, and then turning round and giving them the patronage.

SIR CHARLES WOOD said, the argument of the hon. Member would be good against any alteration being made in a Bill.

Clause *agreed to.*

Clause 33 (Enacting that, subject to regulations, all persons desirous of being admitted to Haileybury or Addiscombe, or appointed assistant-surgeons, should be admitted for examination as candidates, the words relating to Addiscombe were expunged).

MR. RICH said, he had to propose an Amendment for the purpose of raising the question, whether or not the Natives were to be admitted to the Company's covenanted service: as regarded employment in the public service, the Natives were placed in a worse position by the present Bill than they were before. The intention of the Act of 1833 was to open the services to the Natives; and surely now, when our Indian Empire was more secure than it was at that time, it was not wise to deviate from such a line of policy. His object was, that all offices in India should be effectively open to Natives, and therefore he would not require them to come over to this country for examination, as such a condition would necessarily entail on Natives of India great expense, expose them to the risk of losing caste, and thereby operate as a bar against their obtaining the advantages held out to all other of Her Majesty's subjects. The course of education, through which the youth of India at present went at the established colleges in that country, afforded the most satisfactory proof of their efficiency for discharging the duties of office; yet, what was the reward of their ability? They were placed in the lowest places, if they even got them, and, after a service of ten or twenty years, they might have walked their hard course up to an appointment which a young civilian from England thought himself aggrieved if he were not promoted from after two or three years' residence in India. This was not just or wise, and would infallibly lead to a most dangerous agitation, by which, in a few years, that which would now be accepted as a boon would be wrested from the Legislature as a right. They had opened the commerce of India in spite of the croakers of the day—let them now open the posts of Government to the Natives, and they would have a more happy and contented people. He did not ask them to make the Natives councillors at once, but to establish some college where the Indians in India might have the same access to the public service as Englishmen had in England. When they considered the expense of coming over here, the rigours of our climate, and the risk of losing caste, it seemed harsh indeed to make a Native come to England as the only way to get into the covenanted service; and besides, it would be many years before an Indian could get any high office. He would not urge this so strongly, if he was not supported by the opinion of the Government of 1830, of the House, and of the framers of this very clause, which, however, could not be carried into effect. He hoped the right hon. Baronet would accede to his proposition, and devise one of his own to carry out the same object. He would move, that after the word "Haileybury" there should be inserted the following words, "or such established college, seminaries, or universities, as shall be appointed for similar purposes in Her Majesty's territories in India."

Amendment *negatived;* Clause *agreed to.*

Clause 34 (Empowering the Board of Control to make regulations concerning the admissions, examinations, and appointments, at Haileybury and Addiscombe).

SIR JAMES W. HOGG suggested that, as the existing state of things would be altered by this Bill, the nominations to Haileybury should be made by the Court of Directors, subject to the control of the Board of Commissioners.

SIR CHARLES WOOD thought it would be better to leave the arrangements as they stood in the clause, and to give the power to the Commissioners.

MR. HUME expressed a hope that the regulations would be laid before Parliament as soon as possible.

SIR HENRY WILLOUGHBY expressed his concurrence in the view taken by the hon. Baronet the Member for Honiton.

Clause *agreed to.*

Clause 35 *agreed to.*

Clause 36 (Empowering the Board, by their regulations, to determine the age and qualifications of persons to be appointed to the civil or military service in India, or as assistant surgeons, and to prescribe the subjects for examination).

SIR HENRY WILLOUGHBY inquired if there would be an examination as a certain test for fitness on leaving college. It was not so stated.

SIR CHARLES WOOD: Certainly. There would be an examination, not only on entering but on leaving college. The latter would be conducted by independent professors, and would be the test of fitness.

MR. RICH inquired, would there be an examination in India? He complained that he had received no answer whatever to his former proposal as to colleges in India. It was unusual for the Government to act in such a way, and give no answer. He had no doubt the right hon. Baronet thought his remarks beneath his notice; but the House would agree that the subject to which he had referred was certainly one of some importance.

SIR CHARLES WOOD disclaimed any intention of treating his hon. Friend's remarks with disrespect. It would be time to make regulations for the examination and admission of persons in India when colleges had been actually instituted there.

LORD STANLEY said, that the question of the establishment of the Indian colleges was about the mest important that could be mooted. It was, in fact, whether or no Natives of India should be admissible to the Company's service; because, to suppose that Natives, in any considerable numbers, would encounter the danger and expense, and cut through their habits and prejudices so far as to come across to this country in order to submit to examination in the establishments here, was the greatest fallacy in the world. To refuse to institute such colleges, was in effect to exclude Natives of India from the service. In discussing the second reading, he understood that one ground on which merit was claimed for the Bill was, its tendency to give encouragement to the more extensive introduction of Natives into the higher grades of the service. So far as he had yet got into the Bill, he had found nothing for giving a monopoly of education to the college of Haileybury; nor had he seen anything pledging the House to keep up such a monopoly. He could not refrain from expressing his conviction that, in refusing to carry on examinations in India as well as in England—a thing that was easily practicable—the Government were, in fact, negativing that which they declared to be one of the principal objects of their Bill, and confining the civil service, as heretofore, to Englishmen. That result was unjust, and he believed it would be most pernicious. If men of high ability were desired in any service, that service must be made, to a certain extent, a close service—that is to say, no one should be admitted into it without having passed through a regular examination to qualify him for admission. In a few years it would be found absolutely necessary to admit Natives to the higher grades of offices; and if proper machinery for qualifying them were not provided in India, the service could continue close no longer, and must suffer accordingly.

SIR CHARLES WOOD did not quite understand the argument of the noble Lord. He said it was necessary to keep the civil service in India a close service, which he (Sir C. Wood) understood to mean that it should be kept in the hands of Europeans; and yet in order to effect that object the noble Lord proposed to admit more largely the Natives into that service. It by no means seemed to him (Sir C. Wood) necessary that all persons employed in India should be members of the civil service. It was incorrect to say that the law of 1853 had been made a dead letter, for the report of last year showed that the number of Natives employed in the civil service had increased to a great extent. He knew of no reason why that increase should not go on. With regard to education, he thought the only place where an education could be acquired that would fit a person for employment in India was at Haileybury. He did not believe it could be gained in India.

Clause 36 *agreed to;* as were also Clauses 37 to 39.

Clause 40 *struck out.*

Clause 41 (the last clause) *agreed to.*

House resumed. Committee report progress.

INCUMBERED ESTATES (IRELAND) ACT CONTINUANCE BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

MR. WHITESIDE said, by this Bill it was intended to renew, for a period of two years, the presentation of petitions for the sale of incumbered estates in Ireland. He was altogether opposed to this extension of the power of the Commissioners. There were already arrears of business before the Commission which could not be disposed of under five years, and he was decidedly opposed, therefore, to any renewal of their powers by which the Commission might add to that amount of arrears. He had no objection to giving the Commissioners power for five or ten years to wind up estates now in the Court, and wipe off arrears, and he believed it would require ten years to do so. But, after all, the Bill before the House applied only to a certain class of cases, for, in order to have the advantages of the Act, the estate must be incumbered to the extent of one-half; for if the estate was only incumbered to the extent of one-fourth, the debtor must be sold out according to the ancient practice of the Court of Chancery. In wishing to prevent the continuance of the power in the Commissioners to receive petitions, he did not desire to prevent the cheap, easy, and expeditious transfer of land in Ireland; quite the contrary. Lord Chancellor Blackburne's principle had been to combine the short, inexpensive, summary process of the excellent Chancery Regulation Act of Sir John Romilly, with the cheap conveyance and simple Parliamentary title of the Incumbered Estates Act; and it was this principle which he (Mr. Whiteside) wished the House to adopt in preference to the renewal of the Incumbered Estates Court. What was the condition of that Court? It was an entire mistake to suppose that the proceedings in the Encumbered Estates Courts were either expeditious or inexpensive; they were quite the reverse. While those Courts, indeed, were dealing with the 900 old suits which had been inquired into, and of which all the facts and circumstances had already been ascertained by the Court of Chancery, they went on smoothly enough, and the exercise of their jurisdiction, though ruinous to many a fine old family, was productive of benefit to the public; but when after having disposed of these old Chancery suits, they became no longer useful supplements to Chancery, but Courts proceeding, from the outset, on their own account—when they came to deal with cases which they had to sift for themselves, their proceedings were slower and dearer than even those of Chancery had been. At first estates were sold in six months after the petitions were lodged; but now it required three months even to get a "posting;" then came the sale, and then the battle for the proceeds. He had documents in his hands—the return obtained by the hon. Member for Ennis among them—which proved that the proceedings in the cases before these wonderfully expeditious Courts lasted, from petition to posting, from posting to sale, from sale to payment of money into Court, and from payment of money into Court to the distribution of the money, not less than between four and five years. It might be asked how did it happen, notwithstanding this, that so much business was brought into the Court? One reason was this:—the Legislature had given power to the Court to make rules which should have the force of an Act of Parliament; and in pursuance of that power the Court had framed a rule to the effect, that the attorney who first brought the petition into the Court should be paid all the costs of working up the case to a sale. The result was, that the attorney, for perhaps the fortieth creditor, although he had not the slightest chance of getting a farthing for his client, was induced by the temptation of getting costs for himself to file the petition and swell the business of the Court; and this he was enabled to do even in the face of the objections of all the prior creditors. That was one reason why so much business was plunged into the Court. Another result was, that other creditors, and even the owner himself, rushed into the Court in order to secure the carriage of the sale themselves. He had asked the Court to rescind that rule, and to adopt one he had himself carefully framed on the principle that the creditors should be paid their costs on the same principle that they were paid their debts, and that they should not be allowed costs at all unless the Commissioners were satisfied that the petition was presented with the *bonâ fide* intention of obtaining payment of the debt. But his application had been refused. The Encumbered Estates Court was an anomalous and exceptional tribunal, which ought not to exist except on the broad principle stated by Sir Robert Peel; that it was a desperate remedy to meet a desperate state of things. That state of things did not now prevail; and, he contended, a Court of this kind should not be continued a moment longer than necessity required. What was the use of continuing this Court after it had accomplished the special object for which it had been instituted? His proposition was, that the Court should forthwith proceed to wind up all the sales before it. There was a considerable number of sales in arrear; and, though the land market was now high, they had been stopped for the year. He was informed that there was in the hands of the Commissioners not less than 2,500,000*l.* undistributed; and the loss of interest sustained by the delay in the distribution of the money in the hands of the Commissioners amounted to 75,000*l.* a year. There were yet other estates waiting to be sold. Would it not then be much better that the Commissioners should proceed to wind up the business now before them, than that fresh business entailing further delay should be accumulated upon them? His complaint against the present Ministry was this—that if they only had exercised one-tenth of the ability and energy in devising a remedy for the grievances of his country that they had employed in imposing fresh taxes upon it, things would not have been in their present unsatisfactory state. Why did they not adopt the measure which he had proposed, or something similar, for the reforming of the Court of Chancery, and enabling it to execute the duties which at present devolved upon the Encumbered Estates Court? They might be told the Court of Chancery was overwhelmed with business; but he had in his possession a letter from a most respectable solicitor, who stated that the petition for the sale of certain property was lodged on the 27th of April, but had not been filed in July; whereas if he had presented a petition in Chancery, under the 15th section of Sir John Romilly's Act, by this time probably the account would have been taken and the sale arranged. He (Mr. Whiteside) complained that when power had been given to three Commissioners to sell off, it might be, all the landed property of Ireland, the right of appeal had been denied to those who might consider themselves aggrieved by the decision of the Commissioners. It was true the Act provided that the Commissioners might grant an appeal if they chose; but they might also withhold an appeal whenever they liked. In this respect a principle was adopted with regard to Ireland which the law officers of the Crown dared not attempt to apply to England or to Scotland. But even if the Commissioners consented to grant an appeal, to whom was it taken? Was it to be carried to the Lord Chancellor or to the House of Lords? No; the appeal was to what was called the Judicial Committee of the Privy Council in Ireland. He objected to that tribunal, on the ground of its uncertainty, for he considered that all questions of property ought, for the sake of uniformity, to be determined by the same tribunal. If a sum of 10,000*l.* was at stake in the Court of Chancery, the appeal was to the House of Lords; and if the same amount was at stake in the Encumbered Estates Court, why should not an appeal be afforded to the same tribunal? When he had been last in Ireland he had seen a document signed by members of the Bar, comprising Whigs, Tories, Radicals, Roman Catholics, and Protestants, stating their conviction that the Court was held in an improper place, out of the reach of the general Bar, of the public, of the proprietors, and of the creditors. The fact was, that this Court, which was appointed to deal with millions of property, was placed at one extremity of Dublin, while the other Courts were at the opposite extremity, and the Judicial Committee of the Privy Council sat in the Castle. He suggested that the Encumbered Estates Commissioners should have any time they pleased to wind up their business, and that power should be given to the Court of Chancery, by a short Act, to deal with all new cases. He would move that the Committee on this Bill be deferred for a week, in order that an opportunity might be afforded for considering another Bill on the paper relating to this subject, the Sale of Land (Ireland) Bill.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'this House will, upon Tuesday next, resolve itself into the said Committee'—instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. KEOGH said, the hon. and learned Gentleman had stated various reasons in favour of his own proposition, but not one why the House should not now go into Committee upon the present Bill. He confessed he was at a loss to know what was the object of the hon. and learned Gentleman in the speech which he had just addressed to the House—whether it was to attack the Encumbered Estates Act, or to praise it—whether it was to assail the Court of Chancery, or to eulogise it—whether it was to obtain some simple system for disposing of encumbered estates, or to have a variety of very complex systems. He was certain of this, however, that the hon. and learned Gentleman had led the House astray as to the most material facts and circumstances relating to the Encumbered Estates Court. That could easily be proved from papers on the table of the House. The first point to which the hon. and learned Gentleman had referred was the length of time it took to get a sale in the Encumbered Estates Court. The hon. and learned Gentleman had endeavoured to persuade the House that a long time elapsed before an order for the sale of an estate in the Encumbered Estates Court could be obtained. But what were the facts as they appeared from returns on the table of the House? The number of petitions for sales since the establishment of the Court was 2,692; and the number of petitions fiated by the Commissioners was 2,668. From another return, it appeared that a few had been dismissed, and that the number of petitions on which no order had been made, was 31. He thought that those figures showed that the hon. and learned Gentleman had not been quite correct in his statement. There was one remarkable fact with respect to the Encumbered Estates Court, which the hon. and learned Gentleman chose to forget. The Court was established in July, 1849; the period for receiving petitions was three years. The hon. and learned Gentleman was a high officer of the Crown last year, and the first act of the Government whose law officer he was, had been, to introduce a Bill to continue this much-condemned Court. But the hon. and learned Gentleman wished to entrust the Court of Chancery with the business of the Encumbered Estates Court. Now it appeared from a return that the number of suits over three and under five years in the Court of Chancery at the time the Encumbered Estates Act came into operation was 219; over 5 and under 10 years, 364; over 10 and under 15 years 167; over 15 and under 20 years, 89; over 20 and under 25 years, 46; over 25 and under 30 years, 31. Therefore they had all these suits, which had been in the Court of Chancery for this number of years, liberated by the Encumbered Estates Court within the space of three years. He had a return of the sales by that Court; the total amount of purchase money paid into the Court since its establishment was 8,790,000*l.*; of this, 4,936,000*l.* had been distributed; and there remained to the credit of purchasers, 1,245,000*l.* The hon. and learned Gentleman complained that the carriage of the proceedings in the Court was left in the hands of the first petitioning creditor, no matter how small his claim on the estate might be. It was true that any creditor might present a petition, but the Commissioners had the power to transfer the carriage of the proceedings to any person they thought fit to appoint. The hon. and learned Gentleman said there was no instance of the Court exercising such power; but he (the Solicitor General) begged to remind him that it had been exercised in several cases—amongst others, in the sales of the estates of the Earl of Portarlington, of the Earl of Glengall, and of Mr. Martin. And it should be remembered that in the Court of Choncery, the moment an order was made for the sale of property, the costs relating to the sale were ordered to be borne out of the general fund, and not in the order of priority of the parties demanding the sale. The hon. and learned Gentleman had endeavoured with boisterous rhetoric to persuade the House that practically there was no appeal from the decisions of the Commissioners; but he (the Solicitor General) begged to remind him that the Act provided an appeal to the Judicial Committee of the Privy Council; and in practice, no appeals that were fit to be allowed had ever been refused by the Commissioners. He agreed with all that had been said by the hon. and learned Gentleman as to the necessity of Chancery reform; but Her Majesty's Government wished to prepare a Bill for the improvement of that Court before any additional business should be cast upon it. He trusted that no further obstruction would be thrown in the way of the present Bill.

Mr. I. BUTT moved the adjournment of the debate on the ground of the impossibility of discussing the subject at that late hour, two o'clock.

Lord JOHN RUSSELL intimated his wish that the House should come to a decision on the question that the Speaker should leave the chair, with the understanding that the Committee should then report progress.

Mr. I. BUTT said, that even at that late hour he must ask for a short time the attention of the House. He was very unwilling to give a silent vote—the more unwilling as while he intended to support the proposal of the Government, he yet could not concur in all that had fallen from his hon. and learned Friend the Solicitor General for Ireland. He believed now, as he had done at the time, that the institution of the Incumbered Estates Court was a grievous wrong. But, retaining that opinion, he must consider, and ask the House to consider, all that had occurred. In 1849 that Court had been established, not, it must be remembered, as a part of the regular judicial system of the country, but as an extraordinary remedy for an extraordinary emergency—to meet, in fact, the state of things alleged to exist in Ireland in the accumulation of incumbrances upon estates. He objected to it then, on the ground that it was in effect forcing a sale of all incumbered property in Ireland at a time when the circumstances of the country made it utterly impossible to expect purchasers for such a vast mass of property at a fair price. This was the great evil it inflicted. Events had fully justified this objection. Estates had been sold at ten or twelve years' purchase. Extraordinary powers also were conferred upon the Court, only excused even by those who proposed the measure by the nature of the circumstances it was designed to meet. By the original constitution of the Court the power of presenting petitions was limited to three years—the powers of the Court to sell estates and to distribute the proceeds were to continue for five years. The power of presenting petitions must cease in July 1852. Last year the Ministry, of which his hon. and learned Friend (Mr. Whiteside) was a law officer, proposed to continue the right of petitioning the Court for one year. He (Mr. Butt) had resisted that proposal upon the ground that the Court, being exceptional in its character, ought not to be continued beyond the term of its original institution. He divided the House against the proposal of the late Government—he was opposed by his hon. Friend, and he had only seven Members to join him in opposing the renewal of those powers. He did not in the least regret the part he had then taken; but he could not disguise from himself the true meaning of that division. He must accept those divisions as an unequivocal decision of Parliament and the country, that it was right and expedient to maintain the Incumbered Estates Court until we had devised some new and improved mode of selling estates. After the course then taken by the Government, he believed it impossible to attempt to put an end to the Encumbered Estates Court without substituting something in its stead. The hon. Member for Enniskillen so treated the subject, and very fairly stated the real question before the House to be between the proposal of the Government and his own. He (Mr. Butt) had no hesitation in saying that he would consent to the renewal for one year, or even two years, of the powers of the Incumbered Estates Commissioners, in preference to the measure introduced by his hon. and learned Friend. That Bill purposed to give perpetually to the Court of Chancery the powers, which for temporary purposes had been given to the Commissioners for the Sale of Incumbered Estates. It gave them, he must say, to a tribunal unfitted by its whole constitution to administer them with advantage. It did not remove the objectionable principles of the former legislation, but it proposed to perpetuate these principles, and to aggravate them. He could, at that hour, do little more than hint at the objections. Let him take one instance. One of the most objectionable provisions of the Incumbered Estates Act was that which gave to a puisne creditor the right to sell an estate against the will of the prior incumbrancers, and without paying them off. By the ordinary law, the man who lent his money on the mortgage of an estate, had a right to retain his security, until he himself chose to sell the estate, or until he was paid off. No other person could sell the estate without first paying him off. The Incumbered Estates Bill gave any creditor for any amount, however small, the power of forcing the estate into the market at any time he thought proper. Whether such a power ought ever to have been given or not, it was plain that nothing could justify it but an extraordinary emergency. But what was proposed by his hon. and learned Friend? To make this very principle a perpetual part of the administration of justice in the Court of Chancery. They proposed to enact this as a perpetual and permanent principle of their law, that at any time hereafter, any man who would lend money on an Irish estate must lend it subject to this—that no matter what security he took, any person suing the owner of the estate for some small sum, and getting a judgment against him, could force the estate into the market, at any time, whether the first incumbrancer consented or not. If these extraordinary powers were to exist, it was infinitely better that they should be administered by extraordinary and special tribunals than by the ancient courts of justice. But this was not all. The hon. and learned Gentleman proposed to give to the Court of Chancery the power of conferring by its sale a Parliamentary title. Let the House reflect on what was meant by this. It meant that the Court was to take on itself the investigation of every title which it sold—that its decree should bind those who had never known of it; and, that if by mistake it sold one man's property for the debts of another, the right owner should be without redress. He would not now discuss the question of a Parliamentary title. It might be right or it might be wrong; but of this he was quite sure: however Commissioners, armed with extraordinary authority, and not bound by any judicial forms, might exercise such a power — it was one which the Court of Chancery could not, in its present constitution, exercise with safety. But certainly the step was a most important one; it was a power not possessed by the English Court of Chancery. Was this a step in legislation to be taken in a Bill, thrown at this time of the Session upon the table of the House? He felt confident the House would never so lightly sanction a principle of such vast importance. Those who concurred in his original objections to the institution of the Incumbered Estates Court, would not, he trusted, be led away by the belief that they were voting against the policy of that Court by supporting the transfer of its jurisdiction to Chancery. Quite the reverse. Everything that was bad in its principle—everything that was oppressive to the landed interest, was both perpetually enacted and aggravated by the Bill of his hon. Friend (Mr. Whiteside). He had heard with surprise his hon. Friend object to the proposal to continue the powers of the Incumbered Estates Court, that they only extended to estates which were incumbered to one-half their value, whereas his measure would bring all within its grasp. The restriction had been imposed by the House of Lords as a protection — and a wise protection — to the landed interests of Ireland. In the very Bill now before them, when introduced into the House of Lords, there was a clause repealing that restriction; at the instance of the advocates of the landed interest it had been rejected; he (Mr. Butt) thought most properly and wisely rejected, and now it was complained that all estates were not subject to these extraordinary powers. He still entertained all his objections to the policy which had originally instituted the Incumbered Estates Commission. At the same time he must say that the few improvements in the price of property in Ireland removed one strong objection which he had entertained to its continuance last year. Of the general objections to its powers, not one would be removed by the transfer to the Court of Chancery. He believed that Court utterly unsuited to administer the powers of the Commissioners; and, he believed, that in attempting to convert it into an Incumbered Estates Court, they would only unfit it for its regular duties in deciding equities between man and man. The opinion of one ex-Chancellor had been quoted; he would be glad to hear from his hon. Friend if his measure had received the sanction of that great and eminent Judge who had lately held the great seal of England? He had certainly very much mistaken the opinion of that noble Lord, as recorded on the subject, if he had ever approved of a measure for investing the Court of Chancery with the powers of a commission for the sale of incumbered estates. Believing that by such a transfer the discharge of its regular duties by the Court of Chancery would be injuriously interfered with, while the extraordinary powers conferred upon it would not be satisfactorily administered, and dangerous principles, only to be justified—if at all—as temporary expedients, would be engrafted on the permanent tribunals of the country, he was perfectly ready to take the responsibility of consenting to a temporary renewal of the powers of the Incumbered Estates Court in preference to entertaining the proposal of his hon. and learned Friend.

Colonel DUNNE opposed the Motion, and said that he had not heard a single word to induce him to alter the unfavourable opinion which he had always entertained of the Incumbered Estates Court. The author of this Bill, the Master of the Rolls, admitted three years ago the utter failure of the objects which he had in view in introducing the measure; and his (Colonel Dunne's) opinion was, that no tribunal that had ever existed in Ireland had worked more iniquity or injustice to private individuals than this Incumbered Estates Court, which it was now proposed to perpetuate. Many private families had been ruined by its proceedings. What were the average prices of the land sold under the Court? The average price in Leinster was 7*l.* per acre, and in Connaught the fee-simple of the land actually sold for the sum of 30*s.* per acre, or, in fact for a lower price than land fetched in New Zealand or in the backwoods of America. Although the prices had increased within the last few months, yet in no case had any estate sold under the Court fetched its true value. For these reasons he should second the Amendment before the House.

Lord NAAS felt bound to express his dissent from certain statements which had been made in the House that evening. It had been said that the party with which he had the honour to act, had obstructed in every possible way the passing of the Incumbered Estates Act at the period of its first introduction. But what were the real facts of the case? Why, it appeared that no division had been taken against the measure until the third reading, and upon that occasion twelve Members only had recorded their votes in opposition to it. That fact very clearly showed that no hostility to the Act had been manifested by any considerable party in the House. Again, it had been said that the late Government had proposed to continue for a year the Incumbered Estates Court. But it was only fair to add that they had made that proposal solely that they might have time to introduce a measure for a reform of the Court of Chancery; and to that reformed Court they had proposed to refer the business which had been entrusted to the Incumbered Estates Court. They had redeemed their pledge upon that point, and had actually prepared a Bill for the reform of the Court of Chancery. It was, therefore, uncandid to say that they had proposed to continue this Court in the same way as this Bill intended to do. He should add, that he believed the Irish people had become too sensible of the advantage of cheap justice, and of a Parliamentary title in cases involving landed property, to consent ever again to forfeit them; and all that remained to be effected in the matter was to obtain those advantages through the instrumentality of the ordinary and regular tribunals of the country. The present Bill, he thought, was unwise, as tending to prevent the reform of the Court of Chancery in Ireland.

Mr. M'CANN believed that the Incumbered Estates Court had given great satisfaction to the people of Ireland, and he trusted that a measure so important as the present would not be delayed.

Mr. MACARTNEY complained of the manner in which the Court administered its functions, and thought, before its powers were renewed, its proceedings should be greatly simplified. Of the whole number of the estates that had been sold, the accounts of one quarter of them had not yet been wound up, and great delay took place in distributing the produce of the sales.

Amendment, by leave, *withdrawn.*

Main Question put, and *agreed to.*

Bill *considered* in Committee.

Committee report progress; to sit again on *Monday* next.

Notice taken, that forty Members were not present; House counted; and forty Members not being present, the House was adjourned at half after Two o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, July 25, 1853.

MINUTES.] *Took the Oaths.*—The Lord Maryborough.

PUBLIC BILLS. — 1ª Thames Embankment; Turnpike Trusts Arrangements.

2ª Missionary Bishops.

Reported.—Succession Duty.

3ª Colonial Church Regulation.

SUCCESSION DUTY BILL.

Order of the Day for the House to be put into a Committee read.

Moved—"That the House do now resolve itself into a Committee on the said Bill."

LORD ST. LEONARDS said, he was anxious that their Lordships should have a general view of the object and probable operation of this Bill. He should without dwelling on any particular part of it, take the liberty of shortly stating what he apprehended would be its operation. He had heard the noble Earl at the head of the Government (the Earl of Aberdeen), speak of this measure as a popular measure; but he could not admit that to be a justifiable assertion, although the noble Earl might have said that it was not an unpopular one. The assertion that it was a popular measure was founded upon the fact that no petitions had been presented against it; but he believed that the reason that there had been no petitions was, that the measure was not of a nature to draw down immediate opposition, because the burden of the taxation it imposed would not be immediately felt; though its effects would be felt hereafter. It was not difficult to discover the general feeling with respect to any tax that was placed directly upon individuals; but in a Bill of this sort where no individual was hit personally and immediately, it was no one's business to oppose it; and that was the reason why no petitions had been presented against it. Another reason was, that the present Bill was one which was by no means understood by the generality of mankind; in fact, it required not merely an attorney, but a very good attorney, to explain its provisions; and he could confidently assert from his own experience and knowledge of such matters, that when the present measure came into operation, no man who was hit by the operation of the Bill could live without having almost constantly a legal adviser at his elbow. It had been said that the principle of this measure had been admitted; but the fact was, that noble Lords on his side of the House had had no opportunity of opposing it, and he would now call upon their Lordships to consider what the operation of this Bill really would be. This was not a party question. ["Hear, hear!"] He would repeat, this was not a party question. He spoke from his heart, and with the firmest belief that this was a measure which, if passed, would eventually be deplored by every noble Lord who then heard him; and he would remind the noble Lords opposite who cheered, that the Bill was one which would at some period probably punish some of them, and, when it did, they would remember his warning; but then he was convinced that they would not attribute the course which he felt bound to adopt to the influence of party feeling. He was at a loss to know why such a measure had been introduced, for it had not been shown, and he fully believed it could not be shown, that any necessity existed for its introduction. He felt very strongly, and spoke strongly on this subject; but he hoped that nothing that might fall from him would be construed into anything like want of respect for the noble Earl opposite. He would ask their Lordships to consider what was the pretence on which this Bill was brought forward? Equality of taxation. It was said that real property should be subject to the same charges as personal property. Now, that principle he was fully willing to admit was a just one; but now their Lordships were asked to charge real estate with legacy duty, equally with personal estate, irrespective of the additional charges on property of that nature, which destroyed the proposed equality. Real estate, however, paid legacy duty on all charges in the shape of money, the same as personal property. The pretence of the Bill was equality of taxation between real and personal property. By all means he would say let there be equality; nothing was more just. But then, to tax these two classes of property equally, real estate should be relieved of the peculiar burdens which press exclusively upon it, and from which personal estate is exempt. What were those burdens on land? The noble Earl near him put the case very strongly and very forcibly in the previous night's debate, as regarded the land tax. Heretofore the land tax was charged, not alone on real estate, but also upon personal estate; and not alone upon personal property actually in possession, but also upon money in pocket, and even upon debts due and owing to the party. The land tax, however, was not paid upon personal property—in fact, it could not be levied. It was paid only on the land, therefore, because no man would have borne to divide his ready money with the taxgatherer, and to pay tax upon his debts. He (Lord St. Leonards) and those with whom he acted did not object to equality of taxation, but they objected to taxation which did not act with a common pressure upon all property. For that reason he desired that real estate should bear the same taxation as personal estate, but no more, as that would be unequal. They conceded to the Government, therefore, the ostensible principle of their Bill—namely, that real estate should be put upon exactly the same footing in point of taxation as personal estate. But the Bill proposed to tax real estate the same as personal estate, in the case under discussion, without any reference whatever to the exclusive and exorbitant charges which rested upon real property. The Government, however, did not stop there, for they said, "If you place the same duty upon real as upon personal property, inherited by descent or demise, why exclude settlements?" He could only say that no Minister had hitherto dared to bring forward a proposal for levying a duty upon settlements. Mr. Pitt, in the plenitude of his power, in the midst of a general European war, at a time when men were willing to endure almost any sacrifice in order that the honour and dignity of the country might not be impaired, never dared to ask for what the present Government, without any necessity, and in time of peace, ventured to propose. Mr. Pitt had excluded all duty on settlements from the measures of finance which he proposed; and he could not but consider that the present Government were liable to be charged with temerity for adopting a different course. Was there any reason why settlements should be placed upon the same footing as other property? If a person kept property in his own possession till death, or disposed of it by a will which he could revoke at any moment in his life, he possessed, no doubt, the full control of that property during his life. But suppose such a person made a sacrifice as against himself, and settled his property during his life upon his child, he would by so doing part with and denude himself of such property. Hitherto the law had looked with great favour and approbation upon and regarded settlements; but now the feeling was to be completely changed by a measure which he could not but characterise as "confiscation," and a proposal by a simple *ex post facto* law to take away from a man property which, although he had never enjoyed it, was still indubitably his property. In the case of mortgagees the operation of the Bill would be most oppressive, for it would, in fact, by retrospective operation, take from them a tenth part of what they had fairly become entitled to. There were many cases in which persons had anticipated their succession to such an extent as to have almost entirely squandered them, and in such cases the Government stepped in, and because a man had been a spendthrift, ruined him altogether. A person, knowing that he was to succeed to property, might anticipate and spend nine-tenths of its value, and, when the remaining tenth would enable him to make a fair start in life, this new tax to be imposed would entirely swallow it up. As far as the right to spend in anticipation went, a perfect right to do so undoubtedly existed. Another strong objection which he entertained to the measure was, that property might, in certain cases, be called upon to pay the duty more than once. He himself considered this question entirely with reference to its general effect; but he would call the attention of the noble Earl at the head of the Government, and of the noble Duke near him (the Duke of Argyll), and of all noble Lords who took peculiar interest in the affairs of Scotland, to what would be the operation of this measure in Scotland. As far as he understood the measure, according to the Scotch law, the direct descendants of a person who inherited property from a stranger or distant relation, 150 years ago, might still be called upon to pay 10 per cent. It was his intention to propose certain Amendments in Committee on this Bill, for the purpose of rendering the measure, if possible, more just and equitable in its character. One of those Amendments would be for the purpose of correcting that anomaly. He should move that when the tenant for life should have paid a higher duty than 1 per cent, the persons of his family who should come into it afterwards should pay only 1 per cent. He should also propose that when a settlement had been made by a man upon the marriage of any of his children, no person under that settlement should, during the settlor's life, become subject to the duty. He would, to show the necessity of such a provision, offer an illustration to their Lordships. He would take the case of a trades-man who had by hard industry amassed some property, and who upon the marriage of his daughter made a settlement for life upon the husband, with reversion to the widow at his decease. The son-in-law might die, leaving a young family to be taken care of by the settlor's daughter; but the Government would, unless his Amendment were agreed to, step in and take a large portion of the capital of that fund from the daughter of the living man who had denuded himself of his property for the sake of his child's comfort and happiness, and who would thus see it dwindle away under the grasp of the taxgatherer. How often had not marriages depended upon the simple question whether the young couple would be able to meet their future expenses or not! The settlement made was often the smallest they could manage to live upon, and then upon the husband's death Government stepped in and took a succession duty from the unhappy young widow and her family. Was there any necessity for that? He would be the last man to object to it if it were indeed necessary; but necessity alone could justify it, and authorise the Legislature to break in upon past settlements. The Bill was brought in order to enable the Government still further to reduce indirect taxation; but he doubted the wisdom of carrying direct taxation too far; and he regarded with great distrust all these attempts to get rid of indirect taxation, and to substitute direct taxation in its place. He wished to point out to their Lordships the operation of this Bill. From the moment the Bill passed, no man could make the slightest disposition of his real or personal property without coming under the observation of the Government. Let not the owner of personal property lay the flattering unction to his soul that he would escape the observation of the taxgatherer. The Government had already great powers, and proposed by this Bill to take additional powers of access to all public documents. The Bank of England was open to them, as well as every other place. There could be no joint accounts kept at the Bank, which would not come to the knowledge of the Government; and there would be no settlement of property in the Empire that would not be followed by the taxgatherer. Their Lordships might judge of the facilities and powers which the Government would possess by the course which was now adopted whenever they purchased a new carriage; for a demand was made upon them for the increased duty, in some cases even before the taxable article was fairly in their possession. If arrangements could be made with carriage-builders, by which such information was afforded to the Government, there could be no doubt that similar means could be found for obtaining information upon other matters. If there was one blessing incident to property more than another, or one thing more valuable than another in a free country, it was the quiet and undisturbed possession and enjoyment of property by those who had earned it. Every day the list of marriages would in future be carefully conned over, and the name of every respectable person would be noted down by the sharp-eyed tax-collector as fit subjects for his inquiry; and in reply to his queries information must be given of every jointure, settlement, or encumbrance upon their property. Besides this, the Bill had this additional misfortune, that not only did the taxgatherer come to the taxpayer, but the taxpayer was bound to go to the collector and tell him that he (the payer) was chargeable with a higher rate of duty, and politely request that it should be levied upon him. He believed their Lordships would deeply regret it if they passed the Bill in its present shape. He intended to propose an Amendment in Section 18, which was less clear than he thought it ought to be as to property bequeathed by a husband to his wife, or by the wife to the husband. By the Act of 1796, and subsequent Acts, there was an express exemption of such property from duty, and he proposed to introduce a special exemption into the present Bill, which he thought would be preferable to an exemption in which this case was incidentally included at the end of a clause. There also was another clause which it would be desirable to introduce into the present Bill—namely, that whatever property was subject to the legacy duties under the Legacy Duties Acts, should not be subject to this duty. Unless some provision of this sort were made, the Bill would give rise to endless complication. He also wished to know whether it was intended that bequests to the Crown should still remain free from the payment of the succession duties, as, according to the Bill as it now stood, some questions might be raised on the subject? A question had already been asked of the Government, whether they would not put the duty upon the same footing between brother and brother, and brother and sister, as between father and son. The descent from brother to brother being immediate, ought not to pay any more duty than the descent from father to son. He thought also that if a legacy were left to a brother-in-law who had married the testator's sister, he ought not to pay a greater duty than his wife, the testator's sister, would have paid. The clause, as it was drawn, stated where the person chargeable with duty was "married to any person of nearer consanguinity than himself or herself to the testator." But in 99 cases out of 100 the brother-in-law or the sister-in-law was of no consanguinity to the testator; and he should propose an Amendment to meet these cases. They were told that this tax was to be a permanent one, and a substitute for the income tax. Now, he had not the slightest hesitation in saying that before long all mankind would agree that the income tax was preferable to this. He had no personal interest in this question; he never had come into a succession, and did not expect that he ever should be hit by the succession tax. It was not personal interest, therefore, which induced him to adopt his present course with respect to the Bill, but solely a desire to save the people of England from a measure which would lead to legal strife, which would carry discomfort into every household, and finally work its own condemnation in the course of time. Their Lordships had been told of the necessity of diminishing the expenses of conveyances, and of the general wish which existed that the expenses attending the transfer of real estate should be greatly lessened. But how had the Government met this? They had met it by putting, for the first time in England, by means of a fiscal regulation, a mortgage upon every man's property throughout the Empire, and that mortgage was declared to be a first charge, which was to exclude everything else. Former Acts of Parliament made a person liable to pay responsible under a heavy pressure; but the Government were not content with that, and took an actual mortgage—for such it was—upon the property itself. The Bill said that—

> "No *bonâ fide* purchaser of property for valuable consideration under a title not appearing to confer a succession, shall be subject to pay any duty with which such property may be chargeable under the provisions of this Act, by reason of any extrinsic circumstances of which he shall not have had notice at the time of such purchase."

By such an enactment as this, property would be placed in more peril than it had been placed in before by any Government. You introduced the subject of notice—constructive notice, notice to a man's attorney or agent—and all this you introduced at the peril of purchasers at a time when you were proposing to shorten their titles, and render those titles secure! At the proper time, therefore, he should propose the insertion of words in order to take out of the Bill the mischief which lurked under it in this form. He would now, in conclusion, say a word to the right rev. Prelates opposite. He would put it to them whether they would be parties to place this measure, with all its obnoxious regulations, upon their fellow-subjects, while they themselves were excluded from its operation? Their support of the Bill under such circumstances might be considered an act of gratitude to the Government; but he hoped and trusted that they would not by their votes help to place upon other men's shoulders a burden which had not been imposed upon themselves.

The LORD CHANCELLOR said, that so large a portion—indeed, almost the whole—of the observations which had been addressed to their Lordships by his noble and learned Friend, had turned upon the details of the different clauses of the Bill, that it might have been considered a justifiable course on his part simply to allow the House to go into Committee, and to answer, clause by clause, the observations which his noble and learned Friend had made upon it, as each should then come before them. Some of those observations, however, were of a more general character than the rest, and there was throughout the whole of them such gross exaggeration—he did not at all wish to use the term offensively—such an extraordinary colouring with regard to the supposed operation of this Bill, that he felt he should not be justified if he did not make a few remarks before putting the Motion, that their Lordships do resolve themselves into Committee. His noble and learned Friend had commenced by observing, that there was nothing to show that this measure was popular in the country: he had, however, been obliged to follow that observation by another, to the effect that unquestionably there was nothing to show the measure was unpopular. Now he (the Lord Chancellor) asked their Lordships if, in respect of any tax which the imagination of man could devise, they could expect more than that it should not be unpopular? What popularity could be gained by proposing to tax any one? Popularity for a tax was perfectly out of the question. His noble and learned Friend had followed this observation by the remark, that he was afraid the operation of the Bill was not understood in the country. Now, without meaning to doubt the sincerity of his noble and learned Friend, he (the Lord Chancellor) believed the real objection felt by him and the noble Lords by whom he was surounded, was, that they thought the measure was understood throughout the country. It was felt throughout the country that this was an attempt to tax the extensive properties of the landed proprietors, so as to equalise as much as possible the burden of taxation which fell upon the community. The noble Earl (the Earl of Derby) had described it the other night as a discreditable feeling on the part of those subject to the legacy duty to wish to extend the tax also to real estate. Now, far from concurring in this sentiment, he viewed that feeling as the foundation of the justice of this Bill. At present there was a legacy duty chargeable on the succession to personal estate, and those who bore that tax —who, speaking generally, were confined to the middle and poorer classes—felt that landed proprietors ought to be put into the same category as themselves in that respect. That was the principle of this Bill. There were but two principles, so to speak, involved in the measure. The first was, that whereas the legacy duty had heretofore been paid only in respect to legacies of personal estate, real estate was now subjected to the same burdens. Now, a wish to effect this object might be a bad feeling in human nature, as had been suggested by the noble Earl (the Earl of Derby); but he was sure they must all admit that such a feeling must necessarily find its way into the human heart. That was the first principle of the Bill. The second was—and it was one of a cognate nature—that whereas heretofore legacy duty had been imposed only in the case of persons dying in possession of their property, and leaving it to others by will, nobody should now be entitled to withdraw himself from the obligation of contributing in this way to the national exchequer by making a settlement, instead of leaving the property to be disposed of by his will. These were the two principles of the Bill; and, if they were recognised, there could not be any possible reason why the House should not resolve itself into Committee. But if, on the other hand, those principles could not be carried into effect without interfering so violently with the convenience and comfort of mankind as had been represented, he admitted that that of itself presented a reason for not proceeding with the measure. But was that so? His noble and learned Friend to-night, and the noble Earl (the Earl of Derby) a few evenings ago, had exerted all their ingenuity and ability in bringing forward extreme cases, which they contended would be productive of enormous hardship under this Bill; but he should like to hear the noble Earl or his noble and learned Friend point out any imaginable tax of which the same thing might not be said. They were now proposing to tax a great and powerful class, and it was not to be wondered at if there should be cases of occasional hardship. The truth was, that when you once came to impose a tax, justice, such as they were ordinarily disposed to consider it, could not be attained; it was impracticable. The object of justice was to secure people in the possession of their property; but the moment you imposed a tax you said, in effect, "I am coming to take away a certain portion of your property;" which was an injustice, except so far as it was warranted by the exigencies of the State. All that could be done, therefore, seeing that in taxing any one, perfect and absolute justice was unattainable—was to make the nearest approach practicable to it, and to see that they adopted the best machinery they could find to meet the different difficulties of the case. His noble and learned Friend had said how very unjust it was in the case where property came from a stranger, where a tenant for life had it, and then, perhaps, his son succeeded him, and the son's children—how very unjust it was that the son should pay the stranger's duty, and the children pay the stranger's duty afterwards. Was that so very unjust? Why, that was the case with regard to the legacy duty; that was the way in which it was paid with respect to all personal and all leasehold estate. It was the law now with regard to that class of property; and, moreover, real estate even now under this Bill would not practically bear its full burden, and would not pay so much as personal estate, because the duty would be calculated upon a different principle, infinitely more beneficial in the case of real estate. Take a case. Suppose the father died, and that, by the dreadful, iniquitous, retrospective operation of this Bill, the son was charged with duty on succession to his real estate. He (the Lord Chancellor) shrank from those enormous figures with which their Lordships had been terrified the other night, and with which he was quite unable to cope. Suppose, instead of taking 50,000*l.* a year, they were to take the case of a man who succeeded to an estate of 100*l.* or 1,000*l.* a year. Suppose the son succeeded at the age of 39; what was the enormous grievance to which he would be subjected? Succeeding at that age, the 100*l.* a year would be worth 15 years' purchase, and therefore the whole sum upon which duty would be paid would be 1,500*l.* But take the case where the estate was worth 1,000*l.* a year. The sum upon which duty would have to be paid would then be 15,000*l.* What was the charge upon that? 150*l.* How was it to be paid? By eight different instalments, commencing at the end of one year. In other words, he would pay four yearly instalments of 37*l.* 10*s.* upon a net income of 1,000*l.* a year—that was to say, he would pay 7*l.* 10*s.* more than he paid now for income tax, and after that he paid nothing. Was that a grievance of such enormous magnitude that it was to rouse the indignant feelings of their Lordships? The noble and learned Lord had endeavoured to raise a feeling about the manner in which this Bill would affect poor tradesmen; but settlements were almost unknown to persons in that condition of life. The truth was, that the introduction of settlements, just as the introduction of real estate into this Bill, was felt to be but just, because it was only another mode of subjecting to this tax that species of property which, belonging generally to the rich and to the powerful, had been ordinarily withdrawn from the operation of taxation by arrangements, and deeds, and management, to which the poorer classes were entirely strangers. He trusted that their Lordships would, in spite of the address of his noble and learned Friend, have not the least hesitation in forthwith going into Committee, feeling, as he was sure they might, that it was a Bill in unison with a spirit of universal justice—a Bill the propriety of which had been felt by the country at large—and which, having passed the other House of Parliament by large majorities, and having been received by universal approbation throughout the country, he trusted their Lordships would not incur the dangerous responsibility of resisting.

The EARL of WINCHILSEA contended that, whether they considered this Bill on the ground of injustice, of giving ground for litigation, or on the ground of oppression and cruelty at a time when, above all others, human nature required support and consolation, this was one of the most corrupt, the most detestable, and the most odious Bills that had ever been placed upon the Statute-book. No other species of property was taxed to the extent that real property was taxed at this moment. Did personal property contribute one single farthing to the poor-rate, the land tax, or the county rate? Not one farthing. It was true enough that their Lordships, in the generality of cases, might not be called upon to pay the tax sought to be imposed by this Bill, but those who came after them would have to pay. He maintained that the result of the operation of such a measure would be, that the title deeds of all the landed property in England would be investigated, and that from the imperfect manner in which numbers of settlements were made, legal ingenuity would find many a flaw in them, which, but for such an inquiry, would have remained unknown, and which would lead to costly and endless litigation. He looked back to the time when the bold Barons of England resisted the imposition of those oppressive taxes which were sought to be levied on the people in feudal times; but he contended that there was no tax to be found on the Statute-book of this country half so odious or oppressive as that which this Bill sought to inflict on the community. When this measure passed, their Lordships and those who came after them would, indeed, be in the hands of harpies. At a time when they would require all the consolation that could be bestowed on them by human means, the taxgatherer would step in—their title deeds would be demanded, lawyers would be consulted, and few, indeed, of the settlements of property would be found in which some flaw would not be discovered. As to the statement of the noble and learned Lord on the woolsack, that this Bill was popular because the country understood it, he (the Earl of Winchilsea) would venture to affirm that in the course of a short time this tax would create more excitement and popular indignation throughout the length and breadth of the land, than any tax that had ever been imposed by any Government in this country. No Amendment could ever reconcile him to the principle of the Bill; he thought it was an odious, unjust, and detestable measure; and he deeply regretted that circumstances prevented his being present on the second reading of the Bill, for he should certainly have divided their Lordships upon it; or, at all events, his name should have gone down to posterity in connexion with the strongest protest that he could have drawn, and put on record, against this most infamous measure.

On Question, *agreed to.*

House in Committee. Clause 1 *agreed to.*

On Clause 2,

The EARL of DERBY rose to move the Amendment of which he gave notice on a previous evening. Having already, at very considerable length, stated the objections he entertained, almost as strongly as his noble and learned Friend, not only to the principle, but to the details of the Bill, he should hold himself inexcusable if he did more than state briefly the nature of the Amendment to which he now asked their Lordships' assent. But as this was the first Amendment which had been proposed, he thought he might be permitted to answer a preliminary objection hinted at by the noble Earl opposite, and insisted on by the noble and learned Lord in the course of that afternoon, with respect to the dangerous consequences which, he told them, might arise from their Lordships making alterations in the Bill. He was perfectly aware that, according to the privileges of the House of Commons, in the case of an Amendment being introduced in a Money Bill by their Lordships, there was sometimes a matter of difficulty in inducing the other House to accept that Amendment; but, at the same time, he knew also that Amendments in Money Bills had been introduced into this House, and that the House of Commons had an easy mode—of which they had frequently availed themselves—of reconciling the assertion of their privileges with an assent to such Amendments introduced by their Lordships' House. He remembered one instance of which he had been reminded in the course of that day by a noble Lord who entertained a very strong objection to the principle of this Bill, but who was absent on account of a domestic calamity. That noble Lord, when he filled the office of Chancellor of the Exchequer, had introduced a Bill, as a measure in his Budget, for the purpose of varying and altering the stamp duties. An Amendment was made in their Lordships' House, materially affecting the character of that Bill with regard to the Budget. The Bill so amended was sent down to the Commons; the other House, it was true, did not assent to it, or accept their Lordships' alterations; but, though technically they did not do so, they moved that the Bill, as amended, should be laid aside; they then suspended the Standing Orders, and re-introduced a Bill *totisdem verbis*, the same as the amended Bill which had been sent down to them; and, having passed it through all its stages, sent it up as a new Bill to their Lordships, and being passed in the shape so sent, became in due course the law of the land. He was ready to admit that the House of Commons was quite right in vindicating its technical privileges, as well as guarding its *bonâ fide* control over the money of the country; but at the same time he would say this—that if measures were to be introduced into the House of Commons altering the whole financial arrangements of the empire—measures imposing new and unheard-of taxes on new and extraordinary principles of taxation—and it was asserted that their Lordships were to have no power of altering a single word, of correcting even a mistake, or of rectifying errors into which the House of Commons might have fallen—that was in effect to say, their Lordships' House was a useless portion of the Legislature, and that, so far as financial measures were concerned, they had only to record the Bills framed by the other House of Parliament. Though he respected the privileges of the other House of Parliament, he hoped that whenever a measure iniquitous in its provisions, or containing gross errors, should come before it, their Lordships' House would not consent to abrogate all legislative functions, so far as to say that the magic words, "This is a Money Bill," would be enough to preclude them from exercising any consideration on a subject of so much importance. He regretted very much that when a noble Friend of his (the Earl of Malmesbury) on a former occasion attempted to persuade their Lordships to appoint a Committee of Inquiry into the probable working of this measure before it came up from the Commons, that Motion had been refused; for if it had been acceded to, many useful suggestions might have been made, and much explanation given, by which the Bill might have been made less objectionable, and the difficulty of obtaining the concurrence of their Lordships' House have been greatly removed. But the proposition of his noble Friend had been rejected, and they were now compelled to deal with the Bill as it came from the House of Commons, with all the inconveniences attending the making alterations in it wherever it might seem objectionable. Before he went to the particular Amendment he was about to propose, he must be permitted to comment on the extraordinary tone and language which had been adopted by the noble and learned Lord on the woolsack, and the strange inconsistency between his assumptions and his arguments. The noble and learned Lord told them, first, that no tax of the kind could ever be popular. The noble Earl opposite said this particular Bill had been received with universal approval and acclamation. He could not see how the silence which prevailed in the country could be taken to signify any feeling of the kind. The noble and learned Lord, at the commencement of his observations, said the Bill was popular in the country, because it was thoroughly well understood, and was understood to be aimed at the large landed proprietors of the country; that it was subjecting them to a tax which they were called on by every claim of justice to pay for the purpose of putting landed on the same footing as other descriptions of property; and that being an assault on the large landed proprietors, and so understood, the Bill was received with universal popularity. Now, assuming the fact to be as the noble and learned Lord had stated, he must say he had too good an opinion of the sense and justice of his countrymen at large to believe that if the Bill was an attack on the landed proprietors, it would be a recommendation of its principle to their feelings of justice. But having told them that, the noble and learned Lord proceeded to say he did not propose to deal with its operation with regard to figures so high as 20,000*l.* or 40,000*l.* per annum—such sums he knew nothing of—but that he would consider the measure as it affected, not those large landed properties, which he had just said it almost exclusively affected, but small properties from 100*l.* to 1,000*l.* a year. Having, in the first place, told them that the popularity of the measure was caused by its imposing a heavier tax on large landed property, when he came to the sums to be realised by the Exchequer, he found it convenient to diminish the sum, and referred only to estates of 100*l.* or 1,000*l.* a year. Now, he thought the noble and learned Lord exceedingly mistaken with respect to the tax; and when he told them that small properties acquired by tradesmen or persons in the middle classes were not frequently the subject of settlements, he believed he had fallen into a serious error; his own belief was that among those middle classes and the owners of settled property the pressure and hardship of the Bill would be felt more severely than it would be among those whom the noble and learned Lord wished to lean upon heavily. The annoyance, vexation, and pressure, indeed, might be felt with regard to both; but let their Lordships recollect that with respect to the small properties, of which very little had been said as yet, but of which much would be said hereafter, the proportion of the legal charges, and the burdens on the taxpayer, without coming into the finance of the country, would be felt much more severely than among the larger proprietors; and his conviction was that the amount of the tax would not be so oppressive as the lawyers' bills, which would exceed the amount of the whole tax among the middle classes. The noble and learned Lord said there were two principles involved in the Bill—first, that of placing real and personal property on the same footing; next, placing devised and settled property on the same footing. He admitted the two principles involved in the Bill, but he was prepared to contend that there was a great difference between them. With regard to the first of these principles—namely, the placing those two descriptions of property on the same footing, all he could say was, that the Bill imposed a new tax on a description of property which was already most heavily charged, and which had burdens which no one attempted to deny. With regard to the other principle introduced into the Bill, of placing settled property, whether real or personal, for the first time, on a similar footing with unsettled personal property, he could not believe it was a principle that was founded on justice —it was a principle that was entirely new to the English law, and could not be founded upon justice: but apart and distinct from other objections, it must have to a great extent a retrospective operation when imposed upon property that devolved by settlement. The Amendment he was about to propose went on this principle:—Place, if you would, settled property and devised property on an equal footing—place, if you would, real and personal property on an equal footing—subject them to the same posthumous charges, but, at all events, don't make the imposition on one or other retrospective, when it was impossible for persons who settled or devised property to make any alterations in their disposition of it. Take the case of devised property. The present clause would come into operation—not after the passing of the Act—not after notice, so that persons might make such a distribution of their property as would enable them to meet the changes introduced, so that each member of their family might be enabled to pay the tax in proportion, but they were about to apply a new legacy duty to real property, and to all wills which had been made previous to the 19th of May in the present year. Consequently, if they passed the Bill now, and a man knew it, he could make a new will, and make such a disposition of his property as he pleased; leaving so much in proportion to his younger children, and so much to the eldest son; but in the other case the Government came in, and made a new will for him. They stepped in, and, not permitting him to alter his testamentary disposition—for he was dead—they imposed a new tax, which would have the effect of altering the proportion in which he left his property under the sanction of a former law. He could quote a case in confirmation of the view he took of this point, in the course taken by the Legislature on a former occasion, in order that they should not interfere with testamentary dispositions by an *ex post facto* law. In the year 1838 a Bill was introduced to prohibit and check a plurality of church benefices, and thus to get rid of a great abuse and an evil which every one admitted; but so cautious was the Legislature of that day not to interfere with the subsisting rights of persons even in that which was in itself a gross abuse, that provision was made in the Bill to the effect that any person having had left to him, previous to the passing of that Act, the reversion of the next presentation to a living, though it was a plurality, should not be barred from the advantages of the will of his predecessor by that Act; and in the course of the last year there had been a case in which, after the lapse of fifteen years from the passing of the Act, a person had succeeded to the reversion of a living secured to him by the provisions of the Act of 1838 under a will dated in 1837. But there was no gross abuse to be got rid of in this case—no great object to be gained. The sole motive for passing this Bill was to put a certain portion of money into the hands of the Chancellor of the Exchequer, in order to supply a deficiency caused by his own act. Her Majesty's Government had thought fit to take off other taxes, the amount of which would be amply sufficient to render unnecessary the application of this tax at all; but the Chancellor of the Exchequer, having thought fit to reduce a large surplus to a deficiency without the amount to be raised under this Bill, proposed to patch up the deficiency so caused by a measure, which, contrary to all precedent, and contrary to all justice, as he contended, they applied by a retrospective operation to the will of a man who died a month or six weeks ago, and thereby disturbed the whole of his testamentary dispositions. But if that were a strong objection with regard to legacies, how much stronger was it with regard to settled property. When they so applied it, they did not apply it merely to cases in May last, or at the beginning of the present year, or of the present century, but they applied it retrospectively to every family settlement; they applied it to cases where estates had been mortgaged and money borrowed, and subsequent settlements made; and where arrangements had taken place between a hundred different parties during the last one hundred or two hundred years—the whole of them were about to be disturbed and unsettled by the *ex post facto* operation of this Bill, which, so far as the principle was concerned, might as well be made prospective, but which, for the purpose of obtaining instantaneous benefit, was applied in a manner that was inconsistent with all good faith. The principal clauses to which he should apply his observations, were the 1st, 2nd, 3rd, 5th, 15th, and 24th. The first clause provided for the interpretation of the different terms contained in the Act; but the second clause provided that—

> "Every past or future disposition of property, by reason whereof any person has or shall become beneficially entitled to any property or the income thereof upon the death of any person dying after the time appointed for the commencement of this Act, either immediately or after any interval, either certainly or contingently, and either originally or by way of substitutive limitation, and every devolution by law of any beneficial interest in property, or the income thereof, upon the death of any person dying after the time appointed for the commencement of this Act to any other person, in possession or expectancy, shall be deemed to have conferred or to confer on the person entitled by reason of any such disposition or devolution a 'succession.'"

The third clause, however, went further, for it provided that if he, for instance, and any other person were now in their own right in joint possession of any property, and if the other possessor were to die, and he, the survivor, were by means of, or in virtue of any previous existing agreement or legal claim to obtain the benefit of survivorship in the remainder of his own property, and to come into the full enjoyment of that of which he had before had only a divided possession, then the taxgatherer would come down and enforce the payment of the tax on that benefit of survivorship, just as if it had been a new and absolute succession. With regard to the 5th clause, its vexations, as applied to future legacies, would be interminable; but he would not go into them, as he was now contending against the application of the principle to bygone transactions, and to an already existing state of things. Every one of their Lordships who had succeeded to property subject to any annuities or jointures, whenever that property should be increased by the death of any one of the persons now receiving jointures or annuities, would be called on then to pay the tax, though they did not succeed to property in the slightest degree, but simply because a charge upon the property which was theirs before had fallen in. It was a monstrous case of hardship, and one not at all necessarily deducible from the principle of the Bill itself, that any one should be taxed on the removal of a charge which had been imposed on him by a bygone instrument. The 15th clause, too, appeared to him to create a case of gross prospective injustice: it said that if any person should dispose of his reversionary interest in any property, then at the time of the death of the person to whom he stood in the relation of reversioner, the person who bought his reversionary interest, and paid the full value for it, should be placed in the position of the party who sold it; and if the seller had succeeded to the property by the death of his father or uncle, or any relation at all, the purchaser would have the same deduction made from his income as would be made if the seller of the income had not sold it, but succeeded to it himself. If the purchaser succeeded to the property of a person that succeeded as a son to his father, he was taxed or plundered 1 per cent of that which the law had already given him; but if the person from whom he had purchased the reversion happened to have inherited from a distant relation, or no relation at all, then the purchaser, instead of being taxed 1 per cent, would be taxed 10 per cent. Thus, two transactions might take place of this nature, at the time of the purchase exactly alike; but when the reversions fell in they would be materially altered—a great injustice would be committed on both, but on one it would be tenfold greater than on the other, without there having been the slightest difference in the terms of the two purchases. He should very much like to hear any suggestion from Her Majesty's Government by which they could palliate this injustice. The 34th clause committed this great injustice, that while it made allowances for all incumbrances on a property not created by the successor, yet, to whatever extent he might have incumbered his reversionary interest himself—whether for his own benefit or that of his relations, no matter for what motive, good or bad—no allowance was to be made for such incumbrances as he himself had created, and which at the time of creating them he could not foresee would lead to such consequences. He was not quite sure that he understood correctly that part of the Bill where reference was made to the amount of burden to be thrown upon the person who should succeed in fee-simple. By the 21st clause they were told that the tax was to be charged according to the value of an annuity equal to the annual value of the property, and in another part that was to be charged as an annuity of ninety-five years. The only clause where the successor in fee-simple was mentioned, was the 27th, relating to corporations. Take the case of an estate of 50,000*l.* a year, and suppose it inherited from a person not immediately connected with the successor, and suppose the possessor to come into possession of it at the age of twenty-five, it would be no slight deduction to have to pay in the first four years 85,000*l.*, which would be the tax, which, under the circumstances he had mentioned, would have to be paid to the Chancellor of the Exchequer. And this might be repeated, moreover, *toties quoties.* He ventured to doubt the answer given by the noble and learned Lord as to the rule for future successions. His own interpretation, of course, was worth nothing; but he had consulted persons well qualified to judge, and their opinion was, that the original liability—the original absence of relationship in the first instance, would fall upon every subsequent successor, inasmuch as each successor would be held to take, not from his immediate predecessor, but from the person who instituted the original settlement. Every subsequent relationship would, therefore, be traced to the person who originally formed the entail, and in proportion to the relationship which he bore to his immediate successor, so would the tax be rated for all time to every person succeeding for ever after. There were many such cases as this in Scotland; he knew of a property there which had lately been newly settled, in the first instance, upon a distant relative, and, if his interpretation of the clause were right, that property in all time to come would be chargeable with the heaviest rate of duty, even if it succeeded for twenty generations in an unbroken line from father to son. Where was the justice in saying that one entail should for all generations pay 1 per cent, while another in a neighbouring county should pay 10 per cent, in consequence of the relationship of the parties? If the interpretation of the clause were not such as he had stated, then he supposed the Government would not have any objection to insert words stating that such was not the intention of the Bill; but if he (the Earl of Derby) did not mistake, a proposition had been made in the other House of Parliament to meet the difficulty, which met with the opposition of Her Majesty's Government, who, by a small majority, succeeded in rejecting that interpretation of the measure. The first Amendment which he should move would be in this clause, to leave out the words "past or," so that the clause would run—"Every future disposition of property." If their Lordships rejected this Amendment, it would be idle to propose similar Amendments in the succeeding clauses; but if they consented to it, it would be necessary for him to propose similar Amendments with regard to the succeeding clauses, so as to make them consistent in spirit. If he were successful in persuading their Lordships to introduce these words, though it would not affect his opinion of the abstract impolicy and injustice of the Bill, yet it would considerably mitigate those insuperable objections which he now felt to the Bill in its present form, as inflicting the grossest injustice upon innocent parties.

The EARL of ABERDEEN begged to make a few observations on the Amendment which had been moved by the noble Earl. In the first place, he must observe that he was still unable to understand the course which the noble Earl had taken. The noble Earl (the Earl of Winchilsea) who had spoken early that evening spoke with perfect consistency; he denounced the Bill as iniquitous, odious, and detestable, and spoke of the measure in terms scarcely less qualified than those with which the noble Earl who moved the Amendment had stigmatised the Bill; and he declared that he would have opposed the second reading.—The noble and learned Lord opposite (Lord St. Leonards), complained that he had no opportunity of voting against the second reading of the Bill; he (the Earl of Aberdeen) did not know what opportunity the noble and learned Lord desired, but it appeared to him that the noble Lords opposite had had an ample opportunity of doing so, and if they meant to be consistent they ought to have acted upon it; and if the noble Earl (the Earl of Winchilsea), who had only lately appeared in the House, had been present, they would, he was sure, have been compelled to act upon it. But what was the reason which the noble Earl (the Earl of Derby) assigned for not doing so? The noble Earl said that this measure was "the corner stone and foundation of the financial system of the year;" he said that the whole Budget and financial arrrangements of the year depended upon this tax. He said so truly, and he assigned that as a reason for not proposing to oppose the second reading of the Bill, in order that he might not by so doing destroy "the corner stone and foundation of the financial system of the year." He could understand that reasoning, and agree in it if the alterations proposed by the noble Earl were consistent with the preservation of the edifice which he had described; but as this first Amendment would totally destroy the whole building, he would leave their Lordships to say what credit for sincerity and tenderness he should get when he declared his desire to preserve this "corner stone and foundation." So far as he (the Earl of Aberdeen) understood it, the practical effect of the Amendment of the noble Earl would be this, that for the first year the revenue would not receive one farthing from this tax, and that hereafter, in regard to all settled property, it would postpone the tax for another generation—for thirty years, or it might be fifty years—and that was what the noble Earl called preserving "the corner stone and foundation of the financial system of the year." The noble Earl must be aware, although he might declare and affect great regard and tenderness for the smaller proprietors who would be affected by this measure, that, in point of fact, the settled estates were altogether those of the considerable and large proprietors of the country. The noble Earl must know that the middle classes of the country rarely made such a settlement as was called creating an elder son. The evidence of the witnesses examined before their Lordships' Committee, some years ago, in reference to the burdens upon land, showed most clearly, that in nine cases out of ten the wills of persons in the middle class of life were so made as to subject the property to the incidence of the legacy duty. Therefore the persons for whom the noble Earl professed such tenderness were, in point of fact, at this moment, liable to the legacy duty, in consequence of the disposition they made of their property, in nine cases out of ten. It was, therefore, true, as the noble Earl (the Earl of Winchilsea) who had spoken early in the debate said, a matter which particularly affected the interests of "the bold Barons;" and to do them justice, judging from appearances, they seemed disposed to act upon the principles which actuated the Barons of old in the preservation of their own feudal exemption from the burdens borne by the rest of their fellow countrymen. It is the object of this Bill to apply to these bold Barons the same system of taxation which is applicable to the rest of the community; and it is in that sense alone that the tax can be said to be popular. It was perfectly true as stated by the noble and learned Lord on the woolsack, that although no tax could be positively popular, yet popularity might attach to the principle of applying a tax equally to all classes. It was all very well to say that the tax was not well understood in the country, and that that was the reason why no petitions had been presented against it; but if it had been possible to get up petitions against it, there would have been found persons well able to enlighten the people on its injustice; and if the want of that communicated knowledge had been the real cause of the abstinence from petitioning, no one need doubt there would have been a plentiful crop of petitions by this time. The noble Earl who spoke early in the evening, accounted for the absence of petitions against the tax by saying, that the people had no confidence in Parliament. It was singular, however, that this want of confidence should operate in the manner described by the noble Earl as regarded the succession tax alone. There was now lying before him a return of the petitions presented to the House of Commons during the present Session up to the 15th of July, from which it appeared that while whole pages were filled with petitions against almost every tax it was possible to name, not one had been presented against the succession tax. Might he not therefore say, if it were a contradiction of terms to say that any tax was popular, that the absence of petitions against this tax proved that there was a general opinion that it was just? The short answer he had to make to the noble Earl opposite when he said that he did not oppose this Bill on the second reading, because he could not think of destroying the corner stone of the financial scheme of the Government, was this—that his first Amendment totally overthrew the whole structure; that if it were carried it would prevent the tax having any profitable existence until a period so remote that it would be impossible to calculate upon it. The noble Earl had referred to the practical and parliamentary effect which would be produced by the adoption of his and the other Amendments proposed, which would, in fact, almost remodel the Bill throughout. Now he (the Earl of Aberdeen), without wishing to undervalue any of their Lordships' privileges, or to interfere with their due exercise, must say that since the assertion by the House of Commons of their exclusive right to originate and conduct Money Bills through Parliament, no proceeding in the least degree similar to that now proposed had ever taken place. Only the other night a noble Friend of his submitted to their Lordships a proposition respecting the income tax which he (the Earl of Aberdeen) thought very ill-judged and injudicious. Still it was possible that the House of Commons might have assented to that, because it would not have altered by a single farthing the produce of the tax, but merely referred to the mode of its collection; and the other House, in 1826, did actually agree to certain alterations and amendments made by their Lordships in Mr. Canning's Corn Bill, because they did not affect the amount or produce of the tax. It was therefore just possible that the Commons might have agreed to the proposition of his noble Friend in regard to the income tax. But it was clear that the Amendments proposed in the present case would alter not only the mode of taxation, but the essence and amount of the tax which was to be imposed. He did not know what the House of Commons might do in this case; but certainly it was his duty to declare that it was impossible for Her Majesty's Government to accede to an Amendment which would destroy the whole essence and productiveness of the tax. The objection on which the noble Earl (the Earl of Derby) chiefly relied was untenable. The noble Earl denounced what he conceived to be the injustice of a tax which would affect existing settlements; but their Lordships must perceive that almost every tax that was imposed affected the existing interests of parties to whom no notice had been given. Nay, this very Budget contained a strking instance of this. Parliament had this year increased the duty upon Scotch and Irish spirits. Now, a Scotch distiller might have engaged to furnish a given quantity of spirits at a price regulated by the old law, of the alteration in which he had no notice; and he would be bound to fulfil his contract, even at the risk of ruin, under the new law. The principle was exactly the same in that as in the present case. But then the noble Earl said that Her Majesty's Government had imposed this tax for the purpose of supplying a deficiency which they had themselves created. But let him ask the noble Earl why, if he thought this tax so abominable, so oppressive, so injurious in every respect, he had consented to those remissions of taxation which the Government had proposed? Was it that he found it less agreeable, and perhaps less popular, to contend for the preservation of an old tax, than to oppose the imposition of a new one. It was true that a noble Friend of his, whom he did not now see in his place, had proposed to defer for some time the Bill repealing the soap duty. [The Earl of DERBY: So did I.] True; but not because of the alleged injustice of the tax by which the deficiency, caused by the remission of the soap duty, was meant to be supplied. The argument advanced for deferring the repeal of the soap duties was, that it was desirable not to diminish our fiscal resources at a moment when war might break out. He (the Earl of Aberdeen) certainly thought that a very insufficient reason for depriving the people of the benefit that might have accrued from the repeal of the duty on soap; but he was quite willing to leave to the House of Commons to provide for the prosecution of our wars. But further, although the noble Earl denounced this tax as so abominable, he (the Earl of Aberdeen) could not help thinking that the late Government contemplated the imposition of a tax founded on the principle of a tax on successions, although not perhaps precisely in the same form as that contained in the Bill before the House. In truth, the fact that they did so was announced more than once—

The EARL of MALMESBURY: No, no; I will explain that.

The EARL of ABERDEEN: Very well. He did not say that the late Government had such a measure actually prepared; but he was warranted in saying that they had considered the principle of an imposition of a tax upon successions. It was always the custom to refer to *Hansard* as a species of authority in these cases, and in that record he found that on the 3rd of December it was stated in another place—

The EARL of DERBY: I rise to order. It certainly is frequent that references are made to *Hansard*, and it is also a practice more honoured in the breach than in the observance to comment upon debates said to have taken place in the other House. But I can save the noble Earl some trouble, and prevent him from committing an irregularity in referring to reports of what is said to have taken place in the other House of Parliament, by simply assuring him, upon my own knowledge, that no proposition nor scheme for imposing a tax on successions was at any time submitted to my consideration, or to the consideration, as far as I know, of any single member of the Cabinet of which I was the head.

The EARL of ABERDEEN was understood to intimate that, although the noble Earl opposite had risen to call him to order, his own remarks were not strictly in conformity with the rules of the House.

The EARL of DERBY: I beg pardon. I was strictly in order. I spoke to order on the part of the noble Earl, who was, I thought, about to read a newspaper report, of what he supposed to have taken place during the present Session in the other House of Parliament; and, with all due respect to the noble Earl, I contend that to do this is a breach of the orders of your Lordships' House.

The EARL of ABERDEEN: Unquestionably, according to the strict letter of their Lordships' rules, it was a breach of order, and he asked pardon of the noble Earl for having had the audacity to do anything so unparliamentary. No doubt it was out of order to refer to the proceedings of the other House of Parliament; but still he believed that any noble Lord who addressed the House frequently must sometimes be guilty of that offence. The noble Earl opposite had informed the House that his Government did not intend to propose the imposition of a succession tax. Well, that might be so; but still, as the extract which he held in his hand was very short, he would take the liberty of reading what he had read in a public paper. This formed part of a speech which was afterwards published by authority, and therefore no longer rested on a newspaper report. On the 3rd of December last the late Chancellor of the Exchequer was supposed to have said—

> "At the same time, we have not neglected carefully to examine the question of the stamp duties and the probate duties; and we think it not impossible to bring forward, on the right occasion, a duty on successions that will reconcile contending interests, and terminate the system now so much complained of."—[3 *Hansard*, cxxiii. 906.]

He had read from what he conceived to be the most authentic record of what was said; but another record, it was true of a more ephemeral character, but also of high standing, had precisely the same passage, except that the concluding words, "the system now so much complained of," were changed into "the injustice so much complained of." This was not all. On the 16th December he found by the same record that the late Chancellor of the Exchequer was supposed to have said—

> "We had to consider the whole question of the stamp duties with reference to those real burdens upon land—upon the transfer of land, which must sooner or later be dealt with; and a question of the utmost difficulty, which must also not long be neglected—the question of the legacy and probate duties. We had to consider whether it was possible to propose to Parliament a duty on succession, which, in connexion with the total reform of the burdens on the transfer of land, would be an equitable and just settlement of the question, and one which was for the welfare of all classes."—[3 *Hansard*, cxxiii. 1651.]

He did not say that the late Government were prepared to bring in a Bill like the present, but, looking to all that had passed, he was justified in saying that they were prepared to consider the subject of such a tax as not of that singular atrocity which the noble Earl now represented it to be. That was all he meant to imply by the extracts he had read. They had only now to deal with the first Amendment which had been proposed by the noble Earl, and he should not, therefore, enter upon all the points to which he had adverted in his speech. He apprehended however, that the noble Earl was completely mistaken in the case he had put with respect to the Scotch entails, and had, with reference to that point at least, fallen into a complete mare's nest. Most of the cases put by noble Lords opposite were singularly extravagant; but this case was still worse, for it was inconsistent with the facts. The noble Earl had supposed the case of an entail being settled by a stranger, and of the heirs for twenty generations consequently continuing to pay the 10 per cent duty upon each descent. It should, however, be recollected that each heir in a Scotch entail succeeded as the owner in fee-simple, except in as far as was provided by the special articles of entail. It was quite true too that of old a Scotch entail might endure for ever; but a father and son could now as in England cut them off; and they must therefore be very queer people who chose to go on paying the heavy succession duty for twenty generations, when they could avoid it by cutting off the entail. The proposals of the noble Earl opposite if acceded to amounted to nothing else than this—it was an endeavour to do that in Committee which, for reasons best known to themselves, he and the friends who acted with him did not attempt to do on the second reading—namely, to effect the destruction of the Bill. As such, he regarded this Amendment; and if they carried it, it would then be for the House of Commons to deal with the Bill as they thought fit.

The EARL of HARDWICKE, as a Member of the late Cabinet, denied having heard from any Member of the Government a suggestion for the imposition of a duty on successions. He felt quite as much as noble Lords on the opposite side of the House that strict justice was the most important feature in the taxation of the country; and if that sort of justice had been observed throughout the whole of the taxation of this country, the present Bill would not have been introduced. He had not voted against the second reading of this Bill, because he could not oppose a measure which proposed to impose a fair tax upon successions. But although he had given his assent to the principle of levying duties upon successions, he was not bound to agree to the details of this measure:—he reserved to himself a perfect right to deal with them as he might think best. The noble Earl at the head of Her Majesty's Government had spoken in a manner which he (the Earl of Hardwicke) could not quite understand. The noble Earl was pleased to speak of the "bold Barons" of old, as if he insinuated that their Lordships wished to act unjustly towards the people of this country. Such language proceeding from the lips of the Prime Minister of the Crown was not very respectful to their Lordships—nor was it very much calculated to preserve the institutions of this country. He was convinced that there was no set of men so desirous as their Lordships to do justice; and he believed that there was not a more liberal body of men, nor a more liberal Legislature in Europe, than that which the noble Earl had sneeringly called the "bold Barons" of England. He (the Earl of Hardwicke) regarded the clause under discussion, and that which followed, peculiarly unjust to the persons to whom it was intended to apply. What justice was there in taxing a settled estate with a devised estate? A settled estate was, in many instances, tied up under very many Acts of Parliament, forbidding the borrowing of money, or the sale of a single acre; and how, he would ask, could they deal with that estate in a similar manner to an estate which had been devised free to sell, and free to raise money upon? Believing the proposal contained in the Bill to be unjust, he should vote for the Amendment for striking out the words.

Earl GRANVILLE said, he would readily admit, after the statement of the noble Earl opposite, that the subject of a succession tax had never been discussed in the Cabinet—that there could be no doubt it had never been a subject of discussion there; but in reference to the words quoted by the noble Earl (the Earl of Aberdeen) as having been spoken in the House of Commons by the late Chancellor of the Exchequer, the noble Earl, by contradicting them, showed that he could not have been present at the discussion; for he (Earl Granville) could appeal to a noble Lord on the opposite side of the House, whom he remembered seeing under the gallery of the House of Commons when that speech was made, as to the fact of the passage referred to by the noble Earl having been spoken, and as to its having been loudly applauded by those persons in that House who were most anxious to have a measure of the description now before their Lordships passed into a law. Still, as the declaration then made by Mr. Disraeli was, at the time, neither contradicted in their Lordships' House — nor at the Mansion House, which was sometimes found convenient for the purpose of contradiction—and as it was, in fact, generally understood that that right hon. Gentleman and the Government to which he belonged considered that at some time or other such a measure ought to be proposed, he (Earl Granville) thought their Lordships and the public had a right to assume that there was some foundation for what they had heard. He (Earl Granville) had, indeed, observed that there was not a very intimate connexion between the speeches and votes of Members of the late Government in that and the other House of Parliament. He (Earl Granville) thought that the noble Earl the other evening acted in a most statesmanlike and public-spirited manner, when he rose and deprecated any premature discussion on foreign affairs, at the same time expressing the strongest wish that the same course should be taken in the House of Commons, and asking the noble Earl at the head of the Government to use his influence to prevent any such discussion taking place; and he (Earl Granville) was sure that many noble Lords were, as he himself was the very next morning but one, surprised to learn that the right hon. Gentleman who was supposed to be the leader of the Opposition in the House of Commons had pressed that House to come to an immediate discussion on that question. But he (Earl Granville) admitted that it was not fair to consider the noble Earl bound to everything that might be said by his political adherents in the other House of Parliament; but he could not avoid attaching weight to the statements of the Finance Minister, when detailing the intentions of his Government on finance to an assembly most anxiously listening to every detail. The noble Earl who had last spoken (the Earl of Hardwicke) had charged his noble Friend (the Earl of Aberdeen) with having excited feelings against those who voted against the Bill, by what he had said about the "bold Barons." He (Earl Granville) could assure the noble Earl that no taunt was thereby intended by his noble Friend. It must be obvious to their Lordships that his noble Friend only quoted an expression which had been previously used by another noble Earl (the Earl of Winchilsea), who had taken a strong course in denouncing the Bill. With regard to the Amendments the noble Earl opposite was about to propose, he (Earl Granville) must say he entirely agreed with the argument of his noble Friend at the head of the Government—that if their Lordships admitted the principle of the Bill by agreeing to the second reading, he could hardly conceive how they could alter those clauses on which that principle rested, after Government had made out their logical connexion with the original proposition. With regard to the noble Earl's objection to a tax upon settled property, and to what the noble Earl called the retrospective effect of the Bill, he (Earl Granville) thought it better to defer the consideration of that question until they came to the clauses particularly relating to it. The noble Earl had remarked upon the peculiar conditions in which he said the Government had placed the House, and stated that Her Majesty's Government were disposed to introduce a new doctrine into the House by asserting the impossibility of their Lordships making the slightest alteration in a Money Bill that came up from the House of Commons. Now, he (Earl Granville) would say, in the first instance, that that was not a doctrine held by Her Majesty's Government; and, in the next place, he would say that if it were so held by them, it would not be a new doctrine. He would read the opinion of Lord Chatham upon this point. Lord Chatham said—

> "Taxation is no part of the governing or legislative power. The taxes are a voluntary gift of the Commons alone. In legislation, the three estates of the realm are alike concerned; but the concurrence of the Peers and the Crown to a tax is only necessary to clothe with the form of a law. The gift and grant is of the Commons alone, the concurrence of the Peers and the Crown in the imposition of a tax being only necessary to clothe it with the form of law."

He (Earl Granville) believed he stated the opinion of all his colleagues when he said that they did not agree with the doctrine there laid down—that they did not agree with the doctrine of non-interference on the part of their Lordships' House, nor did they deny the right of their Lordships, if they thought proper, to interfere with or make alterations in a Money Bill. But what his noble Friend at the head of Her Majesty's Government had maintained was, that there never was an occasion in which it would be so unwise and so inexpedient for their Lordships to follow any such course as the present. When the noble and learned Lord (Lord St. Leonards) disclaimed any personal feeling in this matter, he (Earl Granville) entirely went with him. It was worthy of remark, that not twelve Peers in their Lordships' House had any personal interest in the matter; and he believed if their Lordships were to look over the Votes on this question tomorrow morning, they would find that every one of those persons who would be personally affected would be actually those who would support the Government proposition. But this was an argument which it would be an insult to their Lordships to use for one moment. If, however, this Bill should be rejected, the country would think that their Lordships had acted not indeed from personal but from class feelings and prejudices. It had been shown that the present position of the small landed proprietor under the present legacy tax was a very bad one, and that he would be much better circumstanced under a succession tax which limited the assessment to the life interest that he possessed in the estate. It was, therefore, on the larger estates that this tax would most heavily fall; though not equally with, but about 50 per cent as compared with the tax on personal property. He knew it was very idle for a person like him to attempt to use arguments against such an opponent as the noble and learned Lord who first spoke that evening (Lord St. Leonards); but what he (Earl Granville) rested his case upon was, first of all, that no measure of any importance had ever passed both Houses of Parliament, without there having been some persons on the Opposition side, eminent in every way, who had conjured up imaginary grievances and difficulties, which in the result had proved to be entirely without foundation. But he relied still more upon the fact that if there was the slightest foundation for the prophecies of the noble and learned Lord, there would have been a double foundation for those prophecies fifty-seven years ago, when the tax on personalty was imposed. But noble Lords, while arguing as to the manner in which this measure would affect property, entirely forgot that large estates held both in this country and in Ireland, as leasehold instead of as freehold, must have had to endure this tax; during those fifty-seven years, however, none of those disadvantages and grievances which had been described had arisen; no litigation had taken place such as had been predicated would arise from this measure. But it was the fact that during the last fifty-seven years the incidence of this tax upon these estates had not been followed by any of those difficulties or any of that litigation which were anticipated as the result of its imposition on freehold land; and he thought, therefore, that he might venture to ask their Lordships to consider these facts well before they allowed themselves to be guided by the advice or the prophecies to which the noble and learned Lord had given expression on the present occasion.

The DUKE of CLEVELAND complained that no opportunity had been afforded to their Lordships for sufficiently considering the nature of the several provisions of this Bill between its introduction into the House and the second reading. Had he on that occason known its tendency and probable effects, he should certainly have opposed its being read a second time. Both in the year 1842 and 1846 ten days elapsed between the Bill on the income tax being introduced into their Lordships' House and being read a second time.

The EARL of ABERDEEN begged to assure the noble Duke that the arrangement for the second reading of the Bill was made in concert with the noble Earl opposite (the Earl of Derby).

The DUKE of CLEVELAND admitted that all persons ought to pay a like tax on property, no matter from whatever source their income might be derived; but there existed a strong feeling against the income tax altogether, and the Chancellor of the Exchequer was only able to carry it by this sop in the pan—the succession tax. His objection to the proposed tax was on the ground of the inequality and the unfairness of manner in which it would operate. He was not one of those who would put forward factious objections to any measure that the Government might propose; but in this instance he felt himself called upon to support the Amendment of his noble Friend.

The DUKE of ARGYLL said, he would remind the noble Duke that the injustice of a tax must be considered in relation to its comparative incidence. If a servant were left a small annuity charged upon an estate, and had to pay 10 per cent, being a stranger, whilst he found the estate itself passed to the next heir without any tax, he would consider that comparatively an injustice; and as it must be admitted that such an inequality and injustice existed in the operation of the existing legacy duties, it was to rectify the sense of that injustice which had long existed, and was gradually growing, that Her Majesty's Ministers had brought in the present measure. He thought he could show their Lordships that two great misunderstandings ran through this debate. The first had, perhaps, been increased by the habit of speaking of this Bill as extending the existing legacy duties to real property, whereas it extended a certain proportion of the principle, but not the real burden. The noble Earl who moved the Amendment had repeated over and over again that they were about to lay the same burden upon real as upon personal property. That was a grave mistake, for instead of laying the same burden, it was a burden of less than one-half that borne by personal property? That great difference was made on account of the rateability of landed property to local taxation; and the question was, could they carry that difference further? Supposing two properties, one liable to rates and the other not liable to rates, the natural thing was to deduct the rates and charge the tax on the residue. But the Government proposal went further than that—they not only deducted the rates and all outgoings necessary to the management of landed property—which were not deducted under the income tax—but, in respect to those feelings of affection which attached to landed property, in respect to the comparative difficulty of selling bits of land, to selling portions of stock, and not wishing to compel the breaking up of landed property against old family feelings, the duty was not to be raised upon the capital value, but on the life interest only. He did contend that was a great consideration, which was not sufficiently attended to by noble Lords opposite, nor by his noble Friend on the cross benches, who had made a most able and most moderate speech against the principle of the Bill. But the distinction could not be carried further. They could not say, because the incidence of local taxation was unfavourable to landed property, landed property should be altogether exempted from those taxes which fell upon other persons succeeding to property. He begged to direct their Lordships' attention to another point. The noble Earl opposite, the other night, and again to-night, made a distinction between personalty and realty, as though that distinction entirely corresponded with that between property subject to local rates, and property not subject to local rates. The noble Earl must be perfectly aware that those two definitions were not coincident. Under the existing law there was a vast amount of property technically rated as real property which was liable to all the incidents of personal property. Leasehold property was treated as personal property, and it paid the full amount of the legacy duty, on the capital value, and not on life interest—but it was also subject to local taxation. What was the effect of the Bill of Her Majesty's Ministers on this large class of property? It effected an enormous reduction of taxation. Instead of taxing it, as now, on capital value, in future it would be taxed on life interest alone. He appealed to their Lordships whether that great feature had been sufficiently brought under their notice, and whether it had not been slurred over by all who had spoken on the opposite side of the House? With regard, then, to a large class of property, all leasehold property, this Bill effected enormous relief as compared with the effects of the legacy duty under the existing law. He wished to say a few words on the special Amendment proposed by the noble Earl. He rejoiced that the noble Earl had elected to take a division on this Motion, because it was one which he was satisfied could not for an instant bear a close investigation. He considered that a great deal of confusion and misapprehension had been caused by speaking of the clause under discussion as a retrospective clause. It was not a retrospective clause. On the contrary, it would not become retrospective unless the Amendment of the noble Earl were carried. [*A laugh.*] The noble Earl laughed; but what was meant by a retrospective clause? It could only be retrospective as regarded the action of the intended law, and that action was only to charge persons coming into possession of property by inheritance. It would be perfectly fair to say it was a retrospective clause if the duty were imposed upon any one who had already succeeded to the possession of the property; but it did no such thing, and it was not retrospective, therefore, as regarded the incidence of the tax which was only applicable to those persons who for the future should inherit possessions. What the noble Earl meant by calling it a retrospective clause was not as regarded persons, but as regarded title deeds of existing families. That was a totally different thing, and the answer to it was, that no tax could be imposed by Parliament which should not in that sense be retrospective. Let them take the case of the income tax, to the imposition of which the noble Earl was himself a party, and see how it would tell on settled property. He would take the case of a person inheriting an estate of 5,000*l.* a year without incumbrances. The noble Earl started with horror at the idea of imposing on the future possessor of an estate of 5,000*l.* a year unencumbered, an annuity for four years of something like 178*l.*; but he had consented to charge for an indefinite period, probably in perpetuity, an annuity of 145*l.* 16*s.* on the same property, under the name of income tax. What, then, was the difference of principle in taxing an estate of 5,000*l.* a year under the income tax and under this tax? In both cases they commuted the tax into an annuity; and the only difference was that in the one case the annuity would certainly terminate in four years, and in the other, the income tax, under the arrangement contemplated by the noble Earl, would probably last for ever. He confessed, therefore, that he could not agree with the noble Lord opposite, that the continuance of the income tax would be preferable to the adoption of this measure. With regard to settlements, he could not see why the present measure should not be applied to that description of property; and he did not see any injustice in making it subject to a succession duty. In looking at that branch of the subject, noble Lords opposite had been led away by the name of the thing; but surely it was justifiable, if it were admitted that there was no injustice in making such property liable to income tax, to substitute a tax which was less onerous. He saw no justice, no common sense, no argument, in any distinction, for surely if persons were entitled to succeed to settled property free of all future taxes, they must be entitled to receive the property free of income tax as well as of succession duty. Noble Lords opposite were carried away by the mere name of the thing—a duty on succession to property; but he did not see any difference between the income tax and this duty. Let them consider the effect of the Amendment if it were carried. Under the present legacy duties, there were two great classes of property exempt, settled personalty and realty, whether settled or unsettled. The Amendment would have the effect of freeing from this tax during a whole generation all existing settled personal property. There was another grave misapprehension as to the practical effect of this measure, in the speeches of noble Lords opposite, which had perhaps been assisted by the language which had been employed by some noble Lords on his side of the House. It was not correct to say this Bill was chiefly aimed at, or would chiefly affect real property. There was an immense amount of personal property which escaped taxation under cover of deeds of gift, and under various forms of law, made really for the avoidance of the existing tax. One of the chief objects of this Bill was, to levy a tax on that species—personalty. Whatever might be said with regard to the incidence of local taxation on real property, whether settled or not settled, that argument would not apply to settled personalty. It was not liable to local taxation, and there was not a shred of argument for exempting it from the existing legacy duty. In the calculations of the Chancellor of the Exchequer, he set first and foremost the amount which he expected to realise by this tax from that immense amount of accumulating capital arising from industrial pursuits and the enormous success with which our manufactures had been conducted, and which, under the existing law, escaped the incidence of the tax altogether. But the tax could not be extended to settled personalty without being extended to settled realty; and if they took the life annuity, and did not levy upon the capital value, he did not know why it should not be so extended. Having said so much, he must emphatically deny the assertion of the noble and learned Lord who opened this debate (Lord St. Leonards) that this was a measure gratuitously brought forward by Her Majesty's Government. He contended, on the contrary, and asserted distinctly, that the immediate necessity for this measure had arisen from the financial policy of the late Government. He believed his noble Friend the late Secretary of State for Foreign Affairs (the Earl of Malmesbury) gave, the other night, a very fair and straightforward account of their position. He agreed with him that the late Government were bound in honour to make certain proposals, on which they were ultimately defeated. No one rejoiced more than he did that when next they returned to power, which, in the ordinary vicissitudes of party warfare, would probably occur, they would return unencumbered with former opinions, which drove them into the adoption of mistaken principles of finance; but he would repeat that it was the reckless, unweighed, rash proposal of the late Government with reference to the income tax which imposed on Her Majesty's present Government the necessity of immediately proposing this succession duty. He did not say that the succession duty could, in any event, have been long delayed; he believed there was a growing feeling in the country of the inequality in the incidence of the legacy duty, between personal and real property, and that whatever course the noble Earl opposite had taken, this tax must, in a very few years, have been proposed and carried—levied then perhaps not on life interest, but on capital value. But with regard to the immediate necessity of dealing with this measure, it was attributable to what he should always call the rash and reckless proposal of the noble Earl as to the differentiation of the income tax—

The EARL of DERBY begged to repudiate altogether that word "differentiation."

The DUKE of ARGYLL: He could not use the word "discrimination" because that word implied justice; but as there was no justice in the scheme of the late Government with regard to the income tax, he used the word "differentiation." The noble Earl late Secretary of State for Foreign Affairs said, he would prefer the income tax to the succession duty; but perhaps he had not gone into the figures. Taking an estate of 5,000*l.* a year, the income tax, without any allowance for repairs, would amount annually, at 7*d.* in the pound as long as the tax should exist, to 146*l.* some odd shillings; but the succession duty, supposing the estate went in the direct line, as was most frequently the case with landed property, would be 178*l.* only for four years. He contended, therefore, if by this plan there was a chance or hope of getting rid of the income tax—and without it to get rid of that tax was impossible — Her Majesty's Government had proposed a measure which would not tell against, but in favour of the landed interest.

LORD ST. LEONARDS said, he wished to make an observation on the speech of the noble Duke. The noble Duke had stated that he could not comprehend the retrospective operation of this measure, and had endeavoured to show how much preferable this tax was to the income tax. Now the noble Duke had entirely overlooked that the Government were about to favour the country with both. Then, as to the retrospective operation which the noble

Duke denied—suppose an estate settled on a father for life, and remainder to his son, the father's life interest was not charged, but the son's interest was; yet the interest of the son was as much property as that of the father, although not actually in possession, but only in reversion; it could be sold or charged, as if it were so, and was practically property, which was vested in him at this moment, and which would be taxed by the Bill before their Lordships, coming into operation as it would long after the title to that property had vested. The noble Earl at the head of the Government had stated that there was a very small amount of personal property under settlements in the hands of the middle classes; whereas the noble Duke had avowed that the first great "haul" of the Chancellor of the Exchequer would be upon the middle classes—upon the industrial interests of the country.

The MARQUESS of LANSDOWNE wished to remark on the fallacy of the statement of the noble and learned Lord, that the income tax and the succession tax were both to act concurrently. Now the whole character of the scheme of finance, of which this Bill was the most important feature, was, that they should not act concurrently, but that as the proceeds of the succession tax came by degrees to be realised, year by year, the income tax should descend, and be finally extinguished; and that the very action of the succession tax should ultimately make provision for the abolition of the income tax. He was not enamoured with this tax, nor with the income tax; but the adoption of both was founded on the belief that it was not expedient to carry indirect taxation further; and if they did not carry indirect taxation farther, where was it more natural to place positive and direct taxation than on the shoulders of those who, under the income tax, paid for the enjoyment of an income during life, and who, in virtue of the same state of civilised society in which they were placed, were enabled to exercise that other great privilege of an advanced state of society, namely, that of succession to property? and what was more natural than to call on them to pay that tax at the moment when the succession was enjoyed? He had heard with surprise the supposition entertained that this tax was aimed at any particular class in this country:—on the contrary, he conscientiously believed that it had been aimed at all classes. He did not consider that the position of the owners of land would be impaired by rendering them amenable to the same law as their fellow subjects: on the contrary, should their Lordships give it a ready and willing consent, he believed it would place them on a higher eminence and a broader foundation, as evincing a disposition to bear an equal burden. It was not to exemptions of any sort that the great families owed their present position. Did any man suppose that the Duke of Norfolk, who stood at the head of the Peerage, had attained that position of importance and dignity from having escaped the legacy duty? No: the fortunes of that noble person, and of every other great proprietor in this country, rested on the prosperity of the country, and its free and glorious institutions. Would the great families gain nothing by this system of finance? He would assert that the great proprietors would gain infinitely more than the value of the legacy duty, or than all the duties which their Lordships could impose upon them:—they would gain that which it was the object of this system of finance to maintain—that which would alone render the proposed system justifiable—the means of enlarging the prosperity, the industry, and production of the country. And who that had seen the experience of the last three or four years could doubt that, upon the estates and position of landed proprietors, great or small, the increase of that production and industry had not been materially telling in a way infinitely more important and compensating than any privations or taxation which had been imposed upon them? He had been told that this measure was to be objected to because it was retrospective in its character. Why, all taxation must from its very nature, if it touched land, be retrospective. The income tax was retrospective—the stamps were retrospective which imposed heavy duties upon mortgages, the natural result of settlements. But was he to be told in that House, that, because landed and settled property were affected by a tax, it was, therefore, not to be imposed? And was he to be told this in a House which not long since passed a poor-law tax for Ireland?—a tax which overturned and affected settlements to an immense extent—ten times more than the tax proposed. The poor-law tax was indeed confiscation; it deprived many heirs apparent of that income which they were justified in expecting. But in passing that Bill, he had never heard it argued in that House that because settlements would be effected by it, that therefore all settled property ought to be exempted from its operation. It would be in the power of Parliament ultimately to make its selection, and to decide whether they would adopt this tax or continue the income tax; and in the meanwhile the revenue derived from the tax would relieve the people from burdens which affected the industry of the country. He considered the system of finance of which this Bill formed a part, to be sound, because, while it left the wealth and property of the country at full liberty to increase, it at the same time gave security that ultimately only one great direct duty should be preserved.

On Question, their Lordships *divided*:—Content 68; Not Content 102: Majority 34.

List of the CONTENT.

DUKES.
Cleveland
Montrose
MARQUESSES.
Bath
Downshire
Exeter
Salisbury
EARLS.
Aylesford
Beauchamp
Bathurst
Cardigan
Clancarty
Delawarr
Dartmouth
Derby
Donoughmore
Enniskillen
Glengall
Hardwicke
Huntingdon
Harewood
Leven
Longford
Lonsdale
Macclesfield
Malmesbury
Manvers
Mayo
Mornington
Orford
Orkney
Powis
Rosse
Sandwich
Selkirk
Stradbroke
Talbot
Verulam
Wilton
Winchilsea
VISCOUNTS.
Castlemaine
Gage
Hereford
Strangford
BARONS.
Abinger
Alvanley
Boston
Bateman
Berners
Calthorpe
Clarina
Colchester
Colville
Crofton
De Ros
Downes
Dynevor
Grantley
Hastings
Polwarth
Rayleigh
Redesdale
Sandys
Southampton
Sondes
St. Leonards
Tenterden
Walsingham
Wynford

List of the NOT CONTENT.

The Lord Chancellor
Archbishop of York
DUKES.
Argyll
Atholl
Buccleuch
Leeds
Newcastle
Norfolk
Roxburgh
Wellington
MARQUESSES.
Breadalbane
Camden
Donegal
Headfort
Huntly
Lansdowne
Ormond
Sligo
EARLS.
Aberdeen
Albemarle
Bessborough
Bruce
Burlington
Chichester
Craven
Clanwilliam
Devon
Ducie
Durham
Effingham
Fingall
Fortescue
Galloway
Granville
Glasgow
Harrowby
Haddington
Home
Ilchester
Kenmare
Kintore
Lucan
Romney
Somers
Scarborough
Spencer
St. Germans
Uxbridge
Wicklow
Yarborough
VISCOUNTS.
Canning
Enfield
Falmouth
Hardinge
Massareene
Sydney
Torrington
BISHOPS.
Hereford
Llandaff
Manchester
Norwich
Oxford
Salisbury
BARONS.
Ashburton
Beaumont
Broughton
Byron
Blantyre
Camoys
Churchill
Colborne
Cremorne
Cowley
De Tabley
Dacre
Dufferin
Erskine
Elphinstone
Foley
Gardner
Hatherton
Howden
Keane
Kinnaird
Leigh
Lilford
Lyttelton
Manners
Monson
Overstone
Poltimore
Portman
Panmure
Rivers
Say and Sele
Stanley of Alderley
Suffield
Truro
Wharncliffe
Wodehouse
Wrottesley.

Amendment *disagreed to.*

In answer to an objection taken by the Earl of DERBY,

The LORD CHANCELLOR stated, that in every past or future disposition of property by reason of which, upon the death of any person, any other person should become entitled to a beneficial interest, the case with respect to the duties to be imposed would be exactly the same upon real and settled personal estates as it now was in respect to bequeathed personal estate, including leasehold property; and each person interested in the succession would pay only upon the value of the capitalised income of his life interest. If the noble Earl should have 20,000*l.* settled upon him for his life, with a reversion to his son, and afterwards to his son's son, the noble Earl would pay upon his life interest, at the proper rate, his son would do the same for his life interest, and his son's son would pay the same upon the capital sum.

The EARL of WICKLOW said, it might be fair to tax a stranger who succeeded to an estate 10 per cent, but it would be most unfair to tax the son who succeeded him more than 1 per cent.

Clause *agreed to.*

Clauses 3 to 9 *agreed to.*

On Clause 10, regulating the Duties of Successions,

The EARL of DERBY asked what was the intention of the Government as to corporations sole, with regard to which he supposed it would be necessary to bring in a Bill some time or other?

The LORD CHANCELLOR said, that corporations sole were almost all ecclesiastical bodies, with regard to which there was not, strictly speaking, a succession of property. If ecclesiastical persons were paid by salaries, nobody would think of saying that they were liable to succession duty; but instead of salaries they had real estates, which devolved to them one after another, as their remuneration. Now all the Judges were paid by salaries, but up to a recent time the Master of the Rolls received great part of his emolument from a very valuable estate called the "Rolls' Estate." It would have been preposterous to treat the Master of the Rolls as liable to succession duty; and in like manner it appeared to the Government that ecclesiastical corporations were in such a predicament as to render it impossible to make their succession to property come within the meaning of this Act.

Clause *agreed to.*

Clauses 11 to 21 *agreed to.*

On Clause 22, providing that in estimating the annual value of lands, houses, &c., an allowance should be made of "all necessary outgoings,"

The EARL of MALMESBURY requested the noble and learned Lord opposite to define the meaning of the words "necessary outgoings." He wished to know if payments to stewards, and rates, were to be included within the term "necessary outgoings?"

The DUKE of ARGYLL said, it had been found impossible to enumerate in an Act of Parliament all the specific outgoings upon estates which would be included in the term. There were certain classes of deductions which might have been specified, but it had been thought better to leave this matter to the ordinary course of administration by the Commissioners.

The EARL of MALMESBURY asked if rates and payments to stewards were to be included?

The LORD CHANCELLOR said, the term would include all that was necessarily expended before the person managing his estate, whether he managed it himself or by his agents, could derive benefit from it.

Clause *agreed to.*

On Clause 23 (Rule as to Timber),

The EARL of DERBY objected that it compelled those persons who should cut timber to the extent of 10*l.* in value to make a report to the Commissioners of all the circumstances connected with it, and if they did not do so they would be liable to certain penalties. The clause would be found to be one of great annoyance and vexation, and he hoped it would be omitted from the Bill.

Clause *agreed to.*

Clauses 24 and 25 *agreed to.*

On Clause 26 (Rule as to Manors, Mines, &c.),

The EARL of DERBY said, that this was an impossible clause. It provided that the principal value of a mine should be ascertained, in order that the duty might be charged upon it; without stating how it was to be ascertained. It was a simple and absolute impossibility to comply with the provisions of this clause. Then, if the value were ascertained, although the mine might be worked for 200 years, the owner was still charged with 3 per cent interest upon the value ascertained by this unknown process.

EARL GRANVILLE said, that within his own experience valuations of mines had been made for the purpose of letting them.

The EARL of DERBY said, that the ordinary manner of letting was, by the tenant paying rent according to the value of the coals which were obtained from them.

The LORD CHANCELLOR said, that when a mine was sold, some valuation of it must be made.

The EARL of HARDWICKE objected to give the Commissioners power to value, which he considered a very serious proposal.

Clause *agreed to.*

Clauses 27 to 33 *agreed to.*

On Clause 34 (What allowances to be made for Incumbrances),

The EARL of DERBY wished to point out what appeared to him to be a gross injustice. According to this clause, if any incumbrance rested on a property placed there by a former proprietor, the reversioner was entitled to deduct that incumbrance from the value of the estate. But if the reversioner had himself anticipated his income, and created this incumbrance, then, when he came into the property so diminished, he was to be taxed upon the use he had himself made of the property, and charged as if there was no incumbrance whatever. The consequence of this would be that land, which was originally worth 20,000*l.*, but which was reduced by the incumbrance to 10,000*l.* would be taxed upon the original sum, which the reversioner would of course never receive. If he parted with the property, if he sold it, they could not subject him to the tax; but because he raised money upon it, and placed it under mortgage, he was not allowed to deduct that mortgage from the succession duty. He would not, in the present state of the House, trouble their Lordships with any Amendments, but he would repeat that this clause was grossly unjust in principle, and would be seriously oppressive in practice.

EARL GRANVILLE said, it was quite impossible to meet individual cases in a general Act of that kind, and without that clause the Bill would be comparatively of little value—it would be open to evasion. But he denied the injustice which the noble Earl attributed to it. Suppose he was about to succeed to a property worth 120,000*l.*, and that he raised 100,000*l.* on it for the purpose of paying duty on 20,000*l.*, would it be fair to exempt him for such a purpose from paying duty on the whole amount?

The EARL of DERBY suggested that they should insert words limiting the operation of the clause in this respect to cases where incumbrances were created after the passing of the Act.

The DUKE of NEWCASTLE said, the Amendment was at variance with the whole principle of the Bill. There was not only the possible evasion of the tax to be guarded against, but he would take the case of a man who borrowed money upon security of land which he had on reversion, with which to go into trade; would any of their Lordships say that the mortgage which enabled him to go into trade ought to be exempted, when it was yielding him perhaps from 10 to 20 per cent? Then there was another case. Many landed gentlemen had borrowed money on the security of their estates, to embark in provincial banks; and he had no doubt that many gentlemen had raised money on their reversions. Now whether these speculations were successful or otherwise, surely they ought not to be exempted from the operation of this Act.

The EARL of DERBY would accept that very case in support of his argument. Suppose the man had raised money on the security of property, to embark in some mercantile concern, he would be taxed on the profits of that trade or business, and not only would he be made to pay income tax on the money raised, but he would have to pay the duty on the whole amount of his property, as if the money had not been borrowed, and he was thus taxed twice over.

The LORD CHANCELLOR denied that the noble Earl had made out his case. If a man with a reversionary interest in 10,000*l.* got some one to advance 5,000*l.* on that security and went into trade, he was not charged on that money; but when his father died, and he came into possession, he was charged on the whole amount of his property, because he had the benefit of the whole of it. If once they made an exception, because a person anticipated the enjoyment of his money, it was impossible to say where they would stop. There was at present in London an association called the Reversionary Fund Society, whose business it was to purchase up reversions under every possible contingency; and it was a singular thing that not a single word of complaint had been heard, nor a single petition presented from these persons, who were the only body likely to be practically affected by the Bill.

Clause *agreed to.*

Clauses 35 to 48 *agreed to.*

On Clause 49 (Production of Books and Documents),

The EARL of HARDWICKE asked, how it was proposed to secure the silence of the Commissioners with respect to the documents which were produced before them?

The LORD CHANCELLOR said, that disclosure would be a misdemeanour, and punishable in the usual way by the Criminal Courts.

The EARL of MALMESBURY objected strongly to giving a power to the Commissioners of compelling the production of title deeds.

The LORD CHANCELLOR said, that in considering the arguments which had been urged against this power, a pang of fear had often crossed his mind that in prosecuting their legal prejudices, they ran the risk of losing sight of common sense and common justice. The case of the Corporation of Newcastle, who had lost 7,000*l.* by the production of their title deeds, had been cited as an instance of the great hardships which such a power might inflict; but that was a case in which it had been discovered that the Corporation had been in enjoyment of funds which did not really belong to them. He would venture to prophecy, that if they had been talking of the Bill in 1863 instead of 1853, there would not at that period have been a single instance of the production of title deeds having been enforced.

Clause *agreed to.*

Clauses 50 to 53 *agreed to.*

On Clause 54,

The EARL of MALMESBURY asked, why the 19th of May had been fixed as the day from which the operation of the Bill was to commence? Was it the Chancellor of the Exchequer's birth day, or what?

The EARL of DERBY said, he had originally intended to propose a clause to limit the duration of the Bill to five years; and, though he had now relinquished that intention, he felt confident that the Bill as it stood, would not, as it professed in its preamble, form a part of the permanent revenue of the country.

Clauses *agreed to.*

Clause 55 *agreed to.*

Bill *reported,* without amendment; and to be read 3^{a} on Thursday next.

MISSIONARY BISHOPS BILL.

The BISHOP of OXFORD, in moving the second reading of this Bill, explained that its object was to extend the provisions of the Act of the 26th of *Geo.* III., chap. 84, which empowers the Archbishop for the time being to consecrate to the office of bishop persons being subjects or citizens of countries out of Her Majesty's dominions, to "any foreign country or heathen land."

The EARL of POWIS was understood to express his apprehension that the power which the Bill was intended to confer might be abused, unless accompanied by proper safeguards.

The EARL of MALMESBURY said, that great as were the advantages involved in this Bill, he would nevertheless caution Her Majesty's Government against the great risk which was certain to attend carrying the proposal into effect. He apprehended, if the bishops in this country were to be allowed to nominate persons to exercise the functions of bishops in heathen lands, the persons so nominated would stand in a very different position, in regard to their protection from outrage, from that of a simple missionary going at his own risk among a savage population; and that if they should meet with ill-treatment, or death, at the hands of the people among whom they laboured, the Government of this country might be called upon to avenge such ill-treatment or death.

The BISHOP of SALISBURY expressed his concurrence in the objects of the measure.

The EARL of ABERDEEN supported the Bill, which he said did not contemplate assigning sees to the persons whom it would empower to perform the functions of bishop; and he did not think anything more was intended by it than to throw over them that protection which was extended to all British subjects in foreign lands.

Bill read 2^{a}, and *committed* to a Committee of the whole House, *To-morrow.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, July 25, 1853.

MINUTES.] NEW MEMBER SWORN. — Michael Williams, Esq., for Western Division of Cornwall.

PUBLIC BILLS.—1° Transportation; Duties on Horses let for Hire; Hackney Carriage Duties; Public Libraries and Museums; Turnpike Acts Continuance (Ireland).

2° Crime and Outrage (Ireland); Betting Houses; Customs, &c., Duties.

3° Land Tax Redemption; Newspaper Stamp Duties; Highway Rates; Turnpike Acts Continuance, &c.; Sheep, &c. Contagious Diseases Prevention; Consolidated Annuities (Ireland).

ENTRY OF SEAMEN BILL.

Order for Committee read.

CAPTAIN SCOBELL said, this Bill had reached the present stage without one word having fallen from the First Lord of the Admiralty in the way of explanation of its provisions. It was read a second time between one and two o'clock in the morning, when no statement could well be made by the right hon. Gentleman. He was most anxious to give his assistance to any scheme for the better manning of the Navy; but he hoped that out of respect to the House some explanation of so important a measure would be given.

SIR GEORGE PECHELL said, he believed the House was perfectly well acquainted with the provisions of the Bill, which he looked upon as the charter of the British Navy. He was anxious that the Bill should pass, in order that seamen might be enabled to understand as soon as possible the beneficial character of its enactments.

SIR JAMES GRAHAM said, he could assure the hon. and gallant Member for Bath (Captain Scobell), that it was not from any want of respect to the House that he had asked them to go into Committee on this Bill without making any statement. He agreed with what had fallen from the hon. and gallant Member for Brighton (Sir G. Pechell) that it was most desirable they should perfect this measure with the least possible delay. He thought they had arrived at that period of the Session when it was desirable to occupy the time of the House as little as possible with speeches, and that it would be better for them to proceed at once to the consideration of the measure in detail. As it was wished for, however, he could have no objection to lay before the House a short summary of the provisions of the Bill. When he last had the honour of being at the Board of Admiralty he thought it his duty to bring in a Bill with reference to the manning of the Navy. By that Bill, which was passed in 1835, the time of the duration of the service was limited to five years on board Her Majesty's Fleet; but, practically, though it was limited to five years, seamen generally, by enlisting in particular ships that had already been some time in commission, did not serve more than three and a half years. The House would observe that the consequence was, that when a ship was paid off, the seamen had acquired the most perfect discipline—the men had been trained to a knowledge of gunnery—through the teaching of the officers they had obtained a thorough familiarity with their various duties, formed habits of seamanship, and had acquired such a degree of perfection that it was most desirable they should remain in the service. The House was in possession of the report of the committee of naval officers, and they had also the Order passed by Her Majesty in Council, upon the advice of the present Board of Admiralty. By that Order in Council, and in conformity with the report of the naval officers, peculiar inducements had been held out to seamen voluntarily to change the period of their enlistment from the limited period of five years to that of ten, and in consideration of their acceptance of that longer term, the Government had agreed to grant an increase of pay. To second class ordinary seamen, the increase would be 1*d.* a day, to ordinary seamen 2*d.* a day, and to able seamen and petty officers, 3*d.* a day. In addition to these there were various inducements held out to seamen generally. A new rate was established between the able seamen and the petty officers, to which a higher amount of pay was awarded, and also certain exemptions from punishment. There was also a very considerable increase of pay to warrant officers, and generally it was hoped and believed, that the Bill would greatly add to the inducements to seafaring men to enter the Navy—that it would contribute greatly to their comfort when they were in the service, and, by operating favourably to their advantage, promote at the same time the general efficiency of the service. Under the Act of 1835 power was given to the Queen in Council, in the apprehension of any impending danger or great emergency, to issue a Proclamation calling upon all seafaring men to come in, promising double bounty if they would enlist within a time limited, and an addition of one-fourth increase of pay to all those who acted beyond the limited service of five years. Inconvenience had been felt by the Proclamations being general to all seafaring men; and he proposed to give the Queen in Council the power of limiting the Proclamation, not calling on seafaring men universally, but on a certain class of them to be therein designated by the present register of seamen. This would enable the Crown so to apportion the service of these seamen in regard to age, &c., as might be found most beneficial; and he might say he anticipated no difficulty in giving limited effect to the Proclamation, in lieu of the general effect now given by the Act of 1835. The Act of 1835, as he had just stated, promised double bounty; but the Bill now before the House left it to the advisers of the Crown to regulate the amount of bounty, so that there might be single or double bounty, or if any emergency of a very pressing character should arise, it might be carried even beyond double bounty. So, also, with reference to increase of pay. Under the Act of 1835 it was enacted specifically that the increase of pay should be one-fourth. Circumstances of considerable urgency, but not such as to justify such an increase of expense as one-fourth, might arise, and it was thought desirable that the specific increase of one-fourth should be somewhat reduced, and instead of it that there should be only the addition of 2*d.* a day. There were other minor provisions to which he did not think it necessary to advert. The measure had been drawn up solely with a view to the benefit of the service, and he hoped the House would now allow it to go into Committee, so that it might then be considered, clause by clause, and rendered as perfect as possible.

SIR GEORGE TYLER said, he must express a hope that the Admiralty would publish a part, if not the whole, of the evidence on which the report of the naval officers was based, because he thought it would be beneficial to the country, and important to the profession, that the opinions of men of high standing and great practical experience should be made public. If a precedent were necessary, they had only to refer to the French Commission appointed to conduct an inquiry for a similar purpose, in which case the evidence was fully and amply reported for the information of the public.

MR. STAFFORD said, so far as his memory served him, there was an arrangement made that this evidence should not be considered otherwise than confidential. He was sure that it was not from any wish to undervalue the evidence of these distinguished officers that the right hon. Baronet opposite had withheld it from the House; and, as Secretary to the late Board, he was quite willing to take his share of the responsibility incurred by the evidence being so withheld.

MR. W. WILLIAMS said, he had always taken a direct interest in promoting the welfare of the Navy, and although perhaps, with the exception of the hon. Member for Montrose (Mr. Hume), no hon Member had opposed more votes or proposed more reductions in Committee of Supply, yet he could most conscientiously say he had never opposed a single vote which he thought was calculated to make the Navy efficient. He believed the right hon. Baronet the First Lord of the Admiralty was most desirous to place the Navy in that position which every man in this country must admit to be necessary; and he looked upon the proposition to embody 10,000 additional seamen as infinitely of more advantage in protecting the coast from invasion than the enrolment of 80,000 militiamen. There would never be any difficulty in manning the Fleet, provided the sailors had more inducements held out to them for entering the service; but at present, although they did not always get better paid, they preferred the merchant service to entering one of Her Majesty's ships, where they would be subject to the system of corporal punishment. He was glad, however, to see by the returns before the House, that a considerable diminution had taken place in the number of cases where this degrading mode of punishment had been resorted to in the Navy. Not that he attributed this diminution so much to the influence of the Admiralty authorities and officers of the Navy, as to the agitation which had taken place in the country, and more particularly in that House, upon the subject; for there were captains, commodores, and admirals who still thought the discipline of the Navy depended upon the fear of the lash, just as some years ago there were Judges and justices who thought the safety of the country depended upon the infliction of capital punishment for minor offences. With the progress of time, however, came a change of feeling, and although capital punishment had been abolished in more than a hundred cases, they did not find that crime increased; but, on the contrary, looking at the increase which had taken place in the population, he believed it had diminished. And why? Why, because the punishment for offences was now rendered more certain, and it had been just the same in the Army. From 1,000 lashes in the Army, the maximum was reduced to 500, while last year the late Duke of Wellington, much to his credit, limited the number to fifty; and what had been the consequence? Why, if the same system were adopted in the Navy, he was quite convinced the service would be furnished with far superior men than it was at present. There should be courts martial on board ships of war, the same as in the Army. The captain, lieutenants, master, master's mate, officers of marines, would form just as good courts for the trial of sailors as were found in the Army for the trial of soldiers. They would get rid of the prejudice naturally arising from the power of punishment being entrusted to the hands of one man, and give an impression that, at all events, it was not inflicted under the influence of passion, or from vindictive motives. It was true that a captain in the Navy could only inflict forty-eight lashes, and a certain time must elapse between the order and the punishment; but those forty-eight lashes were worse than 200 in the Army, because the instrument was totally different, being made of thick twine instead of small twine, and the blows were laid on less rapidly, and with a degree of deliberation which made the punishment infinitely more severe. In time of war, when the outcasts of prisons were sent on board ship, severity might he necessary to maintain discipline; but if men were wanted for the Fleet, of the best class, this mode of punishment might as well be abolished, for it would be perfectly unnecessary to make them do their duty. So long as the merchant service was open to good sailors, they could not induce them to enter Her Majesty's ships, in the face of this degrading punishment of the lash—tearing the flesh from men's backs—and he hoped that the right hon. Baronet would give the matter his best consideration.

MR. MACKINNON said, he wished to draw the attention of the House to the system of manning the navy as pursued in France. They all knew that the French army was created by conscription, but with regard to the navy the means were different. Every person who had been afloat, either on a river or on the sea—even the man who managed a ferry boat—in short every person who gained his livelihood by living on the water, whether fresh or salt, was what was called "inscribed" by the authorities of his dictrict. Whenever a call was made by the Admiralty of France, or by the person at the head of that department, as many men as could be found to volunteer were procured from this inscribed list. If a sufficient number of these volunteers could not be obtained from men accustomed to the sea, then they extended the "inscription" to those who were on fresh water; and if a sufficient number were still not found, then they were balloted for in the same way as we did for the militia. He thought that a good deal of the cumbrous machinery of the present Bill might be done away with if the simple plan of the French Government were adopted. It would give greater power to the Admiralty to raise men, and in a much quicker manner.

VISCOUNT MONCK said, he was not one of those who desired to abolish corporal punishment in the Navy altogether, as he thought that in some cases it was necessary to maintain discipline, but it ought to be limited in a greater degree than it was at present.

MR. HENLEY said, he must confess that he did not think that the punishment was the cause of the men not entering the naval service. The marines when afloat were, he believed, subject to the same kind of corporal punishment, yet there was no difficulty in getting men for that service, neither was there any difficulty in enlisting men for the Army. He regretted that the committee of naval officers had not gone into the inquiry, and probed the subject to the core, as to the causes why seafaring men did not prefer the Queen's service. It was very remarkable, but for some reason or other it was the only part of the Queen's service the people were not anxious to go into.

ADMIRAL BERKELEY said, he could assure the hon. Member for Lambeth (Mr. Williams), that the officers of the Navy were so cautiously watched that no improper punishments could take place; and, having had the command of two or three ships during peace, he positively asserted, from his own knowledge, that the fear of punishment was not the cause which prevented men from entering Her Majesty's service. He could assure the hon. Member that, with respect to one man who had made a great noise in a newspaper, that very man, on coming out of Exeter gaol, re-entered the service immediately; and with respect to another man, who the hon. Member wanted to induce the House to believe had been murdered by the officer of his vessel, so far from that being the case, he, also, had re-entered the service. The hon. Gentleman opposite was mistaken as to the reason why men of the best class could not be obtained immediately when wanted. The cause really was the conduct of that House in reducing at times the numbers of the Navy, and sending the best trained men adrift, and, therefore, the House ought not to be surprised that the men when wanted were not to be found. The right hon. Gentleman opposite was totally mistaken as to the popularity of the marine service as compared with the naval service. When the force was increased by 5,000 seamen and 1,500 marines, the 5,000 seamen, notwithstanding that high wages were given in the merchant service, and that seamen were in great demand in consequence of the requirements for California and Australia, had since December been raised, with the exception of about 800 men; whereas the Government had not yet got half the complement of marines voted at the same time. One thing the House should recollect, that if there was a constant preaching in that House to the effect that the men in the Navy were ill-used men, and that the officers were tyrants, and if the newspapers were continually telling the same story, the House ought to regard that as the cause which prevented the men from entering the service, and ought not to attribute the blame to the Board of Admiralty.

House in Committee.

Clause 1 (The provisions of the 5th and 6th William IV., as amended by the Bill, shall extend to men entering the naval service for ten years, or any other term of continuous and general service).

Captain SCOBELL said, that in his opinion the repeal of the manning clauses in respect to the merchant service would undermine the popularity both of the mercantile and naval services. With regard to obtaining men, they would do much more by encouragements than by punishments, and there were great want of encouragements in the Navy. One great evil was, that the governing power—the Board of Admiralty—was political, and changed as often as power passed from the possession of one party to that of another. There had been three First Lords of the Admiralty within the last twelve months, and changes so rapid necessarily had an unfavourable influence on the Navy. He had no doubt that the present First Lord of the Admiralty meant well by the Bills now about to be discussed; but who knew that he would be able to carry them out, or that the next First Lord might not altogether differ from him on the matter? With regard to punishments, there were some forty or fifty ships in which there were no corporal punishments at all, and therefore it seemed to him that as regarded this point something depended upon the temperament of the man who commanded. The officer had too much power in respect to the infliction of corporal punishment, which should not take place except upon the sentence of some court of inquiry, consisting, perhaps, of three officers, that would also relieve the captain of a portion of his responsibility. He also thought that reports of the minor punishments as well as of the corporal punishments should be sent to the Admiralty; for the necessity of making these reports had a tendency to diminish the punishments. As to the punishment of death it stood out in the Articles of War in a most terrific manner; and so far they certainly needed revision. The prize-money scale also wanted revision; and it was recommended in the report of the committee of naval officers that the flag officers should not have so large a portion of the prize money, and that the reduction of their share should go to the benefit of the seamen and petty officers. The main reason, however, why the Government did not get the sailors they wanted, was the absence of bounty money. While the militiamen and the soldiers got a bounty of 6*l.* on enlistment, did they expect seamen to enter the Queen's service for nothing? It was said that since December, in a period of seven or eight months, the Admiralty had got 5,000 men; but during the same period they must have paid off some thousands, and therefore, a deduction was to be made on that account. But, after all, what great amount was 5,000 men? They might get out of a Russian war just now, but in any case of hostilities they would want 30,000 or 40,000 additional men, and the question was how they were to be obtained?

Sir JAMES GRAHAM said, he regretted that the hon. and gallant Gentleman had not confined his observations to the Bill before the House, as some of his remarks applied to the merchant service, and not directly to the Queen's service. In some respects the gallant Officer was not quite accurate in his statements. It was true that the militiamen received a bounty of 6*l.*; and, if the gallant Officer referred to the next Bill put down on the business paper, the Naval Coast Volunteers Bill, he would there find that with respect to the seafaring population a similar bounty of 6*l.* was held out. But with regard to the Army the gallant Officer was inaccurate, in saying that there was a bounty of 6*l.* The bounty for the soldier was not at all equal to that amount; for a large proportion of it was deducted from him in the shape of stoppages for furnishing his kit, which would pretty nearly equalise the lot of soldiers and sailors in that respect. The question of corporal punishment was the most painful subject that could be discussed; but it was not possible for him to pass the matter over after the observations which had been made. He thought his hon. and gallant Friend did not do justice to his brother officers if he believed them devoid of humanity and common feeling. He called on the House to recollect what was the position of an officer commanding a ship. Placing men in a vessel was little else than shutting them up in a box. Nature was almost violated by the circumstances in which the men, persons of strong passions and exposed to every temptation to sudden resentment and anger, were placed; and it was, therefore, absolutely necessary, for the safety of the ship, and the happiness of the crew, that power should be concentrated in one hand, and that must be the hand of the commanding officer. The position of an officer commanding a ship differed materially from that of an officer commanding a regiment in the Army. The soldier was not confined like the sailor, and it was possible to assemble a court martial to try him, in case of his offending; but, with every earnest desire which he felt in common with all his countrymen that there should not be one unnecessary pang inflicted on a fellow-creature, he was strongly convinced, that, while the circumstances of the Navy were such as they were, the power of inflicting corporal punishment in the hands of the commanding officer must be maintained. But were there no checks on the exercise of that power? There was, indeed, every check, which the most experienced officers of the Admiralty could devise. Quarterly returns of all punishments were required; the circumstances of each case must be stated, and every case was reviewed by the Admiralty; if any doubtful circumstances appeared, the officer was called on to explain, and, should his explanation not seem satisfactory to the Admiralty, the misconduct was noted against his character, and was not overlooked when his future employment became a question. With regard to minor punishments, the gallant Officer did not seem to be aware that all minor punishments were already regularly reported. He could assure the Committee that every Board of Admiralty in succession had been most anxious to reduce the amount of corporal punishments to the lowest degree consistent with the maintenance of discipline; and the whole subject, whether relating to corporal or minor punishments, was matter of constant solicitude to the Board of Admiralty, and was at the present moment under their review. The great unwillingness on the part of seamen to enter the Queen's service, existed only in the imagination of the gallant Officer. When the additional force was voted last December, he had not thought, considering the rate of wages in the merchant service, it would have been possible, without bounty, to raise the number of men. Nevertheless, the Admiralty had raised, without bounty, but by volunteering, 5,000 since last December; and since the increased rate of pay about to be confirmed by the present Bill, had been made known, no less a number than 800 seamen had entered the Navy. During the same time the Admiralty had only paid off 900 men. Considering the competition that existed, and the rate of wages given in the Colonies and foreign countries, he did not think that there could be much oppressive tyranny or unnecessary hardship in the service, when, under such circumstances, and in a very few months, so large an augmentation of the force could be obtained. He was confident that the principle on which the Bill proceeded, of prevailing upon men to enlist by a system of encouragement, was a sound principle, and he believed it would be successful in inducing men to enter the service, and in laying the foundation of that to which he attached great importance—a permanent reserve of seamen, available in times of exigency. The present Bill proceeded on the assumption that there should not be frequent changes in the amount of force; and he quite concurred in the observation which had been made, that one great cause of difficulty in respect to enlistment was to be found in the fact that that House had varied its policy from time to time with respect to the number of seamen to be maintained. At one time the Government wanted 5,000 additional men; but how was it to be expected that they could be obtained by volunteering in two or three months, when, some time previously, the House had compelled the Government to turn them off, with their period entitling them to pension unaccomplished? It was not surprising, then, after that House had adopted so unfair a course, that the men were not to be obtained just when it suited the purpose of the State to get them. The present Bill proceeded on the principle that there should be steadily employed a larger number of seamen for ten years, and that pensions should be granted in proportion to the time for which the men continued to serve. The pensions would go in aid of their wages in the merchant service, in case they chose to leave the Navy; while, if a period of emergency occurred, there would be, in consideration of the pensions given, a power in the Crown to call on the pensioners again to embark on board the Queen's ships; and these men, being able seamen and experienced gunners, and competent to sustain the honour of the British flag in any part of the world, would constitute the cheapest and most efficient possible reserve. The men, of course, would not be obliged to leave the Navy at the end of ten years; on the contrary, if they prolonged their term of service for fifteen years, they would receive a higher pension; and this pension, it was to be understood in either case, they would, on being called out after their retirement, receive in addition to their pay. The hon. Member for Lymington (Mr. Mackinnon) wished the Government to adopt the French system. That was the most perfect system of conscription it was possible to conceive; and he (Sir J. Graham) would not ask that House, unless in the last emergency, to go to the extremity of using force for the purpose of manning the Navy. He would first of all endeavour to exhaust every possible mode of inducement, by holding out encouragements. The system that prevailed on the other side of the Channel was inconsistent with British feelings and British freedom; and, if the House of Commons desired to maintain the supremacy of the British flag, it must not be niggardly in respect to pay and rewards to volunteers. The present measure would be attended with some expense; but the expense could not be deemed inordinate, when compared with the great object to be attained. The measure had received the deliberate sanction of officers of the highest character in the service; was sustained by the evidence given before the Naval Committee; and he and his Colleagues deliberately thought that they had laid on the table of the House information sufficient to sustain the recommendations made to Parliament. They had presented to the House the Report of the Naval Committee, which was in the main sustained by the evidence; but, as the evidence was more or less of a confidential character, they thought it would be injurious to the public service to publish it.

Admiral WALCOTT said, he thought that the period of service for ten years from the age of eighteen was too short. He saw no sound reason for making this limit at a time when Parliament was offering additional inducements to seamen to join the Navy. It was true the men were eligible to re-enter at the end of ten years, when they could have the pensions of 6*d.* per day; but would it not be better to make the enlistment for twenty years certain, holding out certain rewards for their so doing? He approved of the general principle of the Bill; but he thought it would be greatly improved by the annual admission of 1,000 boys of about fourteen years of age, to be trained as able seamen of the first class.

Sir JAMES GRAHAM said, he would remind the gallant Officer that this Bill proposed to double the existing period of service, and that the recent reduction of the time in the Army rendered it improbable that Parliament would sanction a further extension in the Navy. The number of 2,000 boys had been gradually increased, and the service had been found to be so desirable, that the boys, instead of wishing to leave the service, were inclined to stick to it.

Sir De LACY EVANS wished to know if, in case of emergency, Government had a power to give a bounty for enlistment? He was glad to hear of the number that had enlisted, but a period of seven months were required to get this number. He was told by naval men that a still greater number of seamen was required.

Sir JAMES GRAHAM replied, that by a provision of the existing law, bounty was given, on certain conditions, to men entering the service after the issue of a Royal proclamation, and that provision was enlarged by a clause in the present Bill.

Mr. W. WILLIAMS said, that the hon. and gallant Admiral (Admiral Berkeley) had adverted to a case he (Mr. Williams) formerly brought under the notice of the House. A seaman jumped from on board one of the Queen's ships, off the coast of California, and the captain, instead of sending a boat to recapture him, ordered his men to fire upon him. Afterwards a dead body was picked up, which was supposed at the time to be that of the man who had been fired at. It now appeared from the gallant Admiral's statement, that that man had re-entered the service; but he wished to know whether that could be the case, and whether the man must not be tried and punished as a deserter?

Sir JAMES GRAHAM said, he thought that the hon. Member ought to be more guarded in his statements in future. The man who was reported to have been shot after jumping overboard at San Francisco, had now re-entered on board a Queen's ship, and had not been called to account. There was, however, no question as to his identity.

Sir JOSHUA WALMSLEY hoped the right hon. Gentleman would not overlook the suggestion thrown out by the hon. Member for Lambeth, as to the establishment of courts-martial on board ship, similar to those which already existed in the Army. He felt grateful to the right hon. Gentleman for what he had done while connected with the Board of Admiralty, and trusted that he would add to the obligations he had already conferred on the naval service by adopting this excellent proposition of his hon. Friend the Member for Lambeth.

SIR JAMES GRAHAM said, he was flattered by the confidence which the hon. Gentleman reposed in him. He could assure the hon. Gentleman that this question had been considered by him most anxiously and in all its bearings. He had consulted all the officers on whose authority he thought he could most rely, and had endeavoured to exercise a calm judgment regarding it, and he was bound to say that he could not conscientiously recommend any departure from the present system. The power and the responsibility were so much in the hand of one man on board ship—the power no less than of causing happiness or unhappiness to every person on board—that he was bound to admit the great interest attaching to the question; but the more he had thought on the subject, and the more inquiry he had made, the more was he satisfied of the great importance, both as regarded the interests of discipline and the happiness of the ship's company, of having the power concentrated in the hands of one man, and that man the captain. He was afraid that any such co-ordinate power as it was proposed by his hon. Friend to confer upon the other officers along with the captain, would interfere very materially with discipline, and cause jealousies, heartburnings, and divisions, that would operate most injuriously upon the men. Considering the passions that were frequently excited on board ship, and the difficulties often experienced in managing a large body of men—in circumstances so peculiar, he was afraid that under the system of the hon. Member it would be found impossible to maintain discipline in Her Majesty's Navy.

Clause *agreed to.*

Clause 2 (Proviso as to the entering and service of boys).

MR. HENLEY said, he would be glad to hear what regulations would be made to enable boys after a certain age to get released if they did not like the service?

SIR JAMES GRAHAM said, the rules of the Admiralty were to the effect that boys were not to enter unless with the consent of their parents or relatives. From the great number of candidates, and the large power of selection, there need be no apprehension of the possible hardships anticipated by the right hon. Gentleman.

SIR GEORGE PECHELL said, the popularity of the service was so great, and the supply of candidates so large, that it became very difficult to make a selection. The boys were rather over than under educated under the new regulations. He was satisfied that the proposed system would lay the foundation of an excellent reserve of able seamen. The right hon. Gentleman opposite (Mr. Henley) had asked why men could not be found to enter? There were various reasons which led to this result, one of the principal of which was, that there were so many desertions to the gold regions. Not a less number than 14,000 seamen had deserted their vessels in Australia. These men were of course reluctant to return, because of the probable consequences of their misconduct. He firmly believed that the steps to be taken would do away with any difficulty in manning the Navy at any time.

CAPTAIN SCOBELL said, out of the number of 21,000 boys educated by Government, only 3,000 afterwards entered the Navy. It could hardly be expected that a naval reserve, unless the proposed alterations were carried fully into effect, would enable Government to have that reserve which they contemplated.

SIR GEORGE TYLER said, that one of the recommendations of the Report of the Naval Committee was not adopted, namely, that which suggested that able seamen who had served five years, should receive an addition of pay of one penny per day provided they enlisted for five years more.

SIR JAMES GRAHAM said, that this increase of pay would have involved an increased expenditure, which would be unnecessary and improvident.

SIR THOMAS ACLAND wished to take this opportunity of calling attention to a subject closely connected with the present, though it certainly did not come within the operation of the Bill. He alluded to the employment of native African boys in the squadron on the west coast of Africa. These boys became exceedingly valuable as sailors, and he thought it was of great importance to encourage the practice, especially when they considered the very great increase that had taken place in the consumption of palm oil, and which would render our trade with Africa much greater than it had hitherto been. He had been informed that some difficulties had been thrown in the way of the reception of those native African boys, and he hoped the attention of the right hon. Gentleman would be directed to the subject, as nothing was likely to operate more beneficially in that part of the world than the practice to which he had alluded.

SIR JAMES GRAHAM said, he would be always most happy to attend to any suggestion of his hon. Friend; but the subject he had introduced did not bear on the manning of the British Navy. It referred only to the employment of a certain number of Africans on the African station, and he had only to say he was not aware that there had been any diminution in the number of boys so employed.

Clause *agreed to;* as were also the remaining clauses.

House resumed. Committee *reported.*

THE PETERBOROUGH ELECTIONS.

MR. BRIGHT moved, "That in the matter of the Peterborough Election Petitions Committee, the parties have leave to appear by themselves, their Counsel, or Agents."

MR. STUART WORTLEY said, he was Chairman of the Committee, and he was anxious to know if the Committee would have any control as to the mode in which counsel should be heard. He apprehended if this Motion were passed, they would appear in the ordinary way. He thought they ought to be restricted to reasonable limits, and not to be allowed to take technical objections, otherwise the proceedings would be so protracted that they might not be able to report this Session.

MR. SPEAKER said, if the Motion were carried, counsel must be heard in the ordinary way.

MR. STUART WORTLEY said, he would appeal to the hon. Member for Manchester to leave the matter in the hands of the Committee, who would be quite ready to call in counsel if the necessity arose. At all events he trusted the hon. Member would postpone his Motion until he ascertained what course the Committee proposed to take. He (Mr. S. Wortley) felt quite satisfied they would make such arrangements as would be satisfactory to all parties.

MR. BRIGHT said, he was afraid he should not be able to consent to the proposition. He moved for the Committee, following the precedent of the Stamford case, and he had been driven from that to the precedent of the Derby case, and it was on the Derby case he was now going. What he was now moving was appended in the Derby case, and he did not see why he should postpone the Motion.

MR. BAINES said, as Chairman of the Committee of Selection, he wished to state the principle on which the Committee in this case had been selected, and he was anxious to do so in consequence of some expressions which he understood had fallen from the hon. Member for Manchester. The hon. Member for Manchester said it was the understanding of the House that he was to be a Member of the Committee. Now he (Mr. Baines) was not aware of any understanding that any particular Member was to be added to the Committee. When the matter came before the General Committee they looked at the terms of the reference, and found that they were directed to name a Chairman and six Members for the purpose of investigating the allegations of the Peterborough petitions; and they thought they should best fulfil their duty by constituting the Committee as fairly and impartially, and as little open to exception, as possible. They found that the precedents in such cases differed. No doubt in the Stamford case the Committee of Selection put on the Committee the hon. Member by whom the complaint had been in the first instance presented to the House; but by way of counterbalancing him it was thought necessary to put another hon. Member on the Committee, to represent as it were the opposite party. Now that was a principle to which he very much objected. It was carrying on the old system of nominees, which had been abandoned by common consent. Then they looked at the other precedent, which in point of time, and he believed in nearly all its circumstances, was most similar to the present case, the Derby case, which occurred in the present Session. That was an inquiry into the allegations in a petition from the borough of Derby brought forward by the present Attorney General, and it was determined by the House that a Select Committee should be nominated by the General Committee of Selection, who did not appoint the Attorney General; nor, on the other hand, did they think it right to appoint anybody who had previous impressions on the subject. They thought it best to name Gentlemen who were entirely uninfluenced by their previous impressions, and who would take their impressions from the evidence, and the evidence alone. In this case, as the hon. Member for Manchester appeared in the House as the prosecutor, they thought it best not to appoint him; but, as in the Derby case, they appointed hon. Members who would take their impressions entirely from the evidence. He would therefore appeal to the House whether they had not made a fair selection.

Mr. BRIGHT said, the right hon. Gentleman spoke as if he (Mr. Bright) found fault with the Committee of Selection, or with the Gentlemen they had nominated. That was not the case. Only the course he had been recommended to take was, to adopt the precedent of the Stamford case, in which Sir William Page Wood, who had presented the petition, and who stood in the same relation to the Marquess of Exeter as he (Mr. Bright) did to Earl Fitzwilliam, was a Member of the Committee. However he did not want another word to be said. He was quite satisfied with the Committee, and he hoped it would conduct the inquiry in the best and most impartial manner.

Motion *agreed to.*

GOVERNMENT OF INDIA BILL.

Order for Committee read.

House in Committee.

Sir HENRY WILLOUGHBY said, that he had given notice of four clauses, but he should take the opinion of the Committee on the third and fourth only, embracing the question whether the Secret Committee should not have the power of tendering their advice and opinion, and, if necessary, of entering their protest, with respect to all orders from the President of the Board of Control. The object was to impose something in the shape of a check on those wars which had proved so mischievous and disastrous to India. He would propose that the Court of Directors should select the third member of the Secret Committee. The senior Director was now appointed; but the Court of Directors should be able to choose the best qualified person to form, with the Chairman and Deputy Chairman, the Secret Committee. He referred to the Affghan, Scinde, and present Burmese wars, as showing the necessity for a check on the President of the Board of Control. He would now beg to move the third clause of which he had given notice, and which was marked "Clause C," as follows:—

"That the Secret Committee of the Court of Directors shall consist of the Chairman, Deputy Chairman, and such other Director as shall be selected and nominated by the Court of Directors; and that the said Court of Directors shall select and nominate such third member on the first Wednesday in April, 1854, and shall certify the said appointment, and, in the case of a vacancy, all future appointments, to the President of the Board of Control for the affairs of India, under the seal of the East India Company."

Sir CHARLES WOOD stated, that his objection to the clause was, that it was the law as it stood now. The Court of Directors did by practice select their senior member, but they might choose any other.

Clause *negatived.*

Sir HENRY WILLOUGHBY said, he would now propose "Clause D."

Clause—

"That the said Secret Committee shall transmit to the Supreme Government in India all orders of the said President of the Board of Commissioners for the Affairs of India, as by law is now required as to orders emanating from the said President, except that if the said Secret Committee shall think fit, they may tender their advice and opinion on the effect of any such order and orders, and if they deem it expedient may enter a protest in writing as to the effect of such order or orders, and that such protests shall be duly recorded at the office of the said Secret Committee, and also at the office of the said President; but nothing in this Act shall be construed in any way to interfere with the power of the said President to issue any order or orders that he may think fit to direct shall be transmitted through the said Secret Committee."

Brought up, and read the First Time.

Mr. HUME said, that he had given notice of a clause to raise the number of the Secret Committee to four. The principal alteration, however, which he wished to see carried into effect was, that the Secret Committee should be required to keep minutes of their proceedings, and to report those proceedings to the President of the Board of Control. He did not object to a Secret Committee, but desired to see a record kept. He wanted to place the President of the Board of Control, and the Directors also, in a condition to record whenever they differed upon any matters of policy connected with the government of India. He thought the clause was one which, as a matter of precaution, no Government should reject. It was a very small check, but it would enable future Parliaments to apply a more effectual remedy.

Sir JAMES W. HOGG said, he could not, consistently with his sense of public duty, support the clause. It had been asked, why the orders of the President of the Board of Control should be signed by the Secret Committee? The answer was a simple one. It was of great importance so long as the Government af India was vested in the East India Company, that every order issuing from this country should be issued in the name of the Court of Directors. It was important, also, that the Court of Directors, through the instrumentality of three of their body, should be cognisant of every order that was issued. The President of the Board of Control could not issue orders upon every subject, but was limited by law to the specific subjects of peace, war, and treaties with native princes; and if he attempted to issue an order not connected with those questions, the Secret Committee were entitled to intervene, and demand that the order should be laid before the Court of Directors. So with regard to the expenditure of public money. He did not think, however, that the Secret Committee should have the power of recording their dissent against any order issued by the President of the Board of Control, provided the subject of it was within the province assigned to him by law. Now, his own feelings would lead him to contend for the maintenance of the power and authority of his colleagues, and he should therefore vote for the insertion of the clause if he could take that course consistently with the performance of his duty. Her Majesty's Ministers were responsible for the peace and security of India, and of every part of the Empire; and he could not understand that it would be consistent with the public interests that three gentlemen sitting in Leadenhall-street should constitute a kind of little Cabinet, controlling, remonstrating against, interfering with, and probably embarrassing the proceedings of Her Majesty's Ministers, who were responsible to their Sovereign and to Parliament for the safety of the Empire. If the Secret Committee, who were *pro hac vice* Members of the Cabinet, were to enter their records and dissents, they would be called for by that House. But suppose a Cabinet Minister differed from his colleagues, would it be fit that he should place his reasons for dissent upon record, and that they should be liable to be called for by that House? The power must rest where the responsibility was by law imposed. The responsibility was imposed upon Her Majesty's Ministers, and with them, therefore, the entire power should rest. He approved of the President of the Board of Control having the power which he often exercised of consulting with the Secret Committee; but he did not think that they should have the right of entering protests and minutes in opposition to the acts of Her Majesty's Ministers, with whom the responsibility rested.

Mr. DISRAELI said, he rose to make one inquiry of the Government with respect to the opinion which had been laid down by the hon. Baronet opposite (Sir J. W. Hogg). The hon. Director had stated that Her Majesty's Government were responsible for the peace and security of India, and that the responsibility must remain with those who exercised the power. He wanted to know—for he had never yet clearly understood it in the course of these discussions—whether the power of recalling the Governor General of India belonged to the Court of Directors, and was to be continued to them? He did not desire upon the present occasion to enter into a discussion whether that was a power which ought to be left to the Court of Directors; but every one agreed that it was one of the most important exercises of power that could be conceived. If Her Majesty's Government were to be held responsible for the government of India, it appeared quite impossible that they could completely fulfil that responsibility if no difference were made with regard to the power of recalling the Governor General. He had alluded to the subject before; and he should like to know whether it was the intention of the Government to propose any clause in order to deprive the Directors of that power if they still possessed it? Considering the immense responsibility of the Government, he thought that it was one which they should not be called upon to undergo while the power of recalling the Governor General remained with the Directors.

Sir JAMES W. HOGG said, that he had spoken only of the Secret Committee, who carried out the orders issued by the Government. All the administration orders of India issued with the Court of Directors, and all the administrative duties distinctly differed from those of the Secret Committee.

Sir CHARLES WOOD said, that the responsibility of peace and war, and of negotiations with foreign Powers, had been for the last twenty years exclusively within the province of the Government of this country, and it was so proposed to continue it. During the whole of that time, as the right hon. Gentleman knew, the Court of Directors had had the power of recalling the Governor General, as well as any other of their servants in India, and of that power it was not proposed to deprive them.

MR. HUME said, one of his objects in supporting the clause was to enable the Secret Committee to communicate their proceedings to their colleagues in the Direction. At present the Secret Committee could not publish their protests without the consent of the President of the Board of Control, so that whatever information they might have would be completely locked within their own breasts. In the case of the war with Affghanistan, the whole Court of Directors applied to the President of the Board of Control to permit the Secret Committee to make known the facts to the Court of Directors. The President refused his consent, and, therefore, whatever was known on the subject was known to the Secret Committee alone.

MR. RICH said, he should support the clause, because it was calculated to give force and reality to the remonstrances which the Secret Committee made. It might happen that the President of the Board of Control might be a little wrong-headed, or rather too eager to engage in war, and then the Secret Committee would exercise the useful power of being a kind of drag-chain upon the political eagerness of the Government of the day.

MR. OTWAY would also support the clause. It frequently happened in India that officers were recalled by a despatch, signed by the Court of Directors, when in fact the act was entirely that of the President of the Board of Control, and the Directors, who signed the recall, had strongly protested against it. This led to great practical inconvenience. Allow them, however, to record their dissent, and they would be relieved from a disagreeable position. He thought it very important that it should be known in India which body was responsible for particular acts done.

MR. BLACKETT said, he wished to call the attention of the Committee to a proposition laid down by Mr. Martin Tucker, the accuracy of which the President of the Board of Control ought certainly not to dispute. That gentleman laid it down, as one of the first principles of Government, that the responsibility, whether for praise or blame, ought on all occasions to rest on the right shoulders. There was a passage in the *Memoirs* of Mr. Martin Tucker which showed how deeply he felt the humiliation of his position as a member of the Secret Committee in having to bear the official responsibility of transactions of which he strongly disapproved. Mr. Tucker was a member of the Secret Committee during the period of the Affghan war, and though he was all along opposed to that war, orders in favour of it were sent out to India signed with his name; and but for the accidental circumstance of the publication of his *Memoirs*, his memory would have had to bear the discredit of having lent his sanction to that war, without the possibility of disputing it. The fact was that the practice of a man signing his name to documents which he diapproved, was alien to every English notion of fair play and common justice; and, however the point might be decided there, he felt sure the public out of doors would be opposed to it. He did not think the hon. Member for Honiton (Sir J. W. Hogg) could rely very strongly on the reasons he had urged against the clause. His whole remarks might be classed under two heads. He said it was most important that some members of the Court of Directors should be acquainted with the orders issued by the President of the Board of Control—that no orders should be issued without their having an opportunity of ascertaining and testing their legality; but all that knowledge and acquaintance would remain under the proposed clause. Nor did he think the hon. Baronet could much rely on the analogy he drew between the Secret Committee and the Cabinet, for that analogy would require that there should be a power in one Member of the Cabinet to overrule all the rest; while the fact was, that whereas in the Cabinet the decision lay with the majority, in the Secret Committee one out of four—it was notorious—had the power of deciding in the last resort.

MR. VERNON SMITH said, it appeared to him that his hon. Friend who had just addressed the Committee was mistaken upon one point. He (Mr. V. Smith) believed the public were well aware that the orders signed by the Secret Committee in reality emanated from the President of the Board of Control, and that he alone was responsible for them; but he certainly did not admire the constitution of the Secret Committee, and he felt, with Mr. Tucker, that men were placed in a false and humiliating position when they were compelled to sign documents of which they entirely disapproved. For his part he should have preferred a system under which there should be a smaller number of Directors, and under which the existence of a Secret Committee could be altogether dispensed with. He believed that Committee had been originally formed solely for the purpose of ensuring secrecy in questions involving European interests. But by degrees orders affecting the condition of India alone, which ought to have gone through the Court of Directors, had been forwarded through the Secret Committee. He could not help thinking that there was much force in the argument of the hon. Baronet the Member for Honiton against that clause. He agreed with the hon. Baronet that much mischief and confusion might arise from the publication of every quarrel or misunderstanding between the Board of Control and the Secret Committee, and he could not, therefore, support that proposal.

Sir HENRY WILLOUGHBY said, he thought it was necessary to introduce some check upon the Indian wars, and he had merely endeavoured to bring forward some improvements which appeared to him to be called for. The check he proposed might be inconclusive, but, at all events, it was a step in the right direction, and it could never do any harm that a Minister on the eve of a rash and ruinous enterprise should be warned of the consequences of a course he was about to follow. Under the present Bill the power vested in the President of the Board of Control was so despotic, that, if he chose to declare war against China—which, he supposed, would be the next war we should be involved in—he might do it, for at present there was no one to restrain him from it. He felt certain that his proposition was a good one, from the weakness of the reasons urged by the hon. Member for Honiton against it. If the Amendment he proposed were open to any real objection, it was that it was a milk and water one; but, at any rate, to give three gentlemen well qualified to form an opinion the power of coolly and calmly stating that opinion upon paper, could never be productive of anything but good.

Sir HERBERT MADDOCK said, he thought that, so long as it should be the pleasure of Parliament to continue to govern India in the name of a Company that had no real existence, it was of very small importance how matters of this description were controlled. He thought the Committee was placing itself in a dilemma with regard to the position in which the Indian Government was to be placed by the Bill; and, feeling a certainty that the measure now to be adopted could be but of very short duration, he confessed he thought it of very small importance to confer upon the Secret Committee the powers contemplated by his hon. Friend. He should not, therefore, support the Amendment.

Mr. MANGLES said, he was sorry to be obliged to differ from his hon. Friend and Colleague the Member for Honiton on this question. It was his intention to support the Amendment of the hon. Baronet opposite (Sir H. Willoughby); and one reason why he should do so was, that he thought that the Court of Directors, if they were to be a respected and respectable body, ought to be preserved from the obliquy which in popular opinion attached to them from being the agents for carrying out unwise decrees. He did not, however, lay so much stress upon that argument. His main reason for supporting the Amendment was, that it was desirable that there should be such a check placed upon the mere will and pleasure of the President of the Board of Control as the protest of three well-informed officials, which check would only operate, of course, in exact proportion to its justice and reasonableness. He thought it also desirable that in such matters as peace and war, and others involving the stability of the Indian Empire, all measures should be carried out, not by the President of the Board of Control alone, but by the whole Cabinet of the day. It was said that the President of the Board of Control always consulted the Cabinet, and that his measures were always the measures of the Government. But this, at all events, had not always been the case. He believed that the right hon. Baronet, who at present held that office, was too wise and too loyal to his Colleagues to attempt to carry out any important measure, without consulting the other Members of Government; but they had the admission of Lord Ellenborough, in his evidence before the Committee of the House of Commons, that, when he was President of the Board of Control, he never consulted that great statesman, Sir Robert Peel, when he was at the head of the Government. And what had happened once, might happen again. Lord Ellenborough was asked—

> "Is not that a mere mockery as to check and control? Does not the President always conduct the whole business, and is it not the case that the other members of the board never do attend?"

He replied—

> "Never. When I was President of the Board, upon all matters of difficulty, I always went to the Duke of Wellington, who was at the head of the Government, because I knew that he had, not only a practical, but an intuitive knowledge of everything connected with India; and whatever I know, or whatever I think, upon the subject of India, has been very much brought into my mind by constant communication with him. But I never went to Sir Robert Peel, when he was at the head of the Government, to consult him on any matter."

For these reasons he should feel himself bound to support the Motion of the hon. Member for Evesham.

Motion made, and Question put, "That the Clause be now read a Second Time."

The Committee *divided:*—Ayes 30; Noes 72: Majority 42.

MR. HUME said, he wished to move the addition of a clause extending the qualifications of electors of the Court of Directors.

Clause—

> "The Electors of the Court of Directors shall be all persons having *500l.* stock of the East India Company, and having had that for twelve months, as by the present law; also all holders of Company's paper to the value of 10,000 rupees; also, to allow every civil and military servant who has served the Company for twenty years in India, and who shall have retired from the service of the Company, to be entitled to vote for a Director after he shall have been twelve months at home and twelve months after he shall have resigned the service; and all Electors shall be enabled to vote by proxy."

Brought up, and read the First Time.

MR. LOWE said, he must object to the proposition of the hon. Gentleman, because the clauses which prohibited canvassing for the Directorship had already been struck out of the Bill. It had been urged that, owing to the very onerous nature of the canvass, the persons best qualified for the office could not be induced to offer themselves as Directors; but the clause proposed by the hon. Member for Montrose would greatly augment the difficulty of the canvass by increasing very considerably the number of the constituency. Certainly, if the trouble of canvassing some 1,700 persons was a sufficiently formidable obstacle to deter gentlemen from offering themselves as Directors, that difficulty must be greatly increased by doubling the number of electors. The clause moved by the hon. Member for Montrose would also give the right of voting for Directors to persons who were holders of Company's paper to the value of 10,000 rupees, and to retired civil and military servants of the Company who had served for twenty years in India. Now, the principle of this Bill was, until Parliament should otherwise determine, to leave the Government of India to the East India Company and the Court of Directors, subject to the control of the Commissioners for the Affairs of India; but the hon. Member proposed to give the Government of that empire to a number of persons who had no connexion with the Company at all beyond standing towards it in the relation of creditors, or of retired servants. As the House of Commons had already decided that the East India Company should be the governing body of India, he thought the Committee would not consent to take the government of that empire from the Company, and give it to a body of persons, some of whom were merely creditors of the Company, and most probably had never had any connexion with India at all, while others were old servants of the Company who had no connexion with India, except so far as feeling and remembrance were concerned. He therefore felt it his duty to recommend the Committee to reject the clause.

MR. AYSHFORD WISE said, he should give his cordial support to the Motion of the hon. Member for Montrose, because it would do away with the system of canvassing by rendering it impracticable—because it would tend to break up the close system and clanship of East Indianism—because it would scatter the patronage and increase the interest taken in this country in Indian affairs. The present constituency was composed of 1,785 gentlemen and 411 ladies. The proposal now made would give the franchise to retired military and civil servants—from Bengal 893, Madras 597, Bombay 376; in all 1,866. These, with the others proposed to be added, would create a body of 5,000 electors. He thought the interests of India would be promoted by giving a share of the government to those who had served in that country, and who consequently took a concern in its welfare. Some time ago a numerously-signed petition from the retired servants of the hon. East India Company had been presented to the House, and he found, amongst others, the names of Colonel Morgan, C.B., Mr. J. A. Arbuthnot, and Archdeacon Harper, late Archdeacon of Madras. They stated that a long residence in India had made them practically acquainted with its affairs, and had given them a deep interest in its general well-being, and that having Government promissory notes, they necessarily had a great stake in the financial prosperity of India. They stated that the greater part of the proprietors of East India Stock had never resided in India, and that they thought it expedient that the Directors of the East India Company should be chosen by a constituency more extended in its character, and having a real instead of a nominal stake in the welfare of India. Believing the present mode of electing Directors to be bad, and that the proprietors of Stock, as a body, are as incompetent to govern India as the owners of 3 per cent Consols are to govern England, he would support this extension, as promoting the welfare and rights of the many, instead of the selfish objects of the few.

Mr. MONCKTON MILNES said, he was anxious to see the introduction of a new element into the present constituency which should be capable of expansion hereafter. For that reason he was in favour of the clause of which the noble Lord the Member for Lynn Regis (Viscount Jocelyn) had given notice, the object of which was to give to the retired Indian officers of the covenanted service the right of voting in the election of the Directors; and should the clause of the hon. Member for Montrose be negatived, he hoped the proposition of the noble Lord would be adopted.

Mr. W. WILLIAMS said, he thought the proposition of his hon. Friend the Member for Montrose most reasonable, and he should therefore support it. Nothing could be more anomalous than that 1,374 men and 411 females, who might happen to be the holders of stock, which was to be had every day for sale in the market, should be the depositories of the power of choosing the governors of India; and, therefore, he thought any plan tending to extend the basis of the constituency was a step in the right direction.

Mr. ELLIOT said, it would be very desirable to introduce the retired servants of the Company, but that there was so great a disproportion between the members of the two services. The retired military servants now in this country were over 1,400, but the civil were only about 280. The result would be that a large number of military men would be placed on the Board. He would, therefore, oppose the clause. He would not vote for any provision which would have the effect of prolonging the existence of the constituency.

Sir HERBERT MADDOCK thought that persons who had spent the whole of their lives in India were much more likely to feel an interest in that country, and to select persons fitted for the position of Directors, than ladies and gentlemen who chanced to possess East India Stock, or who had purchased it simply for the purpose of providing for their families through the influence which its possession gave them.

Mr. DANBY SEYMOUR would beg to remind the President of the Board of Control that in his great speech on the Bill, he had stated that nothing could be said for the proprietors. He would inquire, therefore, why they were to be kept up? In considering this Bill he was reminded of the old story respecting Pope, who had a habit of saying "God mend me!" which being overheard one day in the street, he was answered, "God mend you, you ugly little brute! Why, it would be easier to make a new one altogether." So he said of the Bill. It would be better by far to introduce an entirely new form of government, and he should not vote for any attempt to mend the present bad system.

Mr. VERNON SMITH said, that there were several notices upon the paper besides that of the hon. Member for Montrose, of propositions for extending and improving the constituency of the East India proprietors; and he thought the whole of them ought to be taken in conjunction. They should consider, in particular, the proposal of the hon. Member for North Warwickshire (Mr. Newdegate), who proposed to introduce a new element into the constituency, consisting of the shareholders in undertakings for the internal improvement of India. It was said that the present Directors had no interest in the internal improvement of the country; and, therefore, by infusing this new element into the constituency, they would be taking effectual means for wiping away this reproach.

Sir CHARLES WOOD objected to any increase of the constituency, as proposed by the several amendments. It would be inconsistent with the Charter of the Company and the decision of the House that the government should be vested in the East India Company—namely, the proprietors of East India Stock. If the Committee wished to alter that, they must reverse their previous decisions.

Mr. RICH said, that having objections to the system of double government altogether, and feeling that the narrower the basis upon which the present Government of India rested, the less likely was it to be endured, he certainly should not vote for any extension of the constituency.

Mr. NEWDEGATE said, that not

knowing the probable numerical addition which the hon. Member's (Mr. Hume's) clause would make to the present constituency of the Court of Directors, he was scarcely prepared to vote for his proposition, although he desired to see the constituency increase. The proposition he himself had to make rested upon entirely independent grounds, which he hoped to be allowed by-and-by to state. As to the argument of the right hon. Baronet (Sir C. Wood), based upon the assumed immutability of the Charter, if that view were allowed to prevail, of course *cadit questio;* but he entirely dissented from that argument, and thought that it was competent to the House to improve the constituency; his object was to introduce into it a class of persons whose interests would be closely identified with the prosperity of India.

Mr. T. BARING said, he could not see the force of the argument of the right hon. President of the Board of Control, who had contended that there was an insuperable objection under this Act to any enlargement of the constituency so as to embrace any qualification except that of the possession of the present amount of the stock of the East India Company. The right hon. Gentleman had, therefore, opposed the proposed reduction of the qualification from 1,000*l.* to 500*l.* of Stock; but did the right hon. Baronet forget that he himself had proposed a very material change in this Bill, proposing as it did to take away from the proprietors of India Stock one-third of the power which they at present enjoyed in the election of the Directors, and to vest in the Crown the power of nominating one-third of the Board without appeal to the proprietors of Stock, and without the qualification on the part of the nominees of being holders of Stock? If the right hon. Gentleman was prepared to go thus far, had the Legislature not an equal right, upon the very same principle as Her Majesty's Government sought to impose on the Court of Directors, to improve the electoral body by whom the Directors were chosen? If the principle was applicable to the Court of Directors, it surely ought to be so also to the constituency who elected them. He, for one, saw no impossibility of now forming the germ of such a body of electors of the governing power of India, as in the year 1874, when the functions of the Court of Proprietors might cease, would take the place of that Court of Proprietors, and offer to India and to this country an independent body, free from the influence of party politics; and what he wished to see would be something like what the proposal of the hon. Member for North Warwickshire (Mr. Newdegate) would provide. He believed that the system of voting by proxy ought to be abolished, because if anything could give the suspicion of jobbing or of promises of future favours, it was the power of proxies placed in the hands of individuals to influence the elections. The advantage of increasing the constituency would not be to do away with canvassing, but to render impossible what he believed did not exist to any great extent, but what might happen at least under the present system—namely, that with a limited constituency there might be clubs of voters formed for the purpose of sharing the patronage and the favours of particular Directors. He thought the present constituency an enlightened body, and the existing qualification gave, to a certain extent, the idea of independence; but he wished to couple with it a body of electors who would give a stimulus to the introduction of capital and enterprise into the internal improvement of India. He was afraid, however, that the Amendment of the hon. Member for Montrose (Mr. Hume) would not meet his (Mr. Baring's) views.

Sir JOSHUA WALMSLEY said, he understood the noble Lord the Member for London had no objection to lowering the qualification, and he would, therefore, suggest to the hon. Member for Montrose to divide his clause, as he had mixed up several matters into one, and there were many hon. Gentlemen who would vote for one portion of it, but who would be unwilling to vote for the entire.

Sir CHARLES WOOD said, he wished it to be understood that the Government had no intention of assenting to the lowering of the qualification. As regarded the question of proxies, it was for that House to decide between the evils arising from the voting by proxy and the injurious effect of reducing the number of the constituency which the putting a stop to this system would cause. On the whole he saw no good ground for making the proposed change in the constituency of the East India Company.

Mr. HUME said, he would be content to limit himself to the first three lines of his Amendment, which proposed that the qualification of electors should be 500*l.* stock, instead of 1,000*l.*

The CHAIRMAN said, that the question was that the clause be read a second time, and it must be so put.

Lord JOHN RUSSELL said, that before going to a division, he wished to say a few words on what had fallen from the hon. Member for Huntingdon (Mr. T. Baring). In what he had said, the hon. Gentleman was discussing a question far beyond the present Bill, and far beyond what the necessity of the case required. The East India Company was an anomalous body, which being first a trading company had acquired territory; its trade had been taken away while the territory remained; but it was found to be a body which had worked well for the welfare of India, and it was thought well that it should be continued. That was practically a fair ground for discussion. But if it was proposed, as was proposed by the hon. Member for Huntingdon, to endeavour to create an independent body to stand between the Crown and the Government of India, it was proposing a new and strange authority; and there was no necessity for discussing that question now, but it ought to be left to the consideration of Parliament at some future period to say whether such a body was to be created or not. It was an inappropriate subject to be discussed in that Committee, even if the innovation was not objectionabe in principle.

Mr. T. BARING said, if the division was taken on the principle of enlarging the constituency, he should vote for the clause, but not for a mere reduction of the qualification from 1,000*l.* to 500*l.*

Mr. HUME said, that was the principle he wished to establish.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The Committee *divided*: — Ayes 54; Noes 74: Majority 20.

Mr. BLACKETT said, he would now beg to move the following Clause :—

"And whereas doubts have been entertained as to the extent of the powers granted to the Governor General in Council, by the 43rd section of the said Act of the third and fourth years of King William IV., it is hereby declared that the said Governor General in Council shall have full powers to enact, alter, or amend any laws for the said territories (subject to the restrictions specified in the said 43rd section of the said Act, as well as to the right of disallowance of such laws vested in the Court of Directors by the 44th section of the same), without any previous sanction of the said Court of Directors, except in the cases reserved by the 46th section of the said Act, notwithstanding any provision to the contrary contained in former Acts or Charters still in force and unrepealed."

The clauses in the last Act relating to the East India Company to which this clause referred were, the 43rd, which empowered the Governor General in Council to legislate in India on all matters except such as were mentioned in that Act; and these exceptions were, firstly, any law affecting mutiny in the army. Then, by the 44th clause, it was provided that in case the Court of Directors did not assent to any law passed by the Legislative Council, it was to be repealed; and the 46th clause provided that no law should be made which gave power to pass sentence of death on any European, or the abolition of any Courts of Justice established by former Charters. Those were the points in the former Act to which this clause was directed. Mr. Cameron, a competent authority, in his evidence given before a Parliamentary Committee, stated that it was a matter of doubt whether the Court of Directors could interfere with the Governor General in Council in the exercise of his legislative powers; but that, nevertheless, in two instances—the Small Cause Court Bill, and the Lex Loci Bill—the Government had assumed that power. This was done upon the advice of the then Attorney and Solicitor General. The law upon this subject was very unsound and uncertain. On one side was the opinion of the Attorney and Solicitor General; and on the other there was the opinion of Mr. Cameron. It was a great misfortune that the law upon this subject should remain uncertain, and if the President of the Board of Control refused to solve the uncertainty as to the attributes of the Supreme Council in the manner which he proposed, the right hon. Gentleman would be bound, in justice to the people of India, to introduce a clause to settle it in some other manner. The settlement of the question which he proposed was in full conformity with the intention of the Parliament of 1833; and if the right hon. Member for Edinburgh (Mr. Macaulay) were in his place he should appeal to him whether that was not the case.

Sir CHARLES WOOD opposed the clause on the ground that there was no doubt whatever with regard to the existing state of the law. Both the Attorney and Solicitor General in England, and the Chief Justice in Calcutta, Sir Laurence Peel, had been unanimous in their interpretation of it, and in their view of the power of the Government. His hon. Friend contended that the Government should not have that power; but he asked whether it was better that the Government should have the power of interposing to prevent the passing of a bad Act, or should only have the power of repealing it after it had passed? There was an old axiom that prevention was better than cure. For that reason he thought it right that the Government should possess the power which they did, and he should, therefore, oppose the clause.

Clause *negatived.*

MR. RICH said, he had a clause upon the paper, but before moving it, he wished to ask the right hon. Gentleman (Sir C. Wood) whether he had framed any regulations to provide for the great difficulties which would attend the admission of Natives of India to the college of Haileybury. By this Bill, it was proposed to open Haileybury, but he had heard of nothing as to any regulations for enabling the Natives of India to bear the expense of coming to this country. Provision ought also to be made for their religious observances, and to enable them to keep caste.

SIR CHARLES WOOD said, it was impossible that he should have made any regulations of the nature referred to, until he knew whether the House would assent to the principle of the Bill which he had introduced.

MR. RICH must say, that he thought this statement most unsatisfactory. The right hon. Gentleman (Sir C. Wood) ought not, he thought, to have introduced this portion of the measure at all, unless he was prepared with the details necessary to carry it into effect. The alterations in the law would affect the Natives of India at once, although, strictly speaking, it did not take effect until the end of about a year and a half. Although he was certain his clause would be rejected, he felt bound to press it to a division, in order to show the sense entertained of what was due to the Natives not in word but in deed.

Clause—

"Whereas it is enacted by the Act 3 & 4 *Will.* 4, c. 85, s. 87, that no native of Her Majesty's Indian Territories, nor any natural born subject of Her Majesty resident therein, shall by reason only of his religion, place of birth, descent, colour, or any of them, be disabled from holding any place, office, or employment under the said Company; and whereas, notwithstanding such enactment, no such persons have been admitted into the covenanted service of the said Company, and that religious, pecuniary, and other difficulties must always greatly impede or entirely prevent such Natives of India from competing for admission to the College of Haileybury, now thrown open to them; be it Enacted, that it shall be lawful for the said Board of Commissioners, at any time immediately after the passing of this Act, and from time to time, to frame and make regulations for the due admission within Her Majesty's Territories in India into the covenanted civil service of the said Company such natural born subjects as aforesaid, subject to the provision that such admissions shall be in the proportion of not more than one to three of those admitted to Haileybury."

Brought up, and read the First Time.

SIR HERBERT MADDOCK hoped, if this Bill passed, that no Native of India would think of coming to England and attempting to become a student at Haileybury. No man who knew him could have a doubt of his friendly feelings towards the Natives of India, or of his desire to see them employed in every situation for which they were fit; but the Act of 1833 already sufficiently provided for that. That that particular provision of the Act referring to this subject, was not immediately carried out to so great an extent as some seemed to have desired, was naturally to have been expected; but the numbers employed in different situations had been yearly increasing, and the nature of the offices were becoming higher and higher since 1834. He conceived it to be a great error in the present Bill to propose to admit the Natives of India to an equality with a class of civil servants with whom they could never amalgamate. The attempt, he was sure, would only result in embarrassment and difficulty. He feared that when the Native civil servants were raised to any high position, so as to have under them highly-educated and spirited young Englishmen, it would be found difficult to keep the latter in due subordination. Besides, it appeared to him that it would never do to have two scales of salary for officers holding the same situation and doing the same duties; and yet there was abundant evidence before the Committee that it would be sufficient to give the natives one-third of the salary allowed to Europeans of the same rank. These being his views, he could not support the Motion.

MR. BRIGHT said, that the Motion now before the Committee involved the question which had been raised before during these discussions, but which had never been fairly met by the President of the Board of Control, namely, whether the clause in the Act of 1833, which had been so often alluded to, had not, up to this time, been altogether a nullity. If any doubt had been entertained with respect to the object of that clause, it would be removed by reference to the answers given by the then President of the Board of Control to the hon. Member for Montrose, and to the speech of the right hon. Gentleman the present Member for Edinburgh (Mr. Macaulay), in both of which it was distinctly declared that the object was to break down the barriers which were supposed to exist to the admission of the Natives as well as Europeans to high offices in India. And yet there was the best authority for saying that nothing whatever had been done in consequence of that clause. He (Mr. Bright) did not know of a single case where a Native of India had been admitted to any office since that time, more distinguished or more highly paid than he would have been competent to fill, had that clause never been passed. To show the Committee the dreamy notions which were entertained by some of the high officials of the India House with respect to this subject, he begged to remark that Mr. Melville, when asked before the Committee of the House of Commons to name the time when he thought the Natives might be fit to hold high office, actually put it so far ahead as to be coincident with the period when the Natives should be converted to Christianity. As a proof of the attention which was being paid by the Natives to this question, he would read the following extract from a pamphlet recently published by a native of the Presidency of Bombay, named Nowrozjee Furdoonjee. The style and tone of this little work was highly creditable to its author, and he would point therefore to one or two facts mentioned in it, touching the matter now before the Committee. In the Bombay Presidency there were nineteen European and eighty-six Native Judges. The nineteen European Judges had on an average in 1849 decided 313 cases each, while the Native Judges had decided 654 each. The salaries of the European Judges averaged 1,730*l.* each per annum, and those of the Native Judges 266*l.* per annum. That was to say, that the Native Judges did double the work at one-seventh the salary. The writer then proceeded to say—

> "The pay and allowances granted under the present unjust and invidious system to the whole body of moonsifs, Sudder Ameens, and principal Sudder Ameens, or native judges of the people, 'the original arbiters in 19-20ths of all cases of litigation' in this presidency, do not exceed the aggregate sum drawn by eight of the covenanted or European Judges. Ought so monstrous a disproportion to continue any longer?"

He wished also to call the attention of the Committee to a book recently published, entitled, *Evidence relating to the Efficiency of Native Agents in India*, published under the superintendence of a Native society in Calcutta, containing the testimony of more than fifty persons, including almost every person at all distinguished in the Indian service. It was, indeed, impossible to have any evidence more convincing. But the interest on this question was not confined to Bombay and Calcutta. The following were extracts from the supplementary petition from the members of the Madras Native Association and other native inhabitants of the Madras Presidency:—

> "That your petitioners have already requested the continuance of the councils at the minor presidencies, and they now respectfully reiterate their prayer to have them constituted on the precedent of the council in the island of Ceylon, in which your petitioners' countrymen have enjoyed seats for a series of years; and as your petitioners understand that constitutions have been or are on the eve of being granted to the settlements of the Cape of Good Hope and New Zealand, admitting the Natives there to the same electoral and municipal privileges as the European colonists, they humbly and anxiously trust that your hon. House will not deem the barbarians of the former and the cannibals of the latter colony more deserving or more fitting to be intrusted with a share in the management of their own affairs, than the inhabitants of a country which for scores of centuries has been renowned throughout the world for its civilisation, literature, and commerce, and which had its own Sovereigns, Governments, and codes of law, long before the English nation had a name in history. That your petitioners will consider themselves and their community deeply humiliated and deeply aggrieved, if, after the open acknowledgments of persons high in office in this country and in England that they are as capable to hold responsible employments as the members of the now exclusive civil service—that they are their equals on the bench, and successful competitors in the study of European arts, science and literature—they are longer shut out from the offices for which they are confessedly qualified, while the savage Hottentot and New Zealander are preferred before them."

He did think that this was an argument very likely to strike the mind of a native of India; and he thought that the petitioners had an undoubted right to use it, seeing that twenty years ago the House had passed a Bill admitting the principle which they now contended for. He wished also to quote the writings of a gentleman who had been examined before the Indian Committee—he meant Mr. Marshman, an undoubtedly great authority on Indian matters, who, in speaking of the administration in India, said—

> "The disorders which have, in many instances, crept into the provincial administration, are such as even the press must be very wary in exposing. If every case of total incapacity and gross negligence and *crassa ignorantia* on the part of the bad

bargains of the Court of Directors were to be placed on the records of the Parliamentary Committee, it would startle even the optimism of Leadenhall-street. It would be considered incredible in England how public business could get on at all with such instrumentality."

He (Mr. Bright) had no doubt that one of the great grievances of India was that the districts of collectors and magistrates were much too large. He would have all the districts divided into two, and Natives appointed to fill the additional places, by which means he believed they would be able to concentrate individual supervision over subordinate offices in the interior of the country, so as to get rid of an enormous amount of peculation, jobbing, and corruption of every kind. He also begged to call the attention of the Committee to the following statement of facts, which he had found in the *Calcutta Review*, with reference to Bengal; and he put it to hon. Members whether they thought such a state of things could exist without increasing the discontent in India? In the Presidency of Bengal there were four Members of Council with salaries of 10,000*l.* a year each; four other officers with 6,000*l.* a year; twenty-three with 4,800*l.* a year; twenty-three with 3,900*l.* a year; seventy-eight with 2,800*l.* a year; six with 1,900*l.* a year; twenty-eight with 1,800*l.* a year; six with 1,400*l.* a year; seventy-two with 1,200*l.* a year; and seventy-seven, with from 600*l.* to 1,000*l.* a year, making three 323 officers with salaries varying from 600*l.* to 10,000*l.* a year; while the Natives, of whom there were 43,000,000, had only 105 offices, with salaries of 360*l.* a year. He did not speak of persons employed at weekly wages. Mr. Campbell showed that it was necessary to pay Europeans in India eighteen times more than it would be necessary to pay Natives for performing the same duties. He (Mr. Bright) considered, therefore, that it was the bounden duty of the Government to admit a much larger number of Natives into the public service in India, for the purpose of saving expense as well as of adding to the efficiency of the administration. The question they had to consider was, what should be the policy of this country with regard to the future Government of India. That Empire had been won by the sword, and there were two ways of keeping it. It might be kept by the sword, or it might be retained by doing justice to the people, and by a wise and judicious administration, which would convince he educated Natives of India, that although there was some humiliation in being governed by a foreign country, yet that under the circumstances in which India was placed, she derived enormous advantages from her connexion with this Empire, where Government was based upon experience, civilisation, and justice. He had been informed by a gentleman who was a Professor in the Elphinstone College in Bombay, that there were in that institution about 100 Natives of India, who were making great progress in the study of English literature and of every branch of science. He also believed that similar progress was being made in educational institutions for Natives at Madras and Calcutta. It must be remembered that there was a free press in India; the number of native newspapers was increasing, and, as he believed the Indian Government was now very considerably reducing the postage upon newspapers in that country, there was no doubt that the circulation of newspapers would materially increase. Now, did not the Committee conceive it possible that, if the facts he had mentioned were known in India, a feeling would be excited which, though it might smoulder, would still exist and spread, and that there might come—though he hoped there would not—some opportunity when the growing feeling of discontent might prove most formidable to the connexion between this country and our Indian Empire? He believed that justice might be done to the Natives of India without diminishing the sources of employment for Europeans in that country, or even reducing their emoluments. He was convinced that arrangements might be made which would render the Natives of India just as well satisfied with British rule as the Europeans in India were themselves; and it was because he believed that the proposition now before the Committee was just in itself, and consistent with the interests of both countries, that he asked the Committee to assent to it, and to force the President of the Board of Control to insert it in the Bill.

Sir CHARLES WOOD said, that the object of Her Majesty's Government was to do justice to all classes in India, and to extend the employment of the Natives, not only with regard to the numbers to whom employment was given, but also by promoting them to higher situations than they had hitherto filled. The hon. Member for Richmond (Mr. Rich) had stated that the clause in the Act of 1833 had been a perfect nullity—

Mr RICH said, he must explain that what he had said was, that that clause was a nullity so far as the covenanted service was concerned. It was true that Natives had been admitted, under the Company's authority, to minor situations, but they then reached a wall which, by the rule of the covenanted service, was impassable.

Sir CHARLES WOOD proceeded to say that the hon. Member for Manchester (Mr. Bright) had stated that the clause had been an entire nullity, and that the Natives had not been admitted into the service of the Company.

Mr. BRIGHT said, he must also beg to explain that he had said that Natives were now only employed in offices which were just as accessible to them before the clause was passed, and the barrier which that clause was supposed to throw down still existed.

Sir CHARLES WOOD said, the object of the clause to which the hon. Member referred was to promote the general employment of Natives in India, and if the Natives had been generally employed, the clause was not a nullity. The hon. Member for Manchester had complained that much higher salaries were given to Europeans than to the Natives of India; but in the evidence taken by the Committee it was distinctly shown that a much higher salary was required to induce a man of ability to leave this country to undertake office in India, and to expose himself to the climate of that country, than would be received for the performance of similar duties at home. It was necessary that European superintendence should be maintained in India, and large salaries must be paid to officers who occupied high positions, and who were called upon to discharge important duties. He must observe, however, that Natives of India had been admitted to much higher offices than had heretofore been open to them; and Lord Dalhousie had given to a Native the appointment of magistrate at Calcutta. Reference had been made to the petitions which had been presented to Parliament from India; but it was well known that those petitions were not wholly the production of the Natives, for they were partly got up by the English editors of newspapers. He would undertake to say that one of the petitions was written and got up by the editor of a newspaper at Madras, and was not, as it was represented to be, the spontaneous production of the Natives. It was not necessary, in order to insure the general employment of the Natives, that they should be largely admitted into the covenanted service. The door was thrown open to them, practically, to a far greater extent than before by the general admission of Natives to Haileybury College; and, for his own part, he believed that Natives might thus be admitted safely and advantageously into the covenanted service.

Lord STANLEY said, he must say the right hon. Gentleman the President of the Board of Control had not shown himself aware of the full importance of this Amendment. Upon it turned the whole question whether or no the Natives of India were to be admitted to the civil service of the Company. For himself, he thought the proposal of the Government, which professed to throw open the civil service to unlimited competition, but which at the same time absolutely excluded Natives of India, was a retrograde step. He did not say that because he approved of the old system of patronage, but because, while the old system could not have been permanent, the present plan would not be felt to be an abuse in this country, whatever it might be in India, and it would therefore be allowed to continue without improvement. He confessed he did not think it at all likely that many of the Natives of India would come over to be educated at Haileybury; but that was the less to be regretted, because the educational establishments in Calcutta and other large towns in India were of a very superior character. Let them suppose, for instance, that instead of holding those examinations here in London, that they were to be held in Calcutta. Well, how many Englishmen would go out there—or how many would send out their sons, perhaps to spend two or three years in the country on the chance of obtaining an appointment? Nevertheless, that was exactly the course proposed to be adopted towards the Natives of India. Now it struck him that it they wished to increase the eligibility of the Natives to the higher offices of the country, they could only do so in one of two ways—either by incorporating them with the civil service, or by admitting them to such offices without making them pass through the civil service at all. As far, however, as he could learn, the abstract principle of admitting Natives to high administrative offices was not contemplated on either side of the House, therefore it was not necessary to argue that question; all he would say was, that he believed they were bound to do so

—that they might simply do so, and not the slightest possible damage would arise from their doing so. For they must recollect that they did not entrust them with the power of the sword, which was still wisely maintained in the hands of Europeans. Now, before concluding, he wished just to make an observation with regard to the education which the Natives were to receive. He believed it had been stated more than once in the evidence before the Indian Committee, and indeed he might take it on himself, from his own personal knowledge, to state the fact—that so far from there being any deficiency of educational establishments in Calcutta and other great towns of India, there would not be the slightest difficulty in any Native properly qualified by nature, obtaining, without the necessity of a voyage to Europe, every kind of knowledge that was necessary in order to render him fitted for office in India. And he did not believe that in point of intellect or ability, there would be found the slightest difference, speaking generally, between those who received their education at Haileybury, and those who were educated at those establishments in India. He would only say that the Amendment of the hon. Member opposite should receive his most cordial assent.

MR. LOWE said, he could not conceive on what grounds the hon. Gentleman who had moved the clause now under discussion could complain of the provisions of the present Bill with regard to the employment of Natives; he would beg to call his attention to the words of the 87th clause of the date of 1853, the effect of which was, that no Native was disabled from holding any place, office, or employment under the Company by reason of his religion, colour, or place of birth. But let the Committee see how the matter stood before this Bill was introduced into the House. It stood in this way:—The Natives were legally admitted, but practically excluded from the military service, while they were wholly excluded from the civil service. For the military service there was no claim made, and the noble Lord who spoke last was satisfied with their having been excluded; but the 87th section of the Act, if taken in its literal sense, applied just as strongly to the military covenanted service as to the civil covenanted service; and there was no reason, if they took the Act of Parliament and applied it logically, why they should not admit the Natives to the command of regiments, as well as to the high offices in the civil service. It appeared to him to be inconsistent to base the clause on that section of the Act, and yet introduce in it an exception to that clause, and apply it to the military service, which was by far the greater part of the covenanted service of the Company. Waving that, he considered that the Bill as it then stood was not open to the objections which had been raised on this point, for the present Bill was framed in the very spirit of the 87th clause of the Act of 1833. What did the Government propose? They proposed to carry out the principle of the 87th section of the former Act. The doors of Haileybury were to be thrown open, the civil service of the East India Company was to be thrown open to the Natives of India. Colour, race, religion, descent, were at present disqualifications. But when the present Bill should have become law, they would fall to the ground, and cease to exist. Whatever disqualifications might have existed, there would then be no difficulty in the Natives of India serving Her Majesty in any service, whatever their race, their colour, their religion, or their descent. It seemed to him, therefore, to be most inconsistent to attempt to amend the Bill by the proposed clause. It might be true, as had been said on more than one occasion during the present discussion, that many of the Natives would not at first be able to avail themselves of the competition thrown open to them. But that did not arise from any wish or intention on the part of the Government. It arose from a totally different state of circumstances—from want of education, from the difficulty of finding Natives qualified for the service, and capable of competing with the young men brought from Haileybury College. He took a totally different view of this subject from that of the hon. Member for Manchester, and of the noble Lord opposite (Lord Stanley.) He considered it was the duty of the Government not to go out of its way to give office to the Natives. It was the duty of Government to take the persons who were most efficient, and they were bound to the Natives of India to provide the men most qualified to serve them. If it was found that the Europeans were better qualified than the Natives, then it was their duty to the Natives themselves to appoint those Europeans to administer the affairs of the Natives. If the principle of competition was taken up, they were bound to carry it out. It was said that their poverty would interfere to prevent the Natives from obtaining sufficient education; and the hon. Member for

Richmond (Mr. Rich) proposed to avoid the consequence of that by introducing a system of partial competition, by giving two-thirds of the offices to Europeans, and one-third to Hindoos. The result of that would be that for every two qualified Europeans they would have one qualified Hindoo in the service—a result which would certainly not be answering the principle of appointing the very best men; and the people of India would be deprived of their right to expect good government at the hands of England. He had one further observation to make. The hon. Gentleman proposed also that one-third more or less of the civil servants should be drawn from the Natives. Why did he make that limitation? If it was possible to find, according to the hon. Gentleman's proposal, one-third, why not extend it to one-half or two-thirds of the offices? Why should they stop at one-third? When he took up a principle, he liked to carry it out to its utmost extent. The principle of the Bill was, that if Natives could be found to enter into competition, and to undergo the test of examinations with the educated youth of Haileybury, they were to be allowed to do so. But the express object of the clause proposed by the hon. Member for Richmond was to vitiate that competition. That was not the intention of the Government. What the Government proposed was to throw open the whole of the service to every Hindoo, to place him in a position to compete with the other subjects of Her Majesty, whatever his religion, his colour, or his race. In doing this they were only acting in accordance with the true spirit of the 87th section of the Act of 1833. By this clause the Government had, for the first time, broken down the monopoly, and rendered it possible for the Natives of India to obtain as much power, as much influence, and as much employment as their own merits enabled them to deserve.

Mr. MONCKTON MILNES said, he thought that the Bill was highly objectionable in this respect, that while it pretended to lay down the generous principle that no condition of colour, creed, or caste was to be regarded as a disqualification for office, it hampered the principle with such regulations and modifications as would render it all but impossible for the Natives to avail themselves of it. The Bill in this respect was a delusion, and would prove a source of chronic and permanent discontent to the people of India. Before the next Session of Parliament the principle of competition would have to be greatly modified or entirely abandoned.

Mr. J. G. PHILLMORE said, he also feared that the Bill would prove delusive, and that although it professed to do justice to the Natives, the spirit of monopoly would still blight the hopes and break the spirits of the Indian people. While such a state of things continued, India would be attached to this country by no bond of affection, but would be retained by the power of the army and the terror of the sword. He implored of the Committee not to allow such an Empire to be governed in the miserable spirit of monopoly and exclusion.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The Committee *divided*:—Ayes 47; Noes 173: Majority 126.

Mr. NEWDEGATE then rose to move the following Clause:—

> "At every ballot for the election of Directors of the East India Company, the proprietors of stock or shares in any company or association of persons established by authority of Parliament, or of the Government of India, for the purpose of effecting or carrying on by means of joint stock any undertaking of irrigation, drainage, railway or other communication, or other object of internal improvement in India, under the supervision of the Government thereof—such proprietors being qualified as hereinafter mentioned—shall be entitled to vote in respect of their paid-up stock or shares, according to the scale following, that is to say: one vote in respect of 2,000*l.*; two votes in respect of 4,000*l.*; three votes in respect of 7,000*l.*; four votes in respect of 10,000*l.* and upwards."

He (Mr. Newdegate) said, that he would not trouble the House by reading his remaining clauses, which were intended to effect the plan, of which the clause he had read, contained the principle; the other clauses had been in the hands of hon. Members of Parliament for some time on the notice paper, and were intended to secure, that the persons he proposed should be qualified, should be British subjects, have been resident for a certain period in the United Kingdom, before voting, be *bonâ fide* possessed of the qualification required, and duly registered by the officers of the East India Company. The President of the Board of Control had maintained that the East India Company had, as though he intended that they should retain, an exclusive right, under their Charter, to be the governing body of India. Now that was rather a startling proposition to come from the Minister who had proposed the introduction of nominees into the hitherto elected Court of Directors. The object of his (Mr. Newdegate's) proposition was, to make an addition to and to strengthen the constituency of the Company; whereas the proposal of the right hon. Gentleman, by the introduction of nominees among the Directors, aimed at supplanting the power of the electoral body. His (Mr. Newdegate's) wish was, that certain proprietors of shares in undertakings for the internal improvements of India, should have power to vote at the election of the Directors of the East India Company. It was admitted that the constitution of the East India Board was not perfect; and there was every reason why it should be rendered as much more perfect as was practicable. If it was seriously intended that the Company should continue the functions it had hitherto performed, no ground should be left for the imputations upon the motives of the Directors, which militated against the utility of their administration. It might be objected to his proposition that the constituency of the East India Company had property which was their own to manage, and had peculiar privileges, and that no persons, not directly interested in the property and privileges of the Company could be admitted. His answer to that was, that the Government had themselves proposed to appoint nominee Directors, who were not even required to have a qualification by holding any stock in the Company. He was told that the Government proposed to alter that portion of their plan. Still, their admission of that scheme in the first instance, showed that to the principle of amending the constituency by the introduction of another element, they had no very real objection. The Directors had been subjected, in the course of the discussions in that House, to the gravest imputations upon what he (Mr. Newdegate) considered utterly insufficient grounds; but all the charges against them resolved themselves into two—namely, first, that the Company consisted of mere debt-holders, who had no other interest in India than the payment of the interest upon and the security of their capital, the debt which they held; and the second charge was, that they had not devoted a sufficient portion of the revenues of India to the internal improvement of the country. He was afraid there was some ground for the latter charge, because it was in evidence that not one per cent of the revenue upon an average of a considerable number of years had been applied to local improvements. That was a *primâ facie* case against the Court of Directors. That Court had, however, an answer to that objection—namely, that they had not had the means of effecting internal improvements—that the revenue of India was completely exhausted by the maintenance of the establishments, the payment of the interest on the debt, and, above all, by the expensive wars — for which latter, the great cause of extraordinary expenditure, the Directors were not responsible—because the question of making war, or of maintaining or of making peace in India, did not rest with them, but with the Governor General and with the Board of Control. That answer he (Mr. Newdegate) believed to be a valid one. Well, what he proposed was, to bring in, in aid of the development of the resources of India, that great and powerful instrument, the application of private capital, under regulations dictated by the Government, and having the force of law—the means by which all great improvements, such as canals, works of drainage, and for irrigation, railroads, and other public works, had been effected in this country. His proposal would strike at the two main defects in the action, the ability, and the constitution of the Company, to which he had referred; first, by providing the means for the internal improvement of India from a source which could not be drained by demands for war expenditure; means, in aid of, and in relief of, the best application of revenue; means, the use of which would increase the power to bear taxation, while it diminished the necessity for levying taxes; and, secondly, this same plan would, by enfranchising the owners of capital, permanently invested in the internal improvement of India, introduce into the Company and the Court of Direction an interest in the improvement of India, in the development of her resources and the advancement of her people. He feared that the chief objection to his plan would arise from the intention which appeared to be entertained to withdraw from the East India Company all their administrative powers. He thought it should be borne in mind by those who professed to be political economists, that Mr. Mill had stated that although the existing form of government for India had been the result of accident, the Government had worked well; and they should not overlook his advice that if any alteration were to be made in it, regard should be had to the circumstances in which it had originated, and to the fact of its successful working. Exactly upon that principle it was that he had framed his proposal; he believed that by giving to those who had embarked their capital in India a vote in the election of Directors, a stimulus would be given to the development of the resources of that country. In fact, his (Mr. Newdegate's) plan was to renovate the East India Company on a principle strictly analogous to that upon which the Company was originally embodied and subsequently empowered by charter, as persons having a direct interest in the development of the resources of India, with this difference, that whereas the East India Company had been chiefly interested in the external trade of India, his plan would intrust with power those who were directly interested in the internal improvement of India. He (Mr. Newdegate) begged the House to believe that his was no wild scheme, of which he had not attempted to ascertain the immediate effect upon the constitution of the East India Company. The estimate he had formed of the increase to the constituency which his proposition would cause, was as follows:—The railway projects which the Indian Government had already sanctioned were three, namely, the East Indian Railway Company, the Indian Peninsular Railway Company, and the Madras Railway Company. The aggregate paid-up stock of these companies was 1,690,020*l.* According to the scale which he proposed, of giving one vote in respect of 2,000*l.*, two votes in respect of 4,000*l.*, three in respect of 7,000*l.*, and four in respect of 10,000*l.* and upwards, there would be constituted 148 voters with one vote each, seventy-five with two votes, thirteen with three votes, and fourteen with four votes, or an increased constituency of 252 persons having 401 votes. At present the constituency consisted of 1,765, having 2,322 votes. His proposition would add one-seventh to the number of the constituency, and one-sixth to the number of votes. At present, however, only one of these railway companies had the whole of its stock paid up, so that the constituency of the Court of Directors would be a constantly increasing body, consisting of persons deeply interested in the material interests of India—the safety of whose property would depend upon the maintenance of the connexion of India with this country. He (Mr. Newdegate) would not further trouble the House, nor would he press his Motion to a division; for he knew, that in the present state of the House, and of parties in the House, he could not hope to carry his Motion, since the Government, he feared, intended to oppose it. He would, therefore, withdraw his Motion, because he did not wish the House to reject a plan, which he honestly believed, if adopted, would tend to the improvement of India, the advancement of her people, and to the retention of our Indian Empire by means analogous to those by which this country had obtained and retained that vast dependency.

SIR CHARLES WOOD thought that the decision of the Committee upon the previous question had determined that there should be no addition to the present constituency of the East India Company. If at any future period it should be found necessary to consider in whose hands the government of India should be placed, and whether the double government should be continued, or a single government substituted, then would be the proper time to take the proposal of the hon. Gentleman into consideration.

Clause *withdrawn.*

MR. J. G. PHILLIMORE moved that the Chairman report progress.

LORD JOHN RUSSELL had no objection to that course being adopted, but as it was most desirable to get through with this measure as soon as possible, he should propose to go on with it at 12 o'clock to-morrow, before the other Orders which stood on the paper.

House resumed. Committee report progress.

CRIME AND OUTRAGE (IRELAND) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. MAGUIRE said, so hostile did this Bill appear to be to the liberties of Ireland, that he should oppose the second reading. For a considerable time past, crime had been decreasing, and there had been only two cases of murder recorded for a period extending over some months. Unless some explanation were offered by the right hon. Gentleman (Sir J. Young), he should oppose the further progress of the measure.

SIR JOHN YOUNG said, he was happy to bear witness to, and to corroborate the statements made by the hon. Member for

Dungarvon with regard to the great decrease of crime in Ireland. At all the assizes then going on, the grand juries had hardly any crime before them. The calendars were unusually light; but though that were so, still it would be necessary for the House to give the powers asked for, in order to disperse those small knots of persons who were banded together, and tyrannised over society, to whom the crime which was committed was generally attributable. Against the system of Ribandism, and that alone, was the Bill directed. The present Lord Lieutenant was disposed to deal with the powers only for the preservation of order and the prevention of outrage. So long as the Riband system existed, it would not be safe to dispense with those powers. Though the south and west were now perfectly tranquil, he was sorry to say that there was still some disturbed feeling in the north. There were twenty-one counties or parts of counties at present under proclamation, and in some of them there were great apprehensions and tendencies to outrage. He trusted that the time would come when the Government would be enabled to dispense with this power. At all events, while it existed he could promise that it should be used with the utmost moderation. Nothing could be more fatal to the rights of individuals or to general liberty than the existence of secret organisation. On the whole he congratulated the country upon its peace, prosperity, and general condition, embracing every point, with the single exception of the secret societies. The Bill did not interfere with the liberties of the people. He could bear witness to the good which the clergy of all denominations had done. They had done their best to prevent crime, and their efforts had been very successful. It was against those secret societies, and against them alone, that the Government sought to keep those powers still in force.

MR. F. SCULLY said, he concurred with the right hon. Gentleman on the great tranquillity existing in all parts of Ireland. There were no disturbances and no conspiracies to be feared. There was, therefore, in his opinion, no necessity for this Bill. The Committee, which sat to inquire into the state of society in the north of Ireland, did not report that any measure like the present Bill was required. Every measure proposed by the Committee had been neglected both by the late and present Governments, and instead thereof, the Arms Act and the present Bill were brought forward, which certainly went far beyond the propositions of the Committee. The provisions of the Bill were very stringent, and might be used by an antagonistic Government. No argument had been used to show the necessity of the Bill, which he believed to be a violation of the constitution of the country. Hon. Members did not know the nature of its provisions. The Lord Lieutenant might send any number of policemen he pleased into a county, and charge the inhabitants with the expense, in addition to the county cess. There was no crime in the country, and, consequently, no necessity for this unconstitutional measure. If the north of Ireland were disturbed, let them pass a measure for Donegal, and he should not object to it; but he protested against its application to the south, and particularly to the county of Tipperary, which had long been a model county in Ireland. It was his intention to divide the House if the hon. Member opposite (Mr. Maguire) did not propose it.

MR. SULLIVAN said, he could bear testimony to the tranquil state of the county of Kilkenny, and must defend it against the libel conveyed in the Lord Lieutenant's Proclamation.

MR. MAGUIRE said, that if no other Member did so, he would move that the Bill be read a second time that day three months.

MR. BOWYER said, he would move that the Bill be read a second time that day three months. He objected to the passing of a general measure on account of the disturbed state of a few baronies; and he believed that the Riband system was now confined to a very few persons. He attributed the diminution in the numbers to the efforts of the clergy to suppress it, one of the most earnest of whom was Archbishop Cullen; and he knew that the course which the clergy generally had taken had had a most salutary effect. So far as the county of Down was concerned, he believed that Ribandism was almost entirely extinct. The right hon. Gentleman (Sir J. Young) had stated that twenty-one counties were now proclaimed; but many of these Proclamations were, he believed, of old standing, and did not at all apply to the present state of things.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. LUCAS seconded the Amendment.

Scarcely any of these Proclamations related to a more recent date than the year 1848; and of those which were of later date than 1850 there was not one out of the province of Ulster. He was told that some most extraordinary language had recently been made use of at a trial at Monaghan by the present Attorney General for Ireland, and he wished to call the attention of the right hon. Gentleman (Sir J. Young) to it, in order to ascertain whether that language was in accordance with the sentiments of the Government. Speaking of the state of criminality in that part of Ireland, the Attorney General was stated to have urged the landlords of that district, by every argument in his power, not to meet that criminality by a reduction of rents—declaring that every man who, in a district in which crime prevailed, reduced his rent, was an enemy to society. The right hon. Gentleman had probably seen these statements, and he gave him this the earliest opportunity of contradicting them.

Question put, "That the word 'now' stand part of the Question."

The House *divided:* — Ayes 141; Noes 23: Majority 118.

Main Question put, and *agreed to.*

Bill read 2°.

The House adjourned at half after Three o'clock.

HOUSE OF LORDS,

Tuesday, July 26, 1853.

MINUTES.] PUBLIC BILLS. — 1ª Turnpike Acts Continuance, &c.; Sheep, &c. Contagious Diseases Prevention; Land Tax Redemption; Highway Rates: Newspaper Stamp Duties; Consolidated Annuities (Ireland).

2ª Parish Vestries (No. 2); Courts of Common Law (Ireland); Municipal Corporations Act Amendment; Customs Duties; Dublin Parliamentary Registration.

Reported.—Missionary Bishops.

3ª Bankruptcy (Scotland); Public Houses (Scotland).

COURTS OF COMMON LAW (IRELAND) BILL.

Order of the Day for the Second Reading read.

LORD BROUGHAM:* My Lords, in moving the second reading of this Bill, I have the satisfaction of finding, that it has been prepared with great care, by men of ample learning; intimately acquainted with the practice of the law, especially in Ireland to which it relates; and of competent skill in the framing of statutory provisions. It was introduced into the other House by my learned Friend, Mr. Whiteside, late Solicitor General of the sister kingdom, who explained and supported it in a statement eminently powerful, as it was perfectly luminous—a statement received with universal applause, and worthy in every respect of his high reputation. Introduced at the beginning of the Session, it has undergone repeated discussion in the course of the intervening period, and although only passed within the last ten days, it has gone through all its stages with an almost general assent.

It has been submitted to the heads of the law in Ireland, and been approved by the most distinguished members of the profession there, both on the bench and at the bar. I will not affirm that all the details have received this approval; but its general scope, and its main provisions, I feel justified in repeating, are sanctioned by the high authority I have referred to.

Unconnected with the sister kingdom, I have been asked to take charge of this Bill, from the circumstance being well known, that my opinions go entirely along with its provisions. It is now a quarter of a century since I brought before the other House of Parliament a statement of the various anomalies, defects, and abuses in our law, but more especially in our judicial system; and I had occasion, therefore, in trying that system by the test of its agreement with principle, to examine the rules which ought to preside over its structure, and to govern its procedure. A very large proportion of the defects then denounced, have since been removed in this country, while some of the most glaring continue still the opprobrium of our jurisprudence. But it gives me unalloyed gratification to find, from the Bill to which I now solicit your attention, that all the principles laid down on that occasion, have been fully considered by its learned authors; that hardly one has been overlooked by them in framing the measure; and that by far the greater number of the proposals made, have been embodied in its provisions. But I will go further and express my admiration of the Judicial reforms actually effected in Ireland of late years. We may well envy as well as applaud the sister kingdom, when we look to the vast progress which she has made in the constitution of her Courts; in some improvements going before us by half a century; adopting others, which we ourselves have not yet made, to the incalculable benefit of our fellow subjects there. Thus the Civil Bill process has given them the great advantage of local courts for upwards of half a century. The Quarter-Session jurisdiction has had, during that period, the valuable aid of the Assistant Barrister, always chosen as Chairman, while in no instance have our justices availed themselves of the County Court Judge in this manner. For the last three years, a rational and effectual course has been taken for equalising the business in the superior courts, and there is no longer in Dublin the complaint so often and so justly made here—that one Court in Westminster Hall may have little to do, while another is overloaded. The suits are sent to all the three Irish Courts by rotation, in five and twenties, since the 13th and 14th of the Queen. But there is a natural anxiety further to amend the procedure, to adopt the improvements introduced here by the Act of the last Session, and to add others which are of greater value than those.

The Bill, then, which I am now to move, consists of two branches. It applies to Ireland the provisions of that Act, a hundred and forty odd clauses, having this object; its remaining clauses carry those provisions a great deal further, adopting some of the most important of the changes recommended by the second report of the Commissioners—a document which it is impossible to praise too highly for its enlightened, and at the same time judicious, views. But this Bill, in some material particulars, is in advance of the report; and I must at once distinctly affirm, that the steps which it proposes to take are both perfectly safe, and most important amendments of the law. As must ever happen in this course of legislation, we shall meet with resistance from two opposite classes of objectors, one dissatisfied with us for not going far enough, the other alarmed, lest, going so far, we should hereafter be obliged to go farther than is safe. But I well remember the answer made to this last and very prevalent objection, by one who was no friend of innovation—no rash reformer—no speculative dealer in changes, my lamented friend Sir W. Follett—one among the rare instances of Parliamentary all but equalling professional success. A measure which he supported was assailed with the cry, " You will not be allowed to stop here." " Wait," he replied, " till they attempt to push us on. Is the thing right to be done? That is the question now. If right, do it; and resist when they would have you do what is wrong!" This was, I believe, among the last occasions on which his persuasive voice was heard. Soon after, with his sorrowing friends of the Senate and of the Bar, I followed his remains to a premature grave :—*Cujus corpus a me crematum est, quod contra decuit ab illo meum.*

In all that regards Procedure, the objects to be ever kept in view, are, aiding well-grounded claims, discouraging unjust ones, and expediting all litigation :—in short, throwing open the Courts to suits which ought to be brought thither; closing the door to such as ought not; and quickening the decision of all. The provisions of the Bill are framed with a due regard to these incontrovertible maxims, although I am far from asserting that there may not remain further improvements to make procedure in all respects accord with them. In order to sift the cases, as it were, and apply these principles, there is nothing more important than encouraging compromise, or speedy termination of all controversy, by the permission to pay money into Court, or tender amends. This, which ought to be favoured by all means, is, on the contrary, by no means a favourite of the law. Nothing can well be conceived more absurd than the old rules which governed this matter, capricious in some respects, self-repugnant in others. The professed principle was, that any liquidated sum could be paid into Court, and yet payment was not allowed on a contract to deliver goods at a fixed price, nor in an action of debt for a fine in a Manor Court, nor in trover for goods certain; nay, in trover, even produsing the goods in Court was not permitted, although the action nominally for their value, or rather for the tort of converting, the value being the rule for estimating the damages, was in reality brought to obtain the goods themselves. These absurdities and gross inconsistencies, under the disguise of excessive refinements upon a principle, are now done away; but still there is no power to pay in cases of tort, which, however, are exactly those where payment should most be favoured, as they are those where feelings are most excited. Here I have the misfortune of differing with the learned Commissioners. In the cases to which they refer, as giving more satisfaction by trial in Court, that trial may still be had though the money be tendered, because the plaintiff may refuse; and as for the chance of a wealthy defendant paying to prevent expense, he has the very same opportunity at present of buying off the plaintiff; he may agree to a verdict. The Bill now before us most justly provides, that in all cases whatever, there shall be the power of paying into Court. It goes as far as I had gone in the evidence and procedure Bill; only requiring the leave of the Court in cases of slander and seduction. The tendency of the power thus extended to discourage needless actions, and also to discourage vexatious defences, is manifest. I could have wished that a further step had been taken in the same direction, by improving the law of Arbitration. The provision in the English Act of 1833, making submissions irrevocable, was adopted in Ireland some years ago. But I wish they had been in advance of us in further preventing litigation by reference. I hope, in the course of a few days, to lay a Bill before your Lordships, having this important object in view; and that its provisions, if adopted in England, will be added to the Irish Bill, I can have no manner of doubt.

Suppose now that no compromise between the parties has taken place, and the suit must proceed, the first matter dealt with in this Bill is the compelling an appearance by providing a substitute where personal service cannot be had. Strictly speaking, this should have preceded our consideration of paying into Court, as that assumes an appearance; but substantially we have been treating of discouraging vexatious proceedings generally. Now, nothing can be more clumsy than the process of outlawry to compel an appearance. If the party has no tangible property, nothing whatever is effected: if he has, his adversary must resort to the Exchequer for his satisfaction; and then it may well be that the defendant is despoiled of his property in his absence on the other side of the globe, and without any intimation of the proceeding, either to himself or his connexions. Of late years a material improvement has been made in this process; the Common Law Courts adopting the Chancery procedure; but there is still a great imperfection. Application to the Court, or to a Judge at Chambers, must be made, for leave to substitute the constructive to the actual service; and nothing can be more prejudicial to the interest of parties than these numberless applications. Indeed, by the late Act, nine or ten attendances at Chambers are sometimes required, where one or two should suffice.

It is one of the greatest defects of that Act. The Bill which I am now moving, steers clear of this fault, and in respect of appearance, wisely proceeds upon the plan which has been found to answer in the Civil Bill Court, and which does not require application for leave.

The defendant having now appeared, we are to consider the statements of the parties for bringing before the Court their respective cases: in other words, the pleadings. And, first, it is proposed that all these statements should be verified by the oath or affirmation of the party making them. I am aware that this has not the sanction of the learned Commissioners; a thing more to be regretted than to be easily comprehended. The tendency of the verification will be most salutary, both in preventing unfounded claims, and in checking groundless defences. The objection that sometimes law and fact are so much blended as to deter scrupulous persons from verifying, is really of no avail in the argument, since the matter of fact alone would be sworn to. Then observe how the law now stands. All pleas in abatement must be upon oath, and every one is aware how the requiring this at once stopt a vast proportion of the vexatious pleadings formerly used for the sake of mere delay and of increasing expense. Again, in all Chancery suits, the defendant's statement is on oath, but, most absurdly, not the plaintiff's — so that a Cross Bill is required to make him verify. But in the County Courts at all times, and since 1851 in all Courts, it may be said that parties plead upon oath, because in the great majority of cases both are examined. Incalculable has indeed been the advantage of this change in the law; but I am clearly of opinion that it requires an addition—the Court should in every case have the discretionary authority to call for the parties; else, they in some cases may, the one from unwillingness to undergo cross-examination, the other from dread of putting his adversary in the witness-box, be kept back; whereas the Judge, only desirous to get at the truth, regardless of who may be injured by it, would examine both parties where the purposes of the inquiry appeared to demand it. Nor is it any answer to this proposition, that the party whom the Court wished to examine might keep out of the way. In the law which I am contemplating, provision should be made for preventing the absence of a party without reasonable cause; and whoever was not forthcoming, would always, without any such provision, expose himself to the observation that he kept away when called upon. I am now, however, upon the question of verification, and for the reasons which I have assigned, I entirely approve of this enactment in the Bill, conceiving that it rests upon the same principle with the other cases in which the party's oath is required.

The pleadings then thus verified, in what shall they consist? Here I must avow my entire approval of the Bill. It proceeds upon the broad principle, always the guide of those who would amend procedure, nay, who would amend the law generally, the principle exemplified in almost all the measures propounded by me, from the Libel Bill of 1816 down to the present day, and the greater part of which have been made law—the substitution of natural for technical procedure. This involves at once the abolition of forms of action; and surely nothing can be more glaringly absurd than the retaining of these, and of the pleadings consequent upon them. The object of all pleading is to let the parties know distinctly what they come to meet, and to let the Court know what their contention is—what they come prepared to maintain or to prove. Then see how little the forms of action tend to give this distinct information. Why, I will remind those who are lawyers among your Lordships, and inform such as are not, of what in 1828 I showed in the Commons, that the self-same form of action and the self-same words in the declaration, the plaintiff's statement of his case, may apply to at the least seven entirely different things—money paid to one person for another's use—money received on a consideration that fails, and the failure may be in a variety of ways, but the form of action and the description in the statement are the very same in all—money paid under mistake in point of fact—money paid to a stakeholder in consideration of an illegal contract with another person—money paid to a revenue officer for releasing goods illegally detained—to try the right in an office, instead of trying by an assize—to try the liability of the landlord for rates levied on his tenant—and in other forms of action, as trover, it is even worse; a chattel being in the possession of another than the rightful owner, may be so simply by his finding it—or he may pretend title to it—or it may have been deposited with him—or he may stop it because the price was not paid—or it may have been sold after the original owner's bankruptcy, and the assignees seek to recover it—or it may be held by the assignees, and the bankrupt disputes his bankruptcy—or it may have been unlawfully taken in execution, and that process is impeached on one of many different grounds of fraud; or it may have been misdelivered by a warehouseman or carrier. So the same words in a plea may cover as many different defences as the words in a declaration cover causes of action. The Bill now before us sweeps away all this useless and worse than useless lumber which keeps the desired information from both parties and the Court; it requires the very claim with its grounds to be plainly stated; the very answer with its grounds to be plainly given. It likewise abrogates that rule which at law, though not in equity, prevails, contrary to all natural reason, that no one shall deny the relevancy of his adversary's statement without admitting its truth; giving power both to traverse and demur. It further abrogates the generally unreasonable rule against replying, or rejoining several matters, giving power to plead as many pleas in each stage as the parties can verify. The great benefit of this change I need hardly dwell upon, in the death blow which is thus given to so much confusion, uncertainty, useless subtilty, worse than useless chicanery, all at the expense of time and labour to the Court, delay, vexation, and expense to the suitor; but it gives me no little satisfaction to think that here the provisions of the Bill have the sanction of the learned Commissioners. For although the English Act of last year did not abolish the forms of action, it left them little more than a nominal existence, when the 41st section distinctly allowed different causes of action, however various, except only replevin and ejectment, to be included in one. Indeed the Commissioners had reported in favour of an entire abolition, and had originally so framed the Bill, which your Lordships altered, conceiving that as drawn it would not work.

Respecting one provision of the present Bill under the head of pleading, I have considerable doubts. The summons or writ, and plaint or declaration, are proposed to be one, and so the appearance and defence or plea, are to be one—that is, there must only be one proceeding both by the plaintiff and defendant. I rather agree with the Commissioners, who considered that this junction would have the effect of making a plaint, or plea necessary in cases where the writ or summons, and the appearance might suffice. This, however, is fit to be considered in the Committee, and I do not profess to have formed a very confident opinion upon the subject.

The trial is now to proceed, and here the Bill introduces that most salutary change which I submitted to your Lordships in the Evidence and Procedure Bill, and which afterwards had the entire concurrence of the Commissioners, though my noble and learned Friends in this House opposed it—I mean the enabling parties in all cases to try by the judge without a jury, provided both consent. The only doubt which I have on this important head, is whether, at least in the beginning, we should not confine this option to cases of contract and quasi contract. That ultimately the option should be universal, I do not doubt; but possibly there are reasons why in the first instance cases of tort should be excluded.

Upon that which next comes to be considered, the Evidence, there are several useful improvements in the Bill. One on which I set great value is, the general power given to compel the production of documents, which by an error in our English Act has been found to be cramped by the requiring knowledge of possession to be proved. Here one could have wished that the salutary rule in the Scotch Courts had been adopted, the want of which we so often experience in ours—the requiring previous notice to be given of all documents before they can be used in evidence, unless their recent discovery be shown. No one can have long practised at Nisi Prius without being aware how such a rule would tend to prevent vexatious suits, pertinacious defences, and professional manœuvres. An example may suffice of the latter. The plaintiff had proved his case; the defendant's counsel had not put a single question in cross-examination. Then said the Judge, "Of course you have no case, and the plaintiff must have a verdict." No, said I, it must be the defendant who has the verdict; and I produced the receipt, which his attorney had thought fit to keep back, which must have kept the cause out of court by the Scotch rule, and which would also have prevented the professional gentleman from pocketing his costs. The dishonesty of the plaintiff, if he did not act from entire mistake, certainly deprived him of all right to complain.

Connected with this head I could also have wished that in the most important part of the Bill, the granting equitable procedure to Common Law Courts, a power of discovery had been more extensively given, in order to preclude the necessity of parties going from one Court to another, or from one action to another for their remedy. But it contains other most salutary provisions which have this object in view. Thus, nothing can be more absurd than only giving the plaintiff in ejectment his full remedy by two actions. He obtains verdict, judgment, writ of possession, in one; he must bring another for the mesne profits, to which his success in the first entitled him. The Bill most properly enables him to recover both the possession and the mesne profits by the same suit. So when a person complains at law of an infringement of his patent, or of any other tort which gives him a right to recover damages, he cannot stop the acts of the wrong doer without going into a Court of Equity. The Bill, in all cases of disputed right, where a Court of Equity would grant an injunction, arms the Courts of Law with the power of staying the exercise of the right of the defendant, pending the proceeding, to ascertain it. But this is not the only instance in which the principle of fusion is adopted by the Bill. It makes choses in action generally assignable, allowing the assignee to sue in his own name without resorting to equity; but it provides of course the necessary guards to this right, and among others establishes a Registry of Assignments. It further abolishes the vexatious rule that an equitable interest, as an agreement for a lease, cannot be used at law in bar of an ejectment; and that other vexatious rule which makes an outstanding legal estate a competent defence in such case. The former of these amendments has, I understand, for many years been introduced into the procedure under the Civil Bill jurisdiction, an equitable lease being there a bar to ejectment.

But now let us return to the action, which we have been following through its successive stages; and we are brought to the result, judgment and execution. This Bill contains several salutary provisions, both on this head and on proceedings in error. But I shall only detain your Lordships by stating the improvement which it propounds upon the process of execution. To be sure, the law a few years ago did exceed itself in absurd distinctions and refinements under this head. At the period to which I have more than once referred, in 1828, when a creditor had obtained judgment, he could only have the fruits of it in case his debtor possessed real property, or personalty impossible to be concealed; and he might openly be possessed of any amount in stock, bonds, bills, bank notes, nay, in moneys numbered, and the execution could not touch a farthing of it. The very cash which he had borrowed, and for which he had been sued and found liable to repay it, might be lying on his table when the sheriff entered, and that officer touched it at his peril. Lord Mansfield inclined to relax this rule, so far as money was concerned, but he could not; one Judge held that it would be removing landmarks; another (Lord Ellenborough), that it would be unsettling the fundamental principles of our jurisprudence. The greater part of this absurdity has for some years ceased to disfigure that system. Since 1833 in England, since 1840 in Ireland, money and bank notes may be taken in execution; but still the process is most imperfect; as regards bonds, bills, stock, shares, annuities, a suit is required. This Bill provides for the immediate transfer of the property; for the plaintiff's action in the sheriff's name on bonds and bills; for the attachment of stock and shares, so as to be a stop on any transfer by the debtor; and finally for the beneficial possession by the creditor, in case the debt be not paid forthwith.

I am sensible, my Lords, of the imperfect manner in which I have aimed at doing justice to this important measure. I have barely given an outline of those portions which are in advance of our English procedure law; nor have I by any means even recited the whole of these improvements. The Bill was brought up from the Commons a week ago, and I have not had it more than a day or two in my hands. A hundred and forty of its clauses are taken from our Act, but with considerable variations; some of them necessary for adapting them to Ireland, and others improving upon those provisions. A hundred and twenty are almost entirely new; and to these I am more especially anxious that the attention of this country should be directed. But the most important of them are not now propounded for the first time. How long ago do your Lordships think was the greatest of these changes in the law attempted—the making choses in action assignable? Just within one year of two centuries. This rational course was proposed by a Committee of the other House, on which sat men renowned in history; some illustrious for their great deeds alone, others for their virtues also. Among its members we find named the Lord General Cromwell, then representing the town of Cambridge, and Sir Matthew Hale, afterwards the great Chief Justice. This proposition was the eleventh of the fourteen for the amendment of the law, which that Committee reported to the House; and most gratifying is it to think that all the others have since become the law of the land; brought forward though they thus had been at no very auspicious season. It bears out that most consolatory remark of Lord Bacon, which has so often cheered one under temporary disappointment, that hardly ever was there a good proposal made for amending the law, which did not sooner or later bear fruit. Earnest as my desire is to carry the whole of these improvements this Session, being quite certain that, if effected for Ireland, they must immediately be adopted here; I yet cannot but admit that the absence of the Judges on circuit, and of the Chief Justice, as well as Lord Truro, and other law Lords from this House, makes it difficult to proceed now with the whole of the Bill. We may, however, at any rate pass all the provisions which have already been enacted for England, with the changes necessary for adapting them to Ireland, and with such of the other improvements upon our procedure as cannot well admit of controversy. All that is necessary now to do, is to give the Bill a second reading, and in the Committee we can settle what portion shall be postponed.

Moved—"That the Bill be now read 2^a."

The LORD CHANCELLOR was sure that his noble and learned Friend had bestowed, on this occasion, another obligation in addition to those which their Lordships and the country already owed to him, for his efforts in the cause of legal reform. He concurred with his noble and learned Friend that this Bill was an immense improvement on the judicial system of Ireland, and in many respects, indeed, on the judicial system of both countries. It should be their object, and so long as he had the honour to be connected with the administration of the law it should be his object, to render simple and cheap the administration of justice, and to make it accessible to all; or rather, to adopt an illustration that had been used, to open the door wide to all that ought to be admitted, and to render admission difficult only to those who ought not to be allowed to enter. The Bill on this subject passed last year in pursuance of the Report of the Commissioners had worked admirably well, and he attributed the satisfactory working of it to the immense labour bestowed upon it by the Commissioners and Judges, and afterwards by that House—the consequence being that there was not a clause that had not been well considered, and the result was that although the Act contained 300 clauses, there had not arisen thirty questions concerning them in any of the Courts. He had no hesitation in saying that it was the bounden duty of the House instantly to give to Ireland the benefit of that which had been already matured and well considered and in operation in this country; and so far as that, no exertion of his should be wanting to have it done in the present Session of Parliament, even if they should be obliged to protract the Session for that purpose. He understood, however, from his noble and learned Friend, and also from the Attorney General, that what had been in operation in this country constituted only one half, or rather more than one half, of the present measure; and with regard to the other half of the Bill it was yet to be introduced in reference to this country. The Common Law Commissioners had made a second Report, suggesting most useful improvements to be carried into effect by further legislation. Their Lordships would recollect that he had already stated that on getting that Report he had immediately given directions to embody its provisions in the form of a second Bill for the further improvement of the common law. He had received the draft of the Bill embodying the recommendations of the Commissioners in the form of an Act of Parliament; but on conferring with his noble and learned Friend the Lord Chief Justice, and other noble Lords, they were of opinion that more attention should be given to the measure than could be devoted to it during the short period of the Session that remained; and under the circumstances it was the common feeling of every one he had consulted, that it would be impossible to attempt to embody in a Bill these recommendations, however useful the measure might be, in the present Session of Parliament. In truth, he believed that such a measure could not be brought to the perfection which was desirable unless he and the Judges had the opportunity of considering it in the long vacation. He thought, therefore, that the fair course towards Ireland would be to pass during the present Session so much of this Bill as was substantially the same as that which had been already tried in England; that was, with such alterations and improvements as were of undoubted utility. But with respect to further changes, which he believed would be most useful, such as the introduction of equitable defences to actions, a more extensive application of injunctions, an assignment of choses in action, in some cases where the right of action arose on a written instrument, he believed that not only might they be introduced into operation, but that it would be a discredit to us if they were not introduced as quickly as was consistent with sound and safe legislation. With regard to the retention of forms of action, which had been adverted to by his noble and learned Friend, he had to observe that the only reason why so much of them had been retained was, because it was thought that if parties were left to tell their own story in writing in their own way, they would wrap it up in such a mass of words and irrelevant matter, that much greater embarrassment would be caused than by the use of the present simple forms. He thought that the House should, in justice to Ireland, make a point of passing the portions of the Bill to which he had referred, even if they sat till October for the purpose.

On Question, *agreed to;* Bill read 2^a accordingly.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, July 26, 1853.

GOVERNMENT OF INDIA BILL.

Order for Committee read; House in Committee.

Mr. J. G. PHILLIMORE moved the insertion of the following Clause:—

> "And whereas it is expedient that a tribunal should be constituted to decide upon and take cognizance of any disputes that may arise between the Government of British India and any Native Prince not a British subject; and to interpret any treaty of which the meaning may be disputed between any Native Prince and the British Government, be it enacted, that the Queen's Judges at each Presidency shall henceforth be respectively a competent court to decide any question in dispute between the Government of British India and any Native Prince not a subject of the British Crown, who shall appeal to such tribunal, and that an appeal from the decision of such tribunal shall lie to the Court of Privy Council in this country, and that such decision of the Court of Privy Council shall be final."

The hon. Member said, that all statesmen who had directed their attention to the subject were agreed upon the advisability of having such a tribunal established in

India. Mr. Pitt had suggested one as nearly as possible identical with his proposition. There was a still more recent authority—Sir Robert Peel. In June, 1832, Sir John Malcolm brought under the notice of the House of Commons a claim against the East India Company; and Sir Robert Peel expressed a hope that the Charter would not be renewed without the appointment of some body, whether members of the Privy Council or a Special Committee, to consider these claims, because he strongly objected to their being discussed in Parliament, as tending to shake the authority of the East India Company. The answer of Lord Althorp to a question on this subject, was the usual official answer, which he supposed always had been, and always would, be given—that the question was under the consideration of the Government. He was quite ready to listen to any suggestion which the right hon. President of the Board of Control might make with regard to the constitution of the Court. The Court which this clause would create was something like the Supreme Court in America, which possessed two jurisdictions —an appellate and an original jurisdiction; the original jurisdiction taking cognisance of matters in dispute between the different States, and being the Supreme Court of the American Union in its federative capacity. The functions of that Court were found to be efficient; and he believed it would be the same with the Court he proposed to establish, composed of the English Judges in India, to hear and decide disputes between independent States and the Company. At present there was no redress—no remedy. The Company did that which was contrary to every principle of jurisprudence—pronounced the law in its own cause. The interests concerned in this matter were neither light nor inconsiderable. The subsidiary and protected States in India were 400 in number, with a population of 50,000,000. Their annual revenue was 10,000,000*l*., and they paid about 1,000,000*l*. as tribute to the Company. They kept on foot an army of 435,000 men, the army of the Company being about 290,000. These States were expressly forbidden from making war or peace, or entering into any diplomatic relations, without the consent of the Company. He ventured to assert that they might ransack history, and not find instances of more cold-blooded cruelty, or events which had more excited the scorn and indignation of civilised nations, than had characterised the conduct of the Company towards most of these dependent States. In the cases of the Rajah of Sattara and the Rajah of Coorg, they had interfered with the rights of private life, violated the most sacred ties possible to exist, and been guilty of conduct which, in a private individual, would have led to his expulsion, as a scandal and a disgrace, from all civilised society. The cases of the Nizam and the King of Oude were little inferior in atrocity. It was a system of grinding down these unhappy States, by levying on them enormous contingencies, which it was impossible for them to pay, whilst there was no tribunal to which they could appeal for redress. The maxims laid down by Lord Dalhousie, which had never been reprobated by the Government at home, were not only contrary to justice, but calculated to expose our interests in the East to the most severe danger. They were maxims of the most unlimited ambition, and contrary to the advice of the best and wisest counsellors. Lord Dalhousie said, "We are lords paramount, and our policy is to acquire as direct a dominion over the 717,000 square miles still possessed by Native Princes as we already have over the other half of India." The same doctrine was propounded by Mr. Campbell; but nothing, he conceived, could lead to more gross or more flagrant injustice. It was supposed that the revenues of the Company would be increased by incorporating these subsidiary States; but instead of that, the annexation of Sattara was a drain on their resources. If they were totally inaccessible to any higher motives or more conscientious feelings, he considered it to be the interest of this country to guard as carefully as possible against the annexation of any fresh dominions in the East; its only effect being to increase the patronage of the Company. Cases might be instanced far more glaring and scandalous than anything which had occurred in the worst days of Napoleon, and compared with which the proceedings of the Chamber of Commerce in the days of Louis XIV. sank into utter insignificance. The Dey of Algiers was reported to have said to a person who went to him for redress for a robbery of which he had been the subject, "My friend, don't you know that my people are a band of robbers, and that I am their captain? It's of no use coming to me for justice." Better that the Company should at once say that, than that they should persist in the miserable, equivocal, and ill-contrived system, which added every day fresh grounds to the complaints of our subjects, and showed the utter inutility of expostulation. He agreed with Grotius, that crimes of this nature ultimately drew down their own punishment; so, the East India Company might depend on one day meeting their desert; but with the view, in the meantime, of redressing the wrongs to which he had alluded, he moved the clause which he had read.

Mr. LOWE said, that the speech of the hon. and learned Gentleman had been principally directed to the injuries which in times gone by the population of India had suffered at our hands. It was not worth while, however, to follow the hon. and learned Gentleman into that discussion, because we had now to deal with questions of the present day. The proposition of the hon. and learned Gentleman was this —that the Judges of the Supreme Court in India should be established as a sort of Amphyctionic Council to decide disputes between ourselves and the Native States; but that proposition involved the question of the propriety or necessity of such a Council existing at all—a matter upon which the hon. and learned Gentleman had not touched—whether it would be advantageous to set up such a power superior to the Administration, not supported by physical force. How far such a power was calculated to work out its ends, when reason was often silent, and force was only listened to, he must leave the Committee to decide. But, more than this, the experience of history taught us that, if arbitration between States were to prevail, it must be between independent States of something like equal power. There was nothing in history to show, when one State was immeasurably more powerful than the other—when one was entirely dependent for its existence upon the other—when one was in the position of protector, and the other of protected, that the interposition of a judicial tribunal, such as that proposed by the hon. and learned Gentleman, would have any other effect than to introduce the arts of chicane and deceit, leading to embroilment and dissatisfaction. Such being the position of affairs, he saw nothing that could be gained by the establishment of the institution now recommended. What was the nature of the Court proposed? He should have thought, at all events, that such an institution should be one which stood at least impartially between the parties. But the hon. and learned Gentleman proposed that the Court should consist of Judges appointed by the Crown of England, coming from a foreign nation ignorant of the international law, and whose time had been fully occupied in deciding the private disputes of citizens among each other. If, however, he (Mr. Lowe) conceded the general principle of the hon. and learned Gentleman's proposition, as he was by no means prepared to do, he could not imagine a tribunal more unfitted to carry it out than that now proposed—a tribunal possessing neither knowledge, leisure, nor responsibility. What was it that was to preserve the authority of such a Court in India? Certainly, public opinion in India could not do it, because public opinion could not be brought to bear upon Judges holding office under the Crown. The clause was also objectionable upon this ground:—Great complaints had been made against the very anomalous system of the Indian Government, which introduced into it such a multitude of people checking and counter-checking each other, which occasioned great delay. That was the great complaint at present, and it was one in which he thought there was some justice; but the remedy now proposed was to introduce the new and irresponsible power of these Judges. They were asked again to set up that *imperium in imperio*, after having already learnt the extreme insufficiency of the Supreme Court for the purpose in view. The principle of the form of the Indian Government had been clearly laid down in the evidence of Lord Hardinge. His Lordship said that it should appear to the people of India as nearly as possible to be a despotic Government—the check should come from behind, but not from before—it should not be presented to the eyes of the people of India, but should come from this country. Looking at the thing, then, either as men of the world, or with the experience of history, it would be seen that it was clearly impossible to make an Oriental people understand the nature of a power limited by checks. What we did for the sake of moderation would be attributed by them to weakness and discord; and, while endeavouring to secure the rights of the Natives, we should only be weakening the strength of the British Government in India. For these reasons he trusted that the Committee would negative the clause of the hon. and learned Gentleman.

Mr. BRIGHT said, he had presented a petition from a gentleman who had been employed by the Indian Government—Colonel Frith—praying for inquiry into a claim for certain sums of money owing to him by the Company. The same appeal was made twenty years ago; and it was upon a discussion arising out of that case that Sir Robert Peel expressed the opinion quoted by his hon. and learned Friend (Mr. J. Phillimore), that a clause should be introduced into the Charter Act establishing some other tribunal to which such cases might be referred. The tribunal now proposed was somewhat different, because it excluded the claims of British subjects, and confined its operations to disputes with Native Princes. Sir John Malcolm, who, in 1852, brought forward the case of Colonel Frith, withdrew his Motion upon the declaration of Lord Althorp that the subject of having some tribunal of the kind was under consideration. Nothing, however, had been done from that time to the present. He had examined all the documents relating to Colonel Frith's claim, and he believed it was perfectly just against the Company. Colonel Frith had advanced money for the purpose of India government to the King of Oude, and part of the territory of Oude was given to him as security. The Company took possession of the land, and liberated the King of Oude from all liabilities to Europeans. They took the security, but refused to take the responsibility; and there was no tribunal before which to bring the case, that justice might be done. Sir Robert Peel suggested that the Privy Council should form a sort of equity tribunal for the purpose. If, then, the President of the Board of Control could not agree to this clause, he might insert a clause empowering the Committee of Privy Council to act as an equity tribunal for hearing and adjudicating on cases of this nature. He thought that proposal, if adopted, would relieve the right hon. Gentleman from many applications to which it was very difficult for him to give proper attention.

SIR CHARLES WOOD said, that the suggestion of the hon. Gentleman who had just sat down materially differed from the proposal of the hon. and learned Member for Leominster (Mr. J. Phillimore). That proposal had been so completely met by his hon. Friend the Secretary for the Board of Control (Mr. Lowe), that it was not necessary for him to say one word about it. With regard to Colonel Frith's claim, it was not upon the East India Company, but against the King of Oude. Had it been against the East India Company, the Company might have been sued like any other body.

SIR JAMES W. HOGG compared the speech of the hon. and learned Member for Leominster to the empty declamations of a schoolboy; but, while it was characterised by all the empty vapourings of youth, he regretted to say that it contained also the rancour of manhood. He did not know whether the expressions used by the hon. Gentleman escaped him in the heat of the argument or not; but when he mentioned one or two instances and spoke of the East India Company as a body, he said that if individuals in private life had acted in such a manner they would have been excluded from society—they would have been expelled and turned out of the community as a disgrace to society. Now, if from interested motives, he had wished the hon. Gentleman to have adopted any particular course, he should have asked him to indulge in violent declamation and abuse, for he should have felt that such a course would have no weight with the House or with the country. He would not follow the hon. and learned Gentleman into the course of proceedings alleged by him to have been pursued towards the Rajah of Sattara, because every invective he had heaped upon the East India Company, fell upon that House and upon the Government, who in every one of those proceedings had confirmed and sanctioned the decisions of the East India Company. With regard to the Rajah of Coorg, however he must state that that Rajah had been dethroned by Lord W. Bentinck, than whom a more humane Governor General had never existed. He was the last man who would have been guilty of oppression towards any individual, or towards any Native Prince, to whose rights he was always the most considerate. He challenged the hon. and learned Member to move for the papers connected with that dethronement, and upon those papers to bring the facts before Parliament. The Rajah of Coorg had been a kind of state prisoner for sixteen or seventeen years. He applied for leave to come to this country for one year. His application was granted for the purpose of bringing his daughter to this country. While in this country, Her Majesty had been pleased to stand as godmother to the Rajah's daughter. He confessed that he could see no interference with the rights of private life, in this or in anything that had been done with regard to the Rajah of Coorg. He had come here specially and specifically on leave for one year: that leave expired, and he supposed that the act of hardship alluded to by the hon. and learned Gentleman was, that the Court of Directors refused to extend the period of leave, and, at the expiration of the year, desired the Ex-Rajah to return to that residence in India where he was bound to reside. The hon. Gentleman also spoke of other gentlemen in a disparaging way. He had alluded to a member of the civil service, who while in this country had been employing his time profitably, and was the author of two very able books upon India. But because the views of Mr. Campbell did not always accord with those of the hon. Gentleman, he seldom introduced his name without mentioning it disparagingly, and on the present occasion had spoken of the "coarse manner" in which Mr. Campbell writes upon a particular subject. Now he thought it astonishing that of all men the hon. and learned Gentleman should have ventured on that expression. Then, while commenting upon Lord Dalhousie's character and conduct, he talked of India being under the dominion of such a person— [Mr. PHILLIMORE: No!] If the words had escaped him incautiously, he (Sir J. W. Hogg) would abandon all observation upon them. The hon. Gentleman then stated that the Court of Directors were interested in the annexation of Sattara and other territories, because their patronage and influence were increased thereby. He begged to tell the hon. Member that he would find from the proceedings before the Committee, that the conquest of Scinde and the conquest of the Punjab, which were of far more importance than the conquest of Sattara, had caused no addition whatever to the civil service. Not one of these annexations had added one single individual to the civil service. With regard to the Motion for the appointment of a tribunal to discuss matters in dispute between the Government of India and Native Princes, he did not believe it possible to appoint such a court. That House was the only place of appeal on political matters between Government, either here or in India, and any State, either European or Native. It was open to any person, whether Native or British subject, to sue the East India Company either in this country or in India. He was aware there were some cases in which the Government could not be sued in a court of justice, and that Colonel Frith's case was one of these; but that case was not a case of demand against the East India Company—it was the case of an individual requiring from the Government of India the exercise of their power and influence with a Native State to compel that Native State to pay a claim to a British subject, which the State itself denied the validity of. He should therefore oppose the proposition, for he thought it quite inconsistent with every principle of government.

MR. BRIGHT said, the claim of Colonel Frith was not as stated by the hon. Baronet, namely, that the Company should interfere to enforce payment of a sum of money from the King of Oude. The case was this—Colonel Frith being in command of a force at Oude, advanced his salary and other funds to defray the expenses of moving the troops about from one place to another, to serve the purposes of the East India Company. The King of Oude did not deny the debt in the first instance, but paid interest upon it. Subsequently the East India Company appropriated a part of the King of Oude's territory, and upon doing so they absolved him from all claims on the part of their servants, and took those claims upon themselves. Thus Colonel Frith was shut out from making his claims against the King of Oude; and though he might have no legal claim, he had certainly a strong moral claim against the Company. Colonel Frith had been for forty-five years a servant of the Company, and his father had been their servant before him; he believed that several thousands of pounds were fairly due to him, and all he asked was, that some tribunal should be appointed before whom he might bring his case. What was asked was, not that that House should decide, but that the House should appoint a tribunal for that purpose.

MR. J. G. PHILLIMORE said, the hon. Baronet (Sir J. W. Hogg) had unfairly attacked him in attributing rancour and want of generosity on the part of those who did not approve of the government and conduct of the East India Company. He must contend with respect to the tribunal he wished to see established, that analogous tribunals were to be found, not only in this country, but in foreign countries, and he was justified, therefore, in seeking to get them introduced into India. He did not concur in the opposition to the tribunals, because English Judges would be appointed by the Crown. He was satisfied sufficient time would be given to the Judges to acquire local information and experience, and that tribunals presided over by Crown Judges would be more efficacious and advantageous to India. He would admit that there were difficulties surrounding the establishment of such a tribunal as he had asked; but he denounced the fallacy of arguing its expediency from its difficulties, without taking into consideration that they were not insuperable, and that the benefit was very great. The thing was not impossible, and it was most desirable. He had carefully avoided saying anything that could have a personal application; he had confined himself to public acts and to public delinquencies; and his language had been throughout conformable to that view of the subject.

MR. J. A. SMITH said, he thought it desirable that some Court should be established for trying appeals in those numerous cases of hardship and grievance which were repeatedly occurring between the Government of India and the Natives. He saw no difficulty in this, and the principle had already been acted upon. In the case of the French claims, and many other disputed points, they had been reserved for the decision of the Judicial Committee of the Privy Council. The want of some such provision in the present Bill he regarded as a grave omission, inasmuch as it deprived a portion of Her Majesty's subjects of the possibility of obtaining the redress of grievances under which they believed they suffered. If the hon. and learned Member divided upon his Amendment, he should feel bound to vote with him.

SIR HERBERT MADDOCK said, he agreed in part with the proposition of the hon. and learned Mover of this Amendment, for he thought some appeal should be provided against the acts of the Government of India, and that some independent tribunal should be established for determining differences as between that Government and the Natives. He had been intimately acquainted with many of the Native Princes, and he was bound to say that generally he knew of no just ground that they had of complaint against the Indian Government; and he believed that they were for the most part impressed with a sense of gratitude for the protection they received from that Government. The case of complaint alluded to by the hon. Member for Manchester (Mr. Bright) might bear inquiry, as questions upon which diversity of opinion existed; but the best mode of arranging all such differences was by means of such a tribunal as had been suggested. There was, however, one case of gross political injustice that had not been alluded to, namely, the dethronement of the Ameers of Scinde, and the spoliation of their territory; and where so grievous a wrong had been committed, it was the duty of that House to provide a tribunal through which the aggrieved parties might obtain justice. As to the proposition of the hon. and learned Member, that the Judges of the Supreme Court should be an appellate authority to decide between the Governor General in Council, and the Native Princes, *quasi* independent princes, but virtually British subjects, it would be monstrous. It was essential to maintain the absolute power and unbounded authority of the Governor General in Council. There could not be, therefore, such an appellate Court in India as was proposed; but in this country he believed a court of appeal would be found to be most beneficial and advantageous to the people of India.

Clause *negatived.*

MR. BRIGHT said, in moving the clause of which he had given notice, his object was to establish a more speedy, effective, and less expensive administration of Indian affairs in England. It would be difficult to show why there should be two departments, destined to act together for the carrying on of the government of a great country, sitting at a distance from each other of two miles and 1,200 yards, which the new distance table, he believed, showed the India House was from the Board of Control—and which separation occasioned much useless labour, considerable delay, and great expense. He was of opinion that this would really be a practical Amendment, and as such he submitted it to the Committee. If acceded to, it would materially reduce the expenditure of the Home Government of India. The present annual expenditure of the Home Government of India actually amounted to 183,370*l.*, thus made up:—Salaries of the Court of Directors, 7,600*l.*; contingent expenses, India House, 30,573*l.*; salaries and allowances, India House, 94,930*l.*; additional fee fund, 8,413*l.*; pensions, India House and home establishment, 23,978*l.*; new pensions, India House, 2,176*l.*; miscellaneous—donation to Widows' Fund, home service, 1,738*l.*; and to make up deficiencies to ditto, 9,850*l.*; law charges, 4,110*l.*; total per annum, 183,370*l.* In addition to this, the expenses of the Board of Control amounted to 29,140*l.*, making a total annual expenditure for the Home Government of India of upwards of 210,000*l.* Let the Committee compare this with other

Government offices, and see what a difference there was. The annual expenditure of the Home Office, was 27,100*l.*; of the Colonial Office, 39,175*l.*; and of the Foreign Office, including printing presses and other matters, 69,400*l.*—altogether, 135,675*l.*; which was several thousands a year less than the charge for the establishment in Leadenhall-street alone. He could not understand why this charge of upwards of 180,000*l.*, including pensions, should be continued for carrying on the home government of India, when they had it upon the authority of the right hon. Member for Edinburgh (Mr. Macaulay), the right hon. Baronet the Member for Carlisle (Sir James Graham), Sir Charles Trevelyan, and others, that the principal Government of India should be in India, and that the Government of India here should be merely a Government of revision and control on great questions of policy, and that the system of constant intermeddling in minute matters cramped and fettered the Government in India, and occasioned a delay which was fatal to all improvement in Indian administration. What he proposed was, that there should be a building provided in the immediate neighbourhood of Downing-street, sufficiently capacious to receive both establishments—the India House and the Board of Control. He should suggest the transferring of the museum and library at the India House to some public purpose, and that the building itself be sold, the proceeds to be applied to the expense of a new building, and any surplus there might be could be devoted to beneficent objects in India. If these two departments were in one building together, there would be an end of a great deal of stupid and tedious correspondence between them, and a great deal of the delay, expense, and want of efficiency, which was the result of the present arrangement, would be got rid of. There was no reason why the Directors should not be brought nearer to Downing-street, where there was an excellent plot of vacant land, on which a building might be immediately erected. If this plan was adopted, the President of the Board of Control would be brought more closely into co-operation with the Directors, and many matters being discussed by word of mouth instead of by letter, would take a tenth part of the time in being settled; while it would also be possible to reduce the staff of the Indian establishment both in this country and in India. In proof of

his views, he would quote the opinions of Mr. Courtenay, who had been Secretary of the Board of Control from 1812 to 1830, and of Mr. Sullivan, and the following extract of a minute in Council by Lord Dalhousie, dated the 14th of April, 1852:—

> "Everything, all the world over, moves faster now-a-days than it used to do, except the transaction of Indian business. What with the number of functionaries, boards, references, correspondences, and several governments in India—what with the distance, the reference for further information made from England, the fresh correspondences arising from that reference, and the consultation of the several authorities in England—the progress of any great public measure, even when all are equally disposed to promote it, is often discouragingly slow."

He believed there had not been a more useful or practical suggestion offered to the House during the discussion of this Bill than this, and if hereafter some change was made in the present mode of governing India, this arrangement would be a step in that direction.

Clause—

> "Whereas it would tend to a more speedy and effective administration of Indian Affairs in England, and would materially diminish the expenditure of such administration, if the business of the two departments of the Board of Commissioners for the Affairs of India, and the Court of Directors of the East India Company, were transacted in one and the same building, it shall be lawful for the said Board of Commissioners to provide, and the said Board shall, within two years from the 30th day of April, 1854, provide, in some suitable situation, sufficient offices for the transaction of the business of the two Departments as aforesaid; and the said Board is hereby empowered to sell the buildings and premises now occupied by the Court of Directors in Leadenhall Street, in the City of London, and to apply the proceeds thereof to defray any expenses which may be incurred in providing convenient offices, in one building, for the use of the said Board of Commissioners, and the said Court of Directors."

Brought up, and read the First Time.

SIR CHARLES WOOD said, he believed it might be possible, to some extent, to curtail the correspondence connected with Indian matters; but to what extent that curtailment might be carried he was unable to say, and should not like to give an opinion without more experience. Whatever this might be, however, he would not delude the Committee with the idea that there would be any great saving in that respect. The principle of the double government had been now recognised, and if the Court of Directors were to continue to have their staff of officers, and the Board of Control theirs, he did not see how any very great saving could result from the proposition of the hon. Member. The actual expense of the Board of Control was only 23,000*l.*, and if the whole of that establishment were put down, there could not possibly be any very material diminution of expense; because, if that Board were abolished, some addition must necessarily be made to the staff of the Company. There existed a very general notion, and people had, he believed, talked themselves into the belief of it, that the circumstance of the two establishments occasioned very great delay in the transaction of business. From personal experience, he could assure the Committee that that was not the case, and that in no matter in which delay was of the slightest consequence did any occur. He had had some experience in various departments of Government, and there were few persons, probably, who had, therefore, better opportunities of forming an opinion of the facility with which business might be transacted than himself; and he had no hesitation in saying, having now been six months at the Board of Control, that his experience told him that in no matter of the slightest importance had a single day —and, he believed, he might say a single hour—been lost. He saw no advantage to be gained by selling the house in Leadenhall-street, and purchasing ground for the erection of new offices. The spot of ground which the hon. Member had indicated in Downing-street was required for other purposes; and, while the system of the double government was continued, he repeated that no inconvenience, no delay, and no injury to the public service could result from the mode in which the business was at present transacted in two different buildings.

MR. VERNON SMITH said, he was glad this question had been embodied in a clause. He was surprised that his right hon. Friend the President of the Board of Control, with his experience, should say that the vicinity of public offices did not promote the easy transaction of business. Take the case of the War Office and the Horse Guards; these being close together a great deal of preliminary business was settled orally and without correspondence; while, on the other hand, the office of the Duchy of Lancaster being at a distance from the Treasury, the only business transacted between them being questions of the rights of the Crown, all their communications were carried on by correspondence. He (Mr. V. Smith) had had some experience of the Board of Control, and he was convinced that the distance between that office in Cannon Row, Westminster, and the India House, tended very much to lengthen the transaction of business. It was futile to argue on the point, as it was so obvious to common sense that the alteration would tend to promote expedition; and it must also tend to the diminution of the number of clerks. There was, besides, a moral consideration involved. They wanted a President of the Board of Control who should be thoroughly imbued with Indian affairs; and that would be more likely to be attained by his being in the same building with the governing body of India, and where he would, as it were, breathe an atmosphere of Indian affairs. He was convinced that such a knowledge of Indian affairs would be gained in half the time that it otherwise would be if the President lived under the same roof as the Court of Directors. Without meaning any imputation on the President of the Board of Control and the Court of Directors, he must say that they did not do their business so fast as it might be done, and he wished to enable them to do it faster.

SIR HERBERT MADDOCK said, he would support the clause, as there was so much practical good sense in it. When he held office in Bengal, he could say that not one-thousandth part of what he sent home for revision and advice was ever looked at. An immense mass of unreadable matter was sent home from India. He should therefore support the Amendment.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The Committee *divided*:—Ayes 61; Noes 74: Majority 13.

MR. VERNON SMITH then rose to bring forward the clause of which he had given notice. He said that at any rate it could not be thought that he was casting any imputation on his right hon. Friend the President of the Board of Control by this clause, for he proposed to increase his salary. He did not, however, mean the increase of his salary merely, but his object was to elevate his position to that of Secretary of State for India, and to raise him from an inferior position as a Member of the Cabinet. When this office was first created, the President of the Board of Control had a salary of 2,000*l.* a year; but he held other offices of dignity and emolument at the same time. In 1810 the duties of the President of the Board of Control were confined to his own office, and the salary was raised to 5,000*l.* a year. In 1831, when retrenchment was the order of the day, and a Committee on public expenditure was appointed, that Committee reported, without giving any reasons, that 3,500*l.* a year was enough for this office. It could not be denied that to a certain extent the salary and dignity of an office were identified. The constitution of the Board of Control was as important as that of the Court of Directors, about which they had been so much engaged. The President should hold a high position in the Cabinet, should be taken from the best men, and be chosen not merely from political considerations, but with regard to his fitness for his office. Then he thought that a permanent Secretary was better than two political Secretaries; for it was highly necessary that there should be, as in other offices, a permanent Secretary, who would be always perfectly acquainted with the state of business in the office. As to information on Indian subjects in that House, that would now be afforded by the six nominated Directors, who might, and possibly would be, all Members of the House. If he succeeded in having it enacted that there should be only one political Secretary in the House, the result would be the appointment of a permanent Secretary. Every other measure having been carried by the Government against the private Members, he sincerely hoped that this probably the last Amendment which would be proposed, would be acceded to by the Government.

Clause—

"And whereas, by an Act passed in the third and fourth year of His Majesty King William the Fourth, entituled, 'An Act for effecting an arrangement with the East India Company, and for the better Government of His Majesty's Indian Territories till the thirtieth day of April, one thousand eight hundred and fifty-four,' it is enacted, that the President of the Board of Commissioners for the Affairs of India, but no other Commissioner, as such, and the Secretaries and other officers, shall be paid by the said Company such fixed salaries as His Majesty shall, by any warrant or warrants under his sign manual, countersigned by the Chancellor of the Exchequer for the time being, direct. Be it Enacted, That such fixed salary shall in no case be less than the salary which shall be paid to one of Her Majesty's Principal Secretaries of State; and that only one of the said Secretaries to the said Board shall be capable of being elected or sitting and voting in Parliament."

Brought up, and read the First Time.

Mr. V. Smith

VISCOUNT PALMERSTON said, there were very good reasons why it was impossible that the President of the Board of Control should, in the existing state of things, assume the title of a Secretary of State. The province of a Secretary of State was to convey and to signify the direct commands of the Crown, and so long, therefore, as the Government of India was conducted on the principle of a double government, it was impossible that those direct commands could be conveyed by the President of the Board of Control. The Minister, therefore, who directed that department of the public service could not assume the functions of a Secretary of State. He entirely agreed, however, with his right hon. Friend (Mr. V. Smith), that, for the reasons which he had stated, it was desirable that the President of the Board of Control should be placed, in regard to dignity, position, and salary, upon the footing of a Secretary of State. It was impossible to deny that the functions which he had to perform were equally important with those of a Secretary of State. It was impossible to deny that the consideration which he ought to enjoy, so far as that consideration depended upon the means which the salary afforded, ought to be equal to that enjoyed by a Secretary of State, and that there ought, in fact, to be no distinction between the position of the Minister of the Crown who performed the onerous and important duties of President of the Board of Control, and that occupied by any one of Her Majesty's Secretaries of State. Persons were very apt either to say that salary was wholly unimportant, or else that it was merely the object of selfish, grasping views. He looked upon this matter not as a person in the position of an officer of the Crown; but he trusted that he and his Colleagues might be allowed to claim for themselves the right of looking on it in the quality of independent Members of Parliament, and of persons attaching value and importance to considerations connected with the public service. Certainly, whether in office or out of office, he was prepared to say that it was for the advantage of the public service that persons holding high and responsible office under the Government should receive salaries commensurate with the position which they occupied, the functions which they performed, and the expenses to which in the performance of those duties they were necessarily exposed. It must also be borne in mind that persons whose whole time and thoughts were engaged in the performance of public duties could not give that attention to their private affairs which persons not so employed were able to devote. He thought that whatever might be the salary which Parliament might think right to attach to the offices of Secretaries of State, that salary ought, in his opinion, to be attached also to the office of the President of the Board of Control. He had taken upon himself the duty of stating this opinion to the Committee, because it was one which his right hon. Friend who held that office, perhaps, might feel more delicacy than he (Lord Palmerston) should feel in boldly and explicitly expressing it. On that point, therefore, he was quite prepared to agree to the proposition of his right. hon. Friend the Member for Northampton. The other proposition which he had made was, that by having only one political Secretary to the Board of Control, there should be attached to the Board, in lieu of a second political Secretary, a permanent Secretary. Now, he thought that that was a proposition of the utmost importance. He had had some experience in these matters, and he ventured to say that it was impossible to overrate the advantage to the public service of having in each department of the Government a permanent Secretary, not belonging to any political party, not swayed by passion and feeling, or by the political contests which were from time to time carried on; but a man who, being the depository of the lore and the knowledge belonging to that particular department, was able, being a person also of judgment and discretion, to give to the new comer into office that information as to the past events, as to the principles regulating the department, as to the knowledge of individuals, and as to the details of transactions, without which it was impossible, he ventured to say, for any man, let him be never so able and never so expert, when he first entered office, to perform his duties with that satisfaction to himself or advantage to the public which he would naturally desire. He should therefore most cordially assent to the proposition of his right hon. Friend; and he was persuaded that no Government would grudge the small advantage which they might derive from the presence in Parliament of a second Secretary of the Board of Control, when considered in comparison with the great advantage to the public service which would be derived from having a permanent Under Secretary to that most important Board. Having stated the readiness with which he concurred with that part of the proposal of his right hon. Friend, he should say no more.

Sir JAMES W. HOGG said, he must express himself as being exceedingly well pleased at his right hon. Friend's having made, and at the noble Lord's having acceded to this proposition. He was sure that all his colleagues in the Direction, and that everybody connected with the Government of India, would rejoice that the House of Commons should place the President of the Board of Control in the position which the magnitude and importance of his position not only warranted but required. As regarded the desirability of having a permanent Secretary at the Board, he entirely agreed with the noble Lord, and thought with him, that it was of the greatest importance to have in every department of the State some officer of the kind who did not change with the Ministry of the day, and who, long practised in his office and unbiassed by political feelings or by motives of interest, might be the depository of that information which was so useful in every case, and in the case of India so essential to the incoming Minister of the department.

Mr. W. WILLIAMS said, that it would no doubt be thought a concession in some quarters that the Government, which had steadily rejected every Amendment to their Bill, had so promptly and generously repented in time to give this one their support. He, however, who ventured to think that the President of the Board of Control had hitherto been paid quite enough, could not see in this Bill merits so extraordinary as to warrant his voting for an accession of salary to its author. He could not, therefore, give his vote in favour of the proposition.

Sir HENRY WILLOUGHBY said, he had no objection to support the proposition that, whatever was the salary of Secretaries of State, the President of the Board of Control should have the same. He objected, however, to the style and title of the President of the Board of Control, who had no Board over which to preside.

Mr. J. G. PHILLIMORE said, he also was extremely glad that the Government had given way to this proposal. It was extremely undesirable that the Gentlemen entrusted with great public duties should be underpaid.

Sir CHARLES BURRELL agreed that it was extremely undesirable that

Gentlemen holding office should be underpaid for the performance of their duties; but, at the same time, he would suggest that, in this case, an increase of the salary of the President of the Board of Control should be accompanied by a diminution of his patronage.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The Committee *divided*:—Ayes 116; Noes 29: Majority 87.

MR. MONCKTON MILNES said, as a person deeply interested in this measure, he begged to tender his thanks to the Government for having allowed this "one" Amendment to pass.

MR. AYSHFORD WISE moved a clause, that one-third of the pupils admitted to Addiscombe College should be selected from the sons of officers who were or who had been in the civil or military service of the East India Company, and that the selection of such persons should be made by the Governor General of India for the time being. This clause was to have been submitted to the consideration of the Committee by his hon. Colleague, who, he regretted to say, was obliged to remove from London on account of ill-health, and he must ask for the indulgence of the Committee whilst he endeavoured to prove the propriety of the proposal. No such proposition would have been thought of if the right hon. the President of the Board of Control had adhered to the statement he originally made. He stated, and indeed, the 32nd clause of the Act was so submitted to the House, that the nomination to Addiscombe and Haileybury should be withdrawn from the Directors. This clause was one of the few that he and his friends around him approved of. They had supported the Minister in all his endeavours to reform abuses and open the patronage; but all of a sudden this clause was withdrawn, and, as he thought, most unjustifiably withdrawn, proving, to say the least, on the part of the Minister, great indecision, or, what was worse, great insincerity. What had the right hon. Gentleman said on the 3rd of June? "Merit, and merit alone, is to be the test of introduction to the civil service and to the scientific branches of the Indian Army, and he proposed to throw open the nomination to Addiscombe." But what had the right hon. Gentleman said three days ago? "He had received such strong representations from Members of the Indian Committee, that he resolved to abstain from interfering in any way with the present mode of admission to Addiscombe." Now, such a such system appeared to him a monstrous innovation on Parliamentary practice. If a Minister stated that a great principle, such as that of competition, was to be adopted in June, and a few weeks after came down to the House and gave that great principle up, having previously secured the other clauses of the Bill, and the support of himself and others to many of the clauses under false pretences, then he must say that such statements on introducing measures were nothing less than delusions, mockeries, and snares. He would not hesitate to call such an uncalled-for change political prostitution. The right hon. Gentleman, after professing most virtuous intentions, had yielded to the winning ways and affectionate overtures of the hon. Member for Honiton. What would the country think of an arrangement which restored to the Directors a patronage worth 288,000*l.* a year, when it was immediately followed by a vote of that House, supported by the Directors of the East India Company, giving the right hon. the President of the Board of Control an increase of salary from 3,500*l.* to 5,000*l.* a year? The same inconsistency and contradiction were to be noticed in the statements made by the President of the Board of Control, with regard to the salary and patronage of the Directors. A few nights ago the right hon. Gentleman denied that he had ever connected the question of patronage with that of salary, and he had all along, he said, considered that an unfair way of viewing the question. Now, on June the 3rd, the right hon. Gentleman used these words:—

> "The House is aware that at present every Director receives 300*l.*, and that the Chairman and Deputy Chairman have each 500*l.* a year. Limiting their patronage in the manner I am about to state, we think there ought to be an increase in the amount of salary. He therefore proposed to give 500*l.* to each Director, and 1,000*l.* to the Chairman and Deputy Chairman."

It was trifling with public opinion to tell the House that the patronage was not substantially salary. Lord William Bentinck in 1837 told the House that "the Court of Directors sought their office for the sake of the patronage only." And what did Mr. Sullivan, who had a fifty years' experience of Indian affairs, say?—

> "Their salaries are a trifle—300*l.* a year; their patronage immense. Not only is patronage the object of those who are obliged to look for it as a provision for their children and relations, but of those who have no such need—the men of tens and hundreds of thousands—who find the judi-

cious distribution of their Indian patronage a sure means of drawing constituents to their banks and companies."

Notwithstanding their present patronage, what did the present Bill propose to do? The number of Directors was to be reduced to eighteen, six of whom were to be nominated by the Government. The patronage would be in reality greatly increased, and the very material change proposed in Clause 29 would add this year no less than 384 cadetships. This 29th clause permitted the Company to raise 20,000 European troops, instead of 12,200. It appeared to him bad policy to increase the provincial instead of the imperial army. India was now the chief school for our troops and officers, and he thought that a large English army in India, owing no allegiance to the Crown, and not under the control of Parliament, was most impolitic and undesirable. It weakened the link between the Crown and India, and necessarily would cause a reduction of Her Majesty's troops in India who were now paid for by the Company. He advocated a reform of the military system in India, and thought the double system indefensible and injurious to our imperial interests. He must say that this and many other clauses betokened hasty and ill-considered legislation, and demonstrated the gross injustice and danger of making new laws for India without full and fair inquiry. The Committee appointed by both Houses to consider the question had not reported, and it was certainly a singular way of recognising the use and value of Parliamentary Committees, to legislate before the inquiry was concluded, or the evidence in the hands of Members. He would not occupy the time of the Committee any longer, but proceed to the Amendment he had to propose. They were aware that there were at Addiscombe 150 gentlemen cadets. They each paid 100*l.* a year. For six months they were probationary pupils, and if in six months there appeared no probability of their success, in two years they were returned to their friends as ineligible. The most distinguished of the cadets were appointed engineers, the second class to the horse and foot artillery, and the third class to the infantry. The annual appointments were about forty-five, and he proposed, as competition was given up, which he regretted, that fifteen of these should be nominated by the Governor General of India; the parties being the sons of old Indian officers who had done the State some service. There would be no political tendency in such appointments. If the right hon. Gentlaman was earnestly bent on efficient reform, and anxious to do away with irresponsible family patronage, he ought to support this proposal; and he hoped the Committee would take it into its favourable consideration and support it in the division which it was his intention to take.

Clause—

"And be it Enacted, with regard to the admission of persons to the Military College at Addiscombe, that at least one-third of such persons shall be selected from the sons of officers who are, or who have been, in the civil or military service of the East India Company, and the selection of such persons shall be made by the Governor General of India for the time being."

Brought up, and read the First Time.

SIR CHARLES WOOD said, he could not admit that he was blameable for making a change from the Bill as it had been originally introduced. He had already made another alteration in deference to the opinion of the hon. Member for Manchester (Mr. Bright), and if that were to be characterised as unfair or insincere, they might as well give up the idea of ever going into a Committee with the view of improving the details of any Bill. It had clearly appeared from the evidence that the claims of the Indian army were fully met, and that no son of an Indian officer who was otherwise competent would fail in obtaining his commission. The principle was not followed out in the British army, and he saw no reason why it should be adopted in the Indian army. The tendency of the evidence went to show that the sons of officers would rather suffer than benefit by the change proposed.

SIR DE LACY EVANS said, he conceived the proposition for augmenting the Directors' salaries perfectly well founded, as at present, unless they were paid by their patronage—an idea which they scouted—they were not sufficiently paid. With regard to giving one-third of the appointments to Addiscombe to the Governor General of India rather than to the Directors, he entirely approved of it. It was one of the highest distinctions of the Horse Guards that there this consideration was attended to, and meritorious officers found a recognition of their merits evinced towards their sons. Perfect purity was not to be expected where responsibility was distributed among a body of men. The Governor General was, in his opinion, the most proper to hold this patronage, and the most likely to distribute it with advantage to the service. He hoped, therefore, that notwithstanding the Government's triumphant opposition to many of what he considered improvements to the Bill, they would yield on this point, as they could so well afforded to do.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The Committee *divided*:—Ayes 29; Noes 101: Majority 72.

House resumed.

Committee report progress.

POOR REMOVAL.

MR. APSLEY PELLATT rose to move for leave to bring in a Bill to abolish the removal of the poor, and to equalise the rates for their maintenance, and to make other amendments in the laws relating to the relief of the poor.

Notice taken that forty Members were not present; House counted; and forty Members not being present, the House was adjourned at a quarter after Six o'clock.

HOUSE OF COMMONS,

Wednesday, July 27, 1853.

MINUTES.] NEW MEMBER SWORN.—For Derby County (Northern Division), William Pole Thornhill, Esq.

PUBLIC BILLS.—2° Duties on Horses let for Hire; Hackney Carriage Duties.

LUNATIC ASYLUMS BILL.

Order for Committee read.

House in Committee.

Clauses 1 to 34 inclusive, *agreed to.*

Clause 35 (Assessment to local rates should not be increased after purchases for the purposes of this or any other Act).

MR. KENDALL said, he wished to move the insertion of words which would have the effect of exempting the residences of all the officers and servants of asylums from rates. His object, he said, was to increase the inducement to parish officers to send pauper lunatics to the asylums, for he had found that nothing had that effect equal to low charges; and, as the charges per head were necessarily regulated according to the expenses of the establishment, he wished to reduce those as much as possible, in order to enable a reduction to be made in the rates of admission.

MR. BECKETT DENISON said, he objected to the introduction of the proposed exemption. He had never known an instance of the house of any person receiving a salary being entitled to exemption from rates.

Amendment *negatived.*

Clause *agreed to.*

Clauses 36 to 43 inclusive, *agreed to.*

Clause 44 (When any asylum can accommodate more than the lunatics of the county or borough, the visitors may order the admission of other lunatics).

SIR JOHN DUCKWORTH said, he thought that when paupers from other boroughs or counties were received into an asylum, or when persons who were not paupers became inmates of an asylum, some further charge should be made, beyond that for lodging, maintenance, clothing, medicine, and care, for the use of the building.

MR. WALPOLE said, he considered that the clause in its present form would enable the visitors to arrange the terms upon which lunatics who were not paupers should be received into the asylums.

MR. FRESHFIELD would suggest that the terms upon which persons who were not paupers might be admitted into these asylums should be fixed or approved by the Secretary of State for the Home Department. He believed that at present the ordinary charge for lunatics belonging to the borough or county in which an asylum was situated was 8*s.* 6*d.* a week, and the charge for what might be called "foreign" lunatics, or lunatics not being paupers, was 14*s.* a week.

MR. VERNON SMITH said, he agreed to the proposal that persons who were not paupers should be admitted into the county lunatic asylums, when there was accommodation in such asylums, upon an extra payment; but he considered that the treatment of such persons should be precisely the same as that of the pauper lunatics.

MR. WALPOLE said, he would consider the suggestion of the hon. Member for Exeter (Sir J. Duckworth), and would consent, when the Bill was reported, to the introduction of words which would meet his views.

Clause *agreed to;* as were also the subsequent clauses up to 94.

Clause 95 (Justices to make an order upon the officers of unions and parishes for maintenance of lunatics).

MR. FLOYER said, he had given notice to substitute for this and other clauses the following clause:—

"That it shall be lawful for the board of guardians of the union from some place or parish in which any pauper lunatic has been sent to an asylum, registered hospital, or licensed house, or in which any pauper lunatic has been so adjudged to be settled, to charge the expenses of the examination of such pauper lunatic, and of his conveyance to the asylum, hospital, or house, and the amount of such monies as may at any time be paid in pursuance of such before-mentioned order, to such parish or place in such union, or upon the common funds of the union, in such manner as the expenses of the relief of such pauper would have been chargeable, if relieved on account of common sickness, and not as a lunatic, by any law or laws now or hereafter to be in force in respect of the relief of the poor."

SIR JAMES GRAHAM said, that the clause proposed by the hon. Gentleman would open up a subject which would require very much discussion. It would, if adopted, alter the whole law of parochial settlement itself. But in the present Session of Parliament it was impossible to discuss the question. It would, however, demand the attention of the House at the earliest moment in the next Session. He would, therefore, suggest that it would be better to allow the present clauses to stand, which made no alteration in the existing law, and not touch the principle of the law of settlement until it could be dealt with in an enlarged and comprehensive manner.

Amendment *negatived.*

Clause *agreed to.*

Remaining clauses *agreed to;* House resumed; Bill reported.

The House adjourned at ten minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, July 28, 1853.

MINUTES.] PUBLIC BILLS.—1ª Arbitration Law Amendment.

2ª Registrar of Meetings; Stamp Duties.

Reported.—Parish Vestries (No. 2); Entails (Scotland); Customs Duties; Dublin Parliamentary Registration.

3ª Succession Duty; Missionary Bishops.

COUNTY COURTS FURTHER EXTENSION BILL — ARBITRATION LAW AMENDMENT BILL.

LORD BROUGHAM:* My Lords, the petitions which I have just laid before your Lordships, bring under our consideration the important subject of County Courts, and several of the defects existing in the great system of Local Judicature. The Bill which I presented at the beginning of the Session, for further extending that jurisdiction, stands for a second reading this day, and I therefore take the opportunity of stating the course which I propose we should pursue with it, and with this important subject in its various branches.

That some great defects, and not a few erroneous provisions, found their way into the system, is not to be wondered at, when we recollect the manner in which the Bill of 1846 was introduced and passed. The responsibility of these defects I must peremptorily disclaim. The original and larger measure of 1830 and 1833 had been rejected by a narrow majority; and when the partial one introduced by my noble and learned Friend (Lord Lyndhurst) was, on his quitting office, adopted by his successor, I in vain urged the postponement of it, from the end of July, when it was resolved that it should be hurried through Parliament, until the next Session, when time would be afforded for removing its defects, and bringing it to a nearer resemblance with the measure of 1833, to which the new Government of 1846 were as much pledged as I was myself, they having been in office with me when I first brought it forward. Unfortunately, it was driven through both Houses between the end of July and the end of August, when but a few Members of either House remained in town. One of the worst consequences of this precipitate proceeding was, the not paying a due attention to the choice of the Judges in some instances, and in all, the underrating the importance of their office. Aware of that importance, I had, in 1833, proposed such a salary as should secure the services of men eminent in the profession. Lord Cottenham deemed a maximum of 1,200*l.* sufficient, and at once awarded the same salary of only 1,000*l.* to all the sixty whom he appointed, the former plan having been to make 1,500*l.* the average, and award 1,200*l.* to one, 1,800*l.* to another, according to the kind of the districts in which they officiated. In order to save compensation in the case of local Courts abolished, the other error was committed of appointing persons who had presided in those Courts, and who were of various capacities. I am, however, most willing to admit that generally the selection was well made, and that a body of men were appointed who have given, and justly given, satisfaction. Of this no better proof can be required than the manner in which the system has worked (with all the imperfections arising from the manner in which it was established), and especially the small number of the reversals of the judgments pronounced by those learned persons.

It would be difficult to overrate the benefits which have been derived from this great amendment of the law; and they are no friends of our judicial system who treat the new tribunals with contempt—still less are they its friends who regard them with jealousy. This jealousy is, with the paradox usual in such feelings, often found to alternate with contempt, and they are termed Small Debt Courts, in order to lower them in public estimation. But though, unfortunately, this name was at first applied to them in the Act, and has continued, nothing can be less descriptive of their functions. They were, by the original Bill of 1830 and 1833, to have had jurisdiction as far as 100*l.* The Act of 1846 reduced this to 20*l.*; but Mr. Fitzroy's most important Act of 1850, the greatest service that any layman ever rendered to the law, increased this to 50*l.*, and we then added the optional clause taken from the original Bill, giving them unlimited jurisdiction by consent in all cases, not only of any amount, but of any description. Then the Charitable Trusts Bill, the Succession Duty Bill, the Customs Regulation Bill, all now on the eve of passing, add important judicial functions. But take only their present jurisdiction, and compare it with that of the Superior Courts; they had above 400,000 plaints, and tried more than half of them, yearly, before the extended jurisdiction; and in 1851 the plaints were above 440,000, for an amount exceeding 1,600,000*l.* Above 13,400 for sums between 20*l.* and 50*l.* were disposed of, 8,200 being tried. And let me observe in passing, that there being an appeal to the Courts above on all matters of law arising in this class of suits, there were only 38 appeals brought, and only 8 reversals of the local Judge's decisions, being no more than one in a thousand of the cases tried. Now, they who underrate the importance of what they contemptuously call "Small Debt Courts," would do well to bear in mind that while they tried above 8,000 actions between 20*l.* and 50*l.*, the Superior Courts tried altogether, in the same year, 1851, exactly 1,943; this being the whole number of judgments, including those by consent. The County Courts, therefore, tried four times as many as the Superior Courts, even if we suppose that of those tried by the latter none were under 20*l.* As, however, a considerable number were, the disproportion was very much greater than four to one.

This great change in our judicial system, having now been in operation for above six years, it is manifestly our duty to profit by the experience thus afforded of its working. For, as I have once and again reminded your Lordships, in all proceedings for the amendment of the law, but indeed it may be said in all the alterations which are made in any branch of our polity, the lawgiver is bound, not only to devise his measures with all deliberation, but carefully to watch the operations of each, after it has been adopted. Human foresight can only act within narrow limits. Little are we ever able to see of what lies in advance of us; and this renders the utmost circumspection necessary, that we may at least profit by examining all that can be descried on either side. Yet even here we may not be so secure, as in casting our view behind us, and at least benefiting by the experience of the past. The wise lawgiver, then, will not only in steering his course ever have the lead in his hand that he may avoid shoals and sunken rocks; not only will he by the log ascertain the pace he moves at; but he must constantly take observations, by which he may discover if peradventure he has not departed from his course; and then, scorning to conceal his error, at once avowing his deviation, it behoves him instantly to regain the right track, in order to reach the desired haven. Thus are we now bound to examine carefully the errors which experience may have pointed out in our late changes of the law, as well as to supply the defects which were manifestly left in the plan on its first adoption.

I hear it indeed said, when I have urged, both last year and more lately, the appointment of a Commission to inquire into the whole subject, that the experience has been too short, and that we should wait till the County Courts have been longer in operation. The answer to this objection seems decisive. Although the time has been short, the space has been vast over which the system has acted. Sixty Courts sitting twelve times a year, and in seven places each upon an average, gives the vast number of above 30,000 Courts holden. These have been under a variety of judges and officers, with a still greater variety of practitioners, and of suitors; so that it is contrary to all probability that any considerable defects or faults in the system should not have been felt and brought to light. It would be endless to give all, or nearly all, the instances; one or two must suffice.

The whole finance of these Courts requires the most searching investigation. The fees or taxes on all their proceedings I have repeatedly brought before your Lordships, as an error of the grossest kind, and a hardship the most cruel to the suitor. In 1851 the suits were for 1,624,000*l.*, of which 815,000*l.* were recovered by judgments, and 100,000*l.* paid into Court without judgment. Of the remaining 709,000*l.* about 500,000*l.* were paid or settled out of Court on the actions being brought. The fees exacted amounted to 272,000*l.*, or 30 per cent on the sums recovered in Court; but take it on the whole at 1,400,000*l.* and it is twenty per cent on all the money recovered in and out of court, by suit or by threat. Now this has been over and over again allowed to be a grievance utterly intolerable. The Judges in the Courts above are paid by the State; the whole administration of justice ought so to be paid; and the suitors in the County Courts alone are compelled to pay for the Judges who decide their causes. Some fees may be retained, as those on execution, because when the decision shows the party to be in the wrong, it is his own fault if he does not pay without a levy upon his goods; but allowing 60,000*l.* of the sum now raised to be thus taken in execution fees, there remain above 200,000*l.*, which all are agreed must be taken off. But then inquiry is necessary as to the manner of supplying the loss and paying the officers. Such errors as have been committed in apportioning costs must be corrected; and the gross anomaly no longer be suffered to exist of having a judgment by consent, and without any contest, almost as expensive as one where the cause has proceeded to hearing.

When I first denounced these grievances before your Lordships, my noble Friends opposite, and my noble and learned Friend on the woolsack, admitted that they must without delay be removed; and it was deemed inexpedient to delay the remedy until a Commission should be able to report. It appears, however, that many other matters, and some of them connected also with the finance of the Courts, deserve examination. I have communicated to my noble and learned Friend the results of a most extensive correspondence with the officers and practitioners, and I have also handed over to him a great portion of the letters and the memorials themselves. Upon some of the most important points there is an universal concurrence of opinion, among the rest, upon the finance. Upon other other points there is a considerable difference of opinion. But the whole subject seems now ripe for inquiry.

The extension of the jurisdiction is one of the most important of the subjects, and it is one to which the numerous petitions that I have presented to your Lordships both to-day and on former occasions are very anxiously addressed. The giving a discretionary power to the Judge of allowing a second action when the debt clearly exceeds the sums sued for, seems an obvious improvement. I have known six cases come in the course of a single circuit before one of the learned Judges, in each of which the sum given up for the sake of bringing the claim within the jurisdiction, was equal to the sum demanded, and in one instance thrice as large. There could be no harm in empowering the Judge to allow a second suit to the limited amount of 50*l.*, where, by the defendant's admission, or by some written evidence, it plainly appeared that the surplus was due. Again, the want of all equitable jurisdiction is loudly complained of. I purpose deferring the further consideration of tho Bill, which I early in the Session presented for giving this extension, because I confidently hope the Commission about to be issued will fully examine this important question. Under proper guards, as by allowing a removal in the nature of a *certiorari*, enabling all the facts to be ascertained in the County Court, and permitting an appeal upon the equity, there seems no kind of reason why the extension should not be given. An improvement upon the law of evidence might also be made, beginning with these Courts, as the former amendment of the law did; but I think it should be extended to all the Courts. I would give the Judge in all cases the discretion of calling before him the parties, when for any reason they did not appear to be examined. It frequently happens that one is not called in his own cause, and that then the adversary is apprehensive of calling him, and so the truth is excluded. The Court has no interest in yielding to this play of the contending parties; it only desires to come at the real merits of the case, and it should be armed with the discretion to which I refer, to be used, of course, with a due regard to the circumstances, such as the necessary absence of a party.

The important provisions on Arbitration in the County Courts Extension Bill formerly presented to your Lordships, and which you were pleased to entertain favourably, I have thought it expedient to make the subject of a separate Bill, which I am now about to present; and it greatly extends those former provisions, in consequence of the very important suggestions of some esteemed friends of mine, gentlemen belonging to the City, whose efforts in the improvement of the mercantile law cannot be too highly commended. Indeed, they are well known to such of your Lordships as have either in this Session or in 1849 attended the Committee on the Bankrupt Law. I need only mention the able and worthy Chairman of the London Association, Mr. W. Hawes, who first made me fully aware of the great hardship inflicted on traders by the state of the law respecting arbitration. Its general defects had indeed been often the subject of discussion, and to remedy them was the purpose of the clauses in the County Courts Extension Bill. But the evil consequences arising from the utter inefficacy of the common partnership article for referring disputes, had not been sufficiently considered. I am here most fortunate that I address your Lordships in the presence of my noble Friend opposite (Lord Overstone)—fortunate on every account, because they who have had the advantage of sitting with him in Committees upon the Amendment of the Law, whether as regards Registration, or Bankruptcy, or the Criminal Code, are aware how great acuteness and sagacity as well as ample experience he brings to the discussion; but particularly I am fortunate in stating before him this defect, the consequences of which he must so often have seen; I mean that in a partnership, charter party, policy, or other deed, an article to refer disputes is mere waste paper. Until the difference arises between the partners, of course it is in abeyance; and the moment it is wanted to make a speedy end of the matter in dispute, and to save the expense as well as delays and anxieties of litigation, the parties having quarrelled, both will not agree either to name an arbitrator, or, if the deed has named one, to proceed before him. Now the law as it now stands gives absolutely no remedy. Arbitration, except at *Nisi Prius*, is no favourite with any of our Courts—neither Courts of Law nor of Equity. The most solemn covenant to refer that men can enter into, gives no right to damages at law for the breach of refusing to refer, or to specific performance in Equity, by compelling the reluctant party to proceed. Nor can any such covenant, or any other agreement to refer, be pleaded either at Law or in Equity against a party choosing to sue before the Courts in the teeth of his most solemn obligation to settle the whole before the private tribunal. It is, indeed, barely twenty years since every kind of submission was revocable at the pleasure of either party; and although that great defect was then removed, nothing can be more imperfect than the law respecting Arbitration still is. Its more glaring defects are removed in the Bill which I shall now present to your Lordships. It embraces the Arbitration Clauses of the Bill formerly laid before you, giving the benefit of the County Courts to all persons who choose to refer their disputes, of whatever kind, and who would avoid the great delay and expense attending references before private arbitrators whose remuneration depends upon the length of the procedure. But as there are cases in which parties may prefer referring to private individuals—those in whom they may have a special confidence, or who may from professional habits be peculiarly fit to conduct the inquiry—the means are afforded of making such a reference effectual, both by compelling parties to perform their agreement or covenant of reference, and by providing for the easy and expeditious conduct of the proceeding. I venture to state, that whoever takes the trouble to examine this Bill, will find it satisfactorily framed; and I speak not certainly of my own workmanship—for useful changes are made on the clauses in the County Courts Extension Bill, and the clauses which I had framed for meeting the wishes of the City gentlemen, having undergone great alteration, have received material improvement beside the addition of some valuable provisions. I have had in this the inestimable advantage of my learned friend Mr. Francis Russell's assistance — a gentleman well known in the profession as the author of the admirable work lately published on the Law of Arbitrament.

I would fain have engrafted upon this Bill another provision, approved by the Commissioners in their second and most valuable Report—I mean the enabling a Judge in certain cases to make parties refer. But this requires to be guarded in a very careful manner, that abuse may not arise; and I so far differ from the Commissioners as to be of opinion that the power should only be exercised in cases where a previous attendance before a Judge has given full warning to the parties of a reference being probably forced upon them, should they proceed instead of referring immediately. I will not say that cases may not occur where, until a certain progress has been made in the trial, it is difficult to determine whether or not the cause should be settled out of Court. But, generally speaking, the great grievance of a reference is, that it takes place after all the expenses have been incurred of bringing the case to *nisi prius,* and that the arbitration entails the necessity of those expenses being again incurred, and a great deal more added. If, indeed, the Judge referred to the County Court, a great part of this would be spared, from the procedure being so expeditious where the arbitrator has no interest whatever in protracting it. Yet there would still be the objection to repeating much of the cost already incurred. I have, therefore, on the whole deemed it advisable to insert in the Bill no provisions of a compulsory nature, and only to deal with voluntary submissions, whether by general and prospective articles in partnership deeds, charter parties, policies, or by agreement in the particular case. That arbitration ought to be with the lawgiver a favourite—a course to be by all well-advised means facilitated and encouraged, instead of being, as in our Courts it has been, an object of aversion and discouragement—I hold to be quite clear upon every principle; and having so often failed in obtaining the assent of your Lordships to measures for establishing Courts of Reconcilement, I fondly hope that a substitute may be found for those measures in this great improvement of the Law of Arbitration. I may add, that this Bill will naturally go before the Commissioners upon the Assimilation of the Mercantile Law in the three kingdoms. In Scotland there are in the Law of Arbitration one or two material differences from our English law. One is of considerable importance, and I incline to prefer the Scotch principle. If the clause of submission in a partnership deed or other instrument specifies the arbitrator, the Courts will enforce proceeding with the reference. With us this specification makes no difference; a party cannot be compelled to go on, nor can the agreement of reference to the arbitrator named be pleaded in bar. It will be for the Assimilation Commissioners to consider this among other points, and to report whether the English or the Scotch rule ought to prevail, if the present law remains unaltered; but I trust that their approval of the Bill which I now present may at once and easily assimilate the law in the two countries.

Further, it is to be presumed that the County Court Commissioners will fully digest the various statutes and incidental provisions respecting County Courts into one Act, repealing all those over which the law on this important subject lies scattered. There are no less than four statutes devoted to those Courts exclusively, eleven which contain incidentally provisions relating to them, besides three others now passing through Parliament. It is impossible to figure any case in which a digest of the law can more be wanted. The great number of persons interested as Judges, officers, and practitioners, the still larger number as suitors, renders it peculiarly desirable that the whole provisions of the law relating to this branch of judicature should be brought into a narrow compass, and be accessible by reference to a single statute.

When the jurisdiction of the County Courts shall be extended; and the other omissions in the existing Acts supplied, and when the Bankruptcy Law Commissioners shall have inquired into the best means of combining these tribunals with the Bankruptcy Courts; when such judicious arrangements shall be made as may facilitate the establishment of a local Bar in the greater provincial towns; and when the more frequent holding of assizes, both for civil and criminal trials shall be the happy results of the diminished business in the Superior Courts — then we shall have the whole measure of 1833 at length established, and shall possess a tolerably complete system of local judicature. We may well view this consummation with satisfaction. Yet I own that in me such feelings are mingled with anxiety, if not with pain, when I consider the great change which it is working in our judicial institutions—its effects upon the profession to which I am attached by every tie of respect and gratitude and affection; its effects, not upon the Bar alone, but upon the Bench, which from the Bar can never be dissociated—the Bar at once its parent, its nursery, and its helpmate. We are in a transition state; and I confidently hope that, although at present some cloud may hang over our prospects, yet by due regard to the interest of the suitor, and by effectual though cautious improvements in all the procedure of all the tribunals, the prosperity of the law's professors will be found to suffer no lasting injury from the advantages which have accrued to its subjects, their clients. Of one thing I am quite certain—the profession have gained as much as the law itself, by having shown themselves friendly to its improvement, and made it possible to leave all that concerns its amendment in the hands of skilful, learned, and experienced men. Other classes of the community have not been so wise, and they have suffered from their shortsighted resistance — they as well as the reform of the system they were attached to. The pain which I have confessed to feeling for the immediate, and I trust temporary, effect of these changes in the law, had I not also felt it for other changes in which I bore a part? Who could but feel deep sympathy with our countrymen in the Colonies, reduced to distress, even to ruin, by the course of legislation in the mother country? Who could avoid lamenting over such cases as I lately presented to your Lordships, in the petition of planters whose vast fortunes had been swept away with hardly any compensation? But those unfortunate men had themselves chiefly to blame. We were ever persuaded that the abolition of the traffic could only be executed by England, but that the freedom of the slaves, after means taken to prepare them for it, was far better left in the hands of the Colonial Governments, as I repeatedly urged more than half a century ago. But deaf to all warnings, they would not stir, at once to perform their highest duties, and consult their best interests. Wherefore England was compelled to interpose, and they who had resisted all timely reform, made themselves, as ever happens, the victims of revolution. The lawyers have been better advised; they have aided, not thwarted, the progress of improvement; they have thus kept the needful changes in safe hands; and the reward of their wise foresight regarding their own interest, their early and liberal concession to the public weal, will be their remaining unscathed after the darkness of the hour has passed away.

My Lords, there are two subjects on which I must further address your Lordships, one connected with local judicature, both the one and the other often before broached by me in this House. I allude to the jurisdiction of the magistrates at Sessions, and to the conduct of business in both Houses of Parliament. It was expected when the Bill of 1833 came before your Lordships, that the Local Court Judge would be chosen by the magistrates as their chairman, and the provision of that Bill, introduced with this view, was adopted also in the Act of 1846, I mean the giving the County Court Judge authority to act as justice within his district. The great advantage of such an arrangement is obvious; and, far from considering it in the light of abolishing the sessions, as a noble Friend of mine, but himself a chairman of sessions, did (Lord Salisbury), when last year I urged it upon the attention of your Lordships, I can only regard it as giving to that important jurisdiction a most useful assistance, and effecting upon it a great improvement. The aid of a learned person, filling a high judicial office, unconnected with any party, and respected by all, would in my opinion, be an acquisition of the greatest value to the respectable and useful body who, by their own free choice, had raised him to preside over them. In Ireland there is hardly an instance of the assistant barrister not being gladly, and without opposition, chosen as chairman of the sessions. In England, I grieve to say, no instance has yet occurred of this choice falling upon a County Court Judge.

I pass to the other and yet more important subject of our Private Bill legislation; perhaps I should rather say our whole Parliamentary business. But that of Private Bills demands the greatest share of our attention. It is wholly unaccountable that this power should have grown up and its exercise assumed such vast dimensions, without any adequate provision for guiding and controlling it. Well might Lord Langdale term it a truly transcendental authority which Parliament thus exercises. While all the courts of justice in the country are deciding questions that involve interests to the amount of thousands or hundreds of thousands, we are disposing of millions; and while they are acting by fixed rules and are only administering the law in each case, we are disposing of rights of property to this enormous amount, not only without any known law, but contrary to the law; setting aside settlements, breaking wills, violating men's vested rights, acting for or against infants and others incapable of consenting, or even of knowing what is done, nay, persons unborn, and who for years may not come into existence. But again, to consider the vast amount of the interests thus dealt with, and the necessity of both the facts and the rights being in each case thoroughly investigated, it surely never can be contended that the present manner of conducting these inquiries is the best, if it be not indeed the worst possible to be devised; that it either consults the great interest of discovering the truth, or the lesser, though very important interest, of giving despatch and avoiding expense. A plan of proceeding was suggested nineteen years ago by the great man whose irreparable loss we have now to deplore; and though it referred to a particular kind of Bill, it was capable of universal application. The origin of the proposal was this. Towards the end of the Session 1834, a Bill came up from the Commons, providing that any borough charged with corruption might be disfranchised by a single vote of each House, agreeing to an address, and the address assented to by the Crown. When I saw this astounding measure, which would have enabled a Minister to disfranchise any number of boroughs by obtaining in any way from the other House accidental votes, in which I felt afraid your Lordships would not very unwillingly have concurred, I saw that a great oversight alone could account for such a Bill having been passed; and I at once communicated with the illustrious Duke, then leading the opposition, and with my noble Friend near me (the Earl of Ellenborough), one of his most distinguished supporters, appealing to them, whether they could take advantage of the blunder that had been committed, how favourable soever its operation might be to their anti-reform prejudices. As I expected, both those noble persons disclaimed any such wish, and the Duke promised to consider the subject with a view to amend instead of rejecting the Bill. Next day he informed me that a plan had occurred to him; he gave me the outlines of it, and desired my assistance in filling it up, which, highly approving of the greater part, I most willingly gave. We went into the subject in detail, and, having agreed on the main principles, had the Bill referred to a Select Committee, where, after a full discussion, this plan was adopted. In any case where corruption was alleged, a Committee of twelve Members of both Houses was to be appointed, seven of the Commons, and five of the Lords. These were to sit under the presidency of a Judge, who should decide on questions respecting the admission or rejection of evidence. A report, in the nature of a special verdict, should then be made on the facts proved. This report should be conclusive on those facts, and nothing more. A Bill might then be brought into either House, and should go through all the usual changes, excepting only that no further evidence should be taken in the Committee. My recollection is not distinct as to whether a new inquiry might be directed by either House in a similar joint Committee of twelve; but this is immaterial, for all must at once perceive that in hardly any instance would an unwillingness be found to abide by the result of the first inquiry. When I express my admiration of this plan, I speak without the least claim to a share in it; on two points only did I venture to differ with my illustrious Friend; the presidency of a Judge which I suggested, and the proportion of the Members between the two Houses; which he at first thought should be that of equality; but afterwards, with his wonted candour, agreed should be seven and five.

This plan was adopted by the Committee without a dissentient voice; the Bill was amended accordingly and reported to the House; it passed unanimously through its after stages, and was sent down to the Commons. There my noble Friend (Lord J. Russell), frankly admitted the faults of his measure, and entirely approved of the manner in which we had corrected them. But as the whole Bill had been altered, as we had in truth sent down an entirely differant Bill, there was an obvious reason against passing it by the single vote of agreeing to our amendments—the very argument, indeed, used against the Bill as it originally came up to us from the Commons. The result was that it stood over to another Session, and it has never since been taken up.

That precisely the same plan might be adopted in every case of a Private Bill, I have no manner of doubt. And an opportunity soon occurred of considering this general application. In 1837 I brought before your Lordships the whole subject of Private Bill legislation, and you were pleased to appoint a Committee to examine what changes should be made in our Standing Orders on this subject. Before going into the Committee, I naturally conferred chiefly with the Duke, reminding him of our plan in 1834. My noble Friend near me (Lord Ellenborough) joined us in considering the whole matter when the Committee met. I stated to the Duke that there seemed three courses open to us, and asked which he felt disposed to recommend. There was the most effectual one, his plan of a joint Committee, but this required the concurrence of the other House. There was the adoption of new Standing Orders requiring Select Committees of five in each case, and to sit from day to day. There was a third plan, but so ineffectual that we at once rejected it. The Duke was clearly of opinion that I should try the best plan, and he said, "If they wont take that, you can retreat upon the other." I need hardly add, that with his accustomed straightforwardness he supported the proposition; but we were unable to carry it, chiefly because it was more than could be accomplished by this House alone. After considerable discussion, we adjourned, in order to give time for the consideration of another plan suggested by one of the Committee. This was almost unaanimously rejected, and the report was without any dissentient voice made in favour of the new Standing Orders, to which I had the satisfaction of obtaining also the unanimous consent of your Lordships. We expected that the Commons would have adopted them; but for many years this did not happen; it was only in 1846, I think, that the great improvement in our procedure became common to both Houses.

That it has effected a most salutary change—that it is a very great improvement upon the former system—I most entirely admit. But it leaves much to be done; leaves more evil by a good deal than it has remedied. With the view of supplying this defect, I ventured in 1846 to lay before your Lordships a series of resolutions, directing the formation of a board of competent professional men, irremovable like the Judges, not to supersede the functions of either House, but to aid both Houses, by conducting the whole inquiry into the facts of each case, and only rendering the stages of the Committee and report on any Bill unnecessary; but this also subject to the control of each House, so far as regards further inquiry, or referring back or disapproval of the Report. The state of the business in both Houses, but more especially in the Commons, has come to be such as renders some measure of effectual assistance absolutely necessary; and in consequence probably of these Resolutions and the Orders of 1837, I have had the honour of a communication with the highest authority there upon this subject. I rejoice to find that the matter has thus been entered upon. It cannot be in better hands. Were I to join in the universal chorus of respectful praise which rises to that eminent individual, I should be doing a most superfluous act; but I may be allowed to bear my testimony to the great merits of the plan now in contemplation, and my satisfaction with it, notwithstanding some material differences from my own. To show the absolute necessity of a change, we need only recollect that in one year (the year before the Resolutions) there were 241 Private Acts passed, containing 13,624 sections and schedules, beside perhaps half as many which were thrown out.

But when we shall have put this branch of legislation upon a right footing, surely we cannot stop short of the other, and leave the preparation and passing of Public Acts in its present most unsatisfactory state. How often have men of all parties avowed their ardent desire to see this grievous defect remedied, whether by appointing a Minister of Justice, or a Board, or a Board acting with or under that functionary. All men are agreed on the evil. No one denies or doubts its magnitude. Yet I remember a lamented friend of mine, in this House, one of the most sagacious of observers (Lord Ashburton), saying—"This is, of all the improvements you have ever propounded, the most undoubtedly required; and, nevertheless, you will find it easier to carry all the rest than this." I would fain hope that the time approaches when the difficulty may be overcome; and if the plan now under consideration in the other House, shall next Session be there adopted, and extended to our proceedings here, I really do not despair of seeing the whole mechanism of our legislation at length framed upon principles which by deserving may command respect.

I will not detain your Lordships with any apology for having so long trespassed upon your patient attention, for which, however, I have to offer my respectful thanks. Whatever functions this House may exercise, believe me there is none so important as that which connects it with the department of justice. We can never be better employed, or more certainly secure our footing in the State, than by duly administering the law, and anxiously watching over its amendment.

Order of the day *discharged* for the Second Reading of the County Courts Further Extension Bill.

LORD BROUGHAM then *presented* the Arbitration Law Amendment Bill, and moved that it be now read a First Time.

The LORD CHANCELLOR said, that the subject of the Bill which his noble and learned Friend had just moved should be read a first time, was one entirely worthy of the attention of the House. It must be apparent to all who had given the matter a moment's consideration, that at present private Bills before Parliament stood in a most anomalous position, partaking as they did partly of a judicial and partly of a legislative character; and the question being in this respect, amongst others, of much importance, he trusted a measure might be completed that would be satisfactory alike to their Lordships and to the parties concerned. With regard to his noble and learned Friend's Bill on the Jurisdiction of the County Courts, as that measure had been withdrawn, it was unnecessary that he should occupy their Lordships' time by comments upon it. It was, however, a subject which was worthy their Lordships' careful attention, and he admitted that there were great variations in the practice of the various County Courts; and he might add, that in deference to the opinion of his noble and learned Friend, he had determined on issuing a Commission to inquire into the state of those Courts, with the view of ascertaining if they had properly discharged their duties, and what improvements could be introduced in the practice of these Courts, and also whether any and what additional duties might be imposed upon them. With regard to the transfer to them of an equitable jurisdiction—supposing the Judges of the County Courts were able to undertake such duties—he very much doubted whether it would be so well or cheaply performed as by the Courts which now exercised that jurisdiction. His noble and learned Friend proposed to transfer to the County Court Judges functions which were at present usually exercised by Masters in Chancery; but he (the Lord Chancellor) thought this would be only to establish Masters in Chancery under another name. He could assure his noble and learned Friend, however, that the subject of County Courts should receive his most anxious consideration. His own conviction with respect to those institutions was that they had been of incalculable benefit to the country; and he only hoped, that in throwing upon the Judges of the County Courts other duties than those for which they were immediately constituted, their efficiency would not be impaired in those points upon which they had proved themselves so competent and useful. The subject of fees paid in the County Courts should also form matter for immediate inquiry, and without saying that they ought all to be taken off, he thought that according to the present system they were imposed in a manner to cause the greatest instead of the least quantity of annoyance, because they were almost all, in the first instance, imposed upon the plaintiff, who had to recover them afterwards from the defendant. It would be satisfactory to his noble and learned Friend to know that his learned and excellent friend Mr. Justice Erle had consented to be a member of the intended Commission; that the Master of the Rolls had consented to be at the head of it; and that he (the Lord Chancellor) had great hopes that his hon. friend Mr. Fitzroy, the Under Secretary of State for the Home Department, would also consent to be placed upon it. Of course it was impossible for that gentleman to devote much time to the subject; still his name would afford a security that the question would be honestly and fairly looked into. Several County Court Judges would also be upon it, and he thought one other Common Law Judge, in addition to Mr. Justice Erle. He thought that such a Commission, conducting their inquiries fairly and honestly, and with no bias for or against the County Courts, but with a determination to report to Parliament and the public what the actual state of these Courts was—how far they had adequately discharged their duties — to what extent they could be improved, and whether any and what other functions could be usefully exercised by them—he thought the appointment of such a Commission would be of incalculable benefit, and that Parliament would then be in a position to legislate with much more daylight upon the subject than it possessed now, and be better able to judge how far any of the Bills of his noble and learned Friend might, with advantage, be passed into a law.

LORD BROUGHAM thanked the Lord Chancellor for his fair and candid statement, and took occasion to remind him that there were already many Bills passed into law respecting these Courts—that four several statutes were devoted to County Courts and nothing else—that eleven statutes incidentally dealt with those Courts—and that there were three Bills then pending before Parliament in which they were also dealt with.

Bill read 1ª.

SUCCESSION DUTY BILL.

Order of the Day for the Third Reading read.

The EARL of ABERDEEN *moved*, that the Bill be now read 3ª.

The EARL of CLANCARTY: My Lords, before this Bill passes, I wish to say a few words upon it. The objection I entertain to the Bill being to the new principle it proposes of taxing successions to land, I must express my disappointment at the precipitation with which it was hurried to a second reading, rendering it all but impossible for me or for any other noble Lord who happened to be in Ireland, or at any considerable distance from London, to receive notice in time to have been present at that stage in the consideration of the measure when its principle was properly the subject of discussion. Only three days having elapsed after the Bill was brought up from the House of Commons before it was read a second time, I was debarred from the opportunity of recording my vote upon that occasion, and was only enabled to join your Lordships when the Bill being in Committee, its details and not its principle had to be considered. The vote that was come to on Monday last upon the clause that was chiefly under discussion, was no testimony to the general merits of the Bill; nor would the Amendment that was proposed upon it have affected its principle. I confess that I had very considerable doubts on which side to give my vote, and was determined in favour of the Amendment less by the arguments used on this side of the House, than by the argument put forward by Her Majesty's Ministers in support of the Bill—namely, that it was proposed as a substitute for the income tax. Viewed in that light, the Amendment proposed by the noble Earl on this side of the House was calculated to adapt the Bill to its professed object, for by doing away with its retrospective action, it would have come gradually into full operation as the income tax died off; whereas, as the Bill now stands, the tax is likely to be at first very productive, but to become hereafter less so, as all future settlements and other dispositions of property will undoubtedly be made with a view as much as possible to avoid it. My chief objection to the Bill is, that it practically ignores the fundamental principle upon which territorial property is justified and upheld by the laws of the country—namely, that it "has its duties as well as its rights," that it is held and administered, as it were, in trust for the community. The proprietor of land has duties to perform involving the expenditure of money, not alone in the payment of land tax, poor-rates, tithes, and other local assessments, but in the management, cultivation, and improvement of the soil, the support of hospitals, schools, and other institutions for the advantage of the district in which he lives, which do not devolve upon the inheritor of property in money or moveables. So strongly was the Legislature impressed with this, that the Encumbered Estates Courts was not long since established in Ireland for the express purpose of promoting the sale of such properties as were so much encumbered as to leave the owners without adequate means for fulfilling the duties that were expected from them. By this Bill there will be a creation of encumbered estates, and just at the very time when most a proprietor will need the means of turning his land to account—namely, on first coming into possession, he will, especially if he should happen to have succeeded as a distant relation, have to pay, in addition to all other necessary outgoings, before he can possibly make one farthing or receive one farthing of rent, considerably more than half the estimated annual value of his succession, and to repeat the same payment annually for four successive years. To meet this accumulation of calls upon him, he must necessarily raise money upon a mortgage, and that, perhaps, under the most disadvantageous circumstances, so that by the mere operation of this Act his estate may be at once brought into that state which the law at present regards as the condition for a forced sale—namely, its being encumbered to the amount of half its annual value. As such cases will be frequent, there will be of necessity very frequent sales of land, and a constantly recurring change of proprietors, severing that union between old families and those who have derived under them as tenants, that has so long exercised a most beneficial influence upon the social condition of the people of England; and, looking at the school in which this Bill has originated, I cannot but regard it as designed to be subversive of the influence and usefulness of the class of landlords generally. And what is to compensate for all this? Why, the repeal of the soap duty and of the duty upon advertisements. Now, does any noble Lord think that there will be any more soap used in consequence of the duty being taken off? I do not believe there is a nation in the world where there is more soap used than in England, which would certainly not have been the case if the tax had been felt to be oppressive. The repeal of the duty, be assured, will neither lessen the growing number of hairy chins in the metropolis, nor sensibly cheapen your Lordships' washing bills. And as to taking off the advertisement duty, the practice of advertising certainly requires no encouragement; its very excess defeats in a great measure the interests of advertisers, and has become a positive nuisance to the public; so much so that if one takes up a periodical or desires to consult the pages of *Bradshaw*, one is lost in a labyrinth of advertisements about trunks, hats, surgical instruments, hosiery, &c. Now, my Lords, was it worth while for the sake of removing duties such as these, to introduce a measure so oppressive, so inquisitorial, and in its tendency so revolutionary, as that now before you? I can well understand, that, with the determined purpose of carrying it through this House, Her Majesty's Government should have opposed any previous inquiry into its probable operation. It was only by keeping consequences carefully out of their sight that the friends of the Government could have been induced to rally as they have to its support. Among the consequences, however, of having so proceeded, it is much to be deplored that the public will cease to regard the deliberations of this House as affording any guarantee, for the future, for wisdom and foresight in legislation. The tax to be imposed by this Bill is entirely new, and though but few of your Lordships may ever have to pay it, it most seriously affects the interests and position of that order which your Lordships especially represent—namely, the proprietors of land. It was due, therefore, to your Lordships and to the public, that it should have been submitted for the consideration of the House at a period of the Session when it might, if needful, have been rejected or modified, without the inconveniences that would attend such a step when the Parliamentary Session is at its close. Had the Government felt that the measure was one that merited your Lordships' acceptance, this would have been done, and inquiry would not have been avoided. The course taken, however, has been to coerce your adoption of the Bill, good or bad. First, you are not make any inquiry into its probable operation; secondly, the taxes for which it is to be a substitute are one after the other repealed; thirdly, the Bill is sent up at so late a period that its non-adoption would be tantamount to a stopping of the supplies for the public service; and, lastly, when it does come before the House, it is by the aid of votes rather than of argument that it is sought to carry it through. Notwithstanding the peculiar importance of our diplomatic relations at the present crisis of affairs upon the Continent, our embassies are ransacked for votes, and our relations with France and Belgium confided at such a crisis to mere *Chargés d'Affaires*, that the Ambassadors to the Courts of Paris and Brussels may be here present to aid in carrying a tax upon successions. My noble Friend, too, the Lord Lieutenant of Ireland is, at a few hours' notice, hurried over, and Ireland left without a governor, for he was called away before Lords Justices could be sworn to act in his absence, in order that he might assist by his vote in outnumbering those independent Peers who, the Government very naturally expected, would have mustered strong in opposition to the measure. I am bound to admit, my Lords, and the Government must have seen with surprise, that the opposition has been very feeble, and the array of their supporters was such as to warrant the belief that the measure is not viewed with any general disapprobation. Moreover, upon the only division that has been taken, the Government can boast of having had the exclusive support of the Lords Spiritual. Notwithstanding such high authority upon a financial measure, I must say "Not Content" to it. I do not regret that as it will now certainly pass, it should do so with the seeming approval of a considerable majority; but I must, before I sit down, protest against both the time and manner in which it has been brought forward, and the steps taken to enforce it upon your Lordships' acceptance, as calculated to affect the privileges of this House, and to compromise its future usefulness as a branch of the Legislature.

On Question, *Resolved* in the *Affirmative*.

Bill read 3^a accordingly.

LORD ST. LEONARDS said, that before the passing of the Bill, he wished to state his objections in the shape of

Amendments, not with any intention of dividing the House, but for the purpose of putting upon the Journals of the House what his objections were, to enable the country hereafter to judge between the Bill as it passed, and the objections that were made to it on that side of the House. He could not but think that the object of the Motion made the other night by his noble Friend not now present (the Earl of Derby) had been misunderstood. He was sure it was misunderstood if the House thought it was the object of his noble Friend, by a side-wind, to get rid of the Bill. He had no such intention—though he believed that many noble Lords who had voted with the Government had done so in the belief that if the Amendment were carried, it would have the effect of destroying the Bill. He (Lord St. Leonards) did not think it would have that effect, or that it was so intended. He begged to state, without any preface, the Amendments he now proposed to submit to their Lordships. He should not put his noble Friend on the woolsack to the trouble of putting the question on each of the Amendments, separately—he should be quite content if the questions were put as to all of them at the same time. In the preamble of the Bill he proposed to leave out the word "permanent," and to insert instead thereof the word "an," thus taking from the Bill the declaration that it was to be a permanent measure. In Section 2, defining what dispositions and devolutions of property shall confer succession, he would propose a proviso which was intended to be a guard against its being retrospective. The principle of the Bill was, that property was to pay, and their objection was, that, according to the Bill as it stood, a man would have to pay for property that he would never receive. He proposed to add the following proviso:—

> "Provided always, that no person who shall have *bonâ fide* advanced money on the security of any reversionary interest on property before the 19th day of May last, or who before that day shall have *bonâ fide* purchased any reversionary interest in property, shall be chargeable with any succession duty under this Act, in respect of his security or purchase. Provided also, that no person who, before the said 19th day of May last, shall have *bonâ fide* encumbered or sold his reversionary property, shall be chargeable for succession duty beyond the value of his remaining interest in such property."

The addition of this proviso would not in any manner impair the general operation of the Act, but would operate only not to charge any man with succession duty who, before the statute was in contemplation, had disposed of or charged, as he had a right by law to do, his succession; much less to charge any man who had advanced money on the security of a reversion, or who had bought a reversion. By the operation of this proviso, a man who had lent money on, or one who had bought a reversion twenty years ago, would not now have to pay ten per cent, in consequence of the passing of an *ex post facto* law. The next Amendment was in the same page. Their Lordships would recollect that the noble Earl (the Earl of Derby) had pointed out to their Lordships the hardship that would accrue under this particular section, which enacted that joint tenants taking by survivorship should be deemed successors. Where persons are joint tenants, if the joint tenancy be not severed, the right of accruer takes place on the death of each; and his noble Friend, to show the difficulty that would arise, had stated what would occur in the case of a father who gave to his three daughters an estate for their joint lives. A man might give to his three daughters an estate in joint tenancy, and they might agree to live together, and not sever the joint tenancy. They paid the duty as for the father on their succession; but when one sister died the other would have to pay as a sister, and not as a child, which seemed to him to be a great hardship, and this would be increased upon the death of the second sister, when the survivor would succeed to half. He proposed to insert the following words:—

> "But where any such title shall be created by the lineal ancestor of such persons, the succession or new succession by survivorship shall be deemed to accrue to the survivor under such lineal ancestor."

The effect of this Amendment would be that the survivor in such a case would have to pay as a child and not as a sister, because the right of accruer was included in the original gift from the father to his children. The next Amendment was an addition to Section 4. The section provided that where a man has a general power of appointment, and exercises it, he shall be himself deemed to be liable, and shall be considered as the successor. Let them take the case of a man who was tenant for life, with power at his death of appointing the property generally to whom he pleased; and suppose him to exercise that power, and appoint the property to some stranger, and he was then made responsible as if he had himself taken the succession. It was said to be borrowed from the Legacy Duty Act; but it had no bearing upon this question, and what he proposed was to add these words :—" That where such person shall have been already charged with duty on succession as tenant for life of the same property, no further duty shall be payable by him." The next Amendment was in Section 9. The section directed that the duty should be under the control of the Inland Revenue Commissioners, and that they should have the same powers that were given to them by the Legacy Duty Act, and then went on to enact, " and shall have all other powers and authorities requisite for carrying this Act into execution." He believed that no man had ever seen a provision of that kind before. They might say that the Commissioners should have all the powers that were given by particular Acts; but no Act of Parliament ever said before that certain Commissioners " shall have all other powers and authorities requisite for carrying the Act into execution." No person could possibly tell what " all other powers" were; and he proposed to leave out these words, " and shall have all other powers and authorities requisite for carrying the Act into execution." The next Amendment had reference to the end of Section 10, which declared what the rate of duty should be. In the Legacy Duties Acts there was an express proviso that no duty should be chargeable upon gifts passing from husband to wife, or from wife to husband, to or for the benefit of the husband or wife, or for the benefit of the Royal Family; but the framers of this Act had for the first time abandoned that proviso, which was in every Legacy Duty Act since the year 1797; and he proposed to restore it at the end of this section, and to apply it to this Bill. To effect that object, he would move the insertion of the following words :—

> " Provided always, that nothing herein contained shall extend to charge with any duty any succession to property which shall be given or provided to or for the benefit of the husband or wife of the predecessor, or to or for the benefit of the Royal Family."

At the end of the same section there was something that wanted a little explanation. He was represented out of doors to have made a statement on the subject which he never did make, and which he never intended to make. It was said that he had stated it to be a hardship that where a stranger, a tenant for life, paid a higher duty than the first duty, that duty should continue to be payable on all future successions. He never said any such thing; the case he had put was this: that where a man was a stranger, and property was given to him for life, upon which he paid 10 per cent as a stranger, and the same property passed by the settlement to his children, they ought to pay only as his children—namely, 1 per cent, just as if he were their predecessor. When once the property was charged with 10 per cent, he objected that it should be subject, when it went to the children, to successive charges of 10 per cent. Such charges would break the heart of a man; and he proposed to remedy the mischief by the introduction of the following words at the end of the section :—

> " That where a person is tenant for life, with a gift over to his children or issue, or any of them, and he shall be chargeable with a duty exceeding 1 per cent, his children or issue entitled after him shall be chargeable only with the duty of 1 per cent just as if he were the predecessor within the meaning of this Act."

He believed that would not at all interfere with the working of this Bill. There was another addition he proposed to make to that same Section 10 of this nature. He would put the case to their Lordships of a man who had made a settlement on his daughter's marriage of 10,000*l.*, in the common way, on the intended husband for life, then to his daughter for life, and then to their children. That man must, if the husband should die in his lifetime, see his daughter made liable to pay duty on that property of which he had denuded himself in favour of his child. He was told that the Chancellor of the Exchequer said he was wrong on this subject, and that the Bill would operate the other way; but he (Lord St. Leonards) must say that he had made no statement on this Bill without great consideration, and he hoped he was not speaking with too much pertinacity or self-esteem when he said that he differed from the right hon. Gentleman. He would explain to their Lordships how this stood. By the Legacy Duty Act it was provided that nothing therein contained should extend to charge with duty any legacy which should be given or pass to, or for the benefit of, the husband or wife of the deceased. Now, what was the case under this Bill? In the first place, they would find in Section 2 "predecessor" described as the testator, obligor, ancestor, or other person from whom the interest of the successor is or shall be derived; then if they turned to Section 18, the section on which that case turned, they would see that no duty shall be payable by any persons in respect of a succession, where, if the same were a legacy given to them by a predecessor, they would be exempted from payment of duty in respect thereof under the Legacy Duty Act. Now, in the case he was putting of a settlement by a father, on a daughter's marriage, on the husband for life, and the wife for life, who was the predecessor? The father, beyond all question, no doubt. Who took the succession? The daughter. Would a legacy from the father to the daughter be liable to duty or not? Their Lordships knew it would. That case did not fall within the exception; and if he (Lord St. Leonards) were right, the Chancellor of the Exchequer had taken an erroneous view of his own Bill. On the other hand, if he were mistaken, it was very easy to show it. The way in which he proposed to remedy this error was to introduce at the end of the section these words:—

> "That where a settlement shall be made by a parent or relative on the marriage of a child or relation, no succession duty shall be payable on account of the death of any person entitled under the settlement who shall die in the lifetime of the settlor."

In Section 11 he proposed an Amendment at page 5, on a point which it was perfectly clear required amendment. This section proposed to put brothers-in-law and sisters-in-law on the same footing as brothers and sisters. A brother-in-law was not to pay more than his wife, the sister of the testator, would have to pay; but that was proposed to be carried out in a way that would render it ineffective, because in ninety-nine cases out of a hundred the brother-in-law or sister-in-law was not related in consanguinity to the predecessor, and the consequence was, that the proposed exception would not embrace ninety-nine cases out of a hundred of the cases which it was intended to embrace. He proposed to remedy the error by the addition of the words "or in case he or she shall not have been related in consanguinity to the predecessor, testator, or deceased person." In Section 14, he proposed to omit at the end of the clause these words, "but such duty shall be at the highest rate, which if every successor had been subject to the duty, would have been payable by any one of them." They were putting a new tax upon all the property of England, but they had not modified it to meet the exigencies of the case. Under the Bill as it stood, a man might find that he had paid too much, and it was much more easy to pay a tax than to get it returned. There were a great many clauses in this Bill, by which payments were compelled to be made, and the money was promised to be returned; but whatever Her Majesty's servants might promise in that House, he thought there might be a desire to follow the example of Her Majesty's servants in other places, who put at the bottom of their bills "No money returned." The next Amendment had reference to the case of a continuing interest, as he apprehended that there were cases of that kind where the children would be compelled to pay against the real intentions of the framers of the Bill. On this point he proposed to introduce the following words:—

> "Except in the case of a successor who shall have been competent to dispose by will of a continuing interest in such property, in which case the instalments unpaid at his death shall be a continuing charge on such interest in exoneration of his other property, and shall be payable by the owner for the time being in default of such interest."

He thought the Amendment suggested by the noble Earl on that side the House with respect to timber ought to be adopted; and he therefore proposed to omit altogether Section 23, which had reference to timber. It was property which did not renew itself, like land; the land lasted, but timber did not; once cut, there was an end of it. It had hitherto been their object to encourage planting, but the effect of this clause was to discourage planting. The next Amendment he would propose was in the clause stating what persons were accountable for duty. He would move, in Clause 44, the omission of the following words:—

> "And all such trustees, guardians, committees, tutors, curators, husbands, and persons shall be authorised to compound, or pay in advance, or commute any duty, and retain out of the property subject to any such duty the amount thereof, or to raise such amount and the expenses incident thereto at interest on the security of such property, with power to give effectual discharges for the same, and such security shall have priority over any charge or incumbrance created by the successor."

A more dangerous power could not be given to trustees, and, besides, the clause would bear very hardly on them. In Clause 49, providing that every person accounting should be liable to verify his account by the production of books and documents, he would propose to add these words at the end, "except title deeds relating to land." The clause in this respect introduced a principle unknown to, and indeed quite at variance with, the principles of our law with regard to title. Nothing could be more dangerous than to give such opportunities as were conferred by this clause for the ransacking of title deeds. Nothing could more tend to litigation, or to the insecurity of property, than to allow persons who might wish to claim property to have an opportunity of inspecting the deeds of the present holders. He recollected that when on one occasion a landowner, who had been summoned as a witness in a cause, appeared in answer to a subpœna *duces tecum* with his title deeds in a box, the late Lord Kenyon, who was trying the cause, asked him what he had got with him; and on being informed, he said, "Then, Sir, I advise you to sit down on the box, and let no one open it till you get home again." On Clause 52, providing for protection to *bonâ fide* purchasers, he moved the omission of words providing that no purchaser should be subject to the duty on property not appearing to confer a succession by reason of any extrinsic circumstance "of which he shall not have had notice at the time of such purchase." The next Amendment he would propose was in the 54th Clause, providing that the Act should be taken to commence on the 19th of May, 1853; he proposed to amend it by adding—"And shall thenceforth continue until the 19th of May, 1858, and no longer." It was impossible that both this tax and the income tax should continue during a time of peace; and by fixing the termination of this tax at the time he had named, Parliament would have an opportunity, after its operation had been well tested, of deciding whether they would continue this tax or the income tax. He had but one more Amendment to move, and that was in the schedule of charges at the end of the Bill, where he found these words:—"And where the annuity shall be given for a longer term than ninety-five years, or in perpetuity, the same shall be valued as an annuity for ninety-five years only." He proposed to leave out these words, the meaning of which had not been explained, but which appeared to him to be inconsistent with the Bill. Before he resumed his seat, he wished to say a few words on the subject of trustees. There were, in his opinion, in this Bill clauses exposing trustees to such liabilities and penalties, that it was his deliberate opinion no wise or prudent man would accept a trust after it passed. Any man who did, became a Crown debtor of the property for which he was concerned, was chargeable to this duty, and was bound to give notice of every payment of money that he made in virtue of his office of trustee. It should be observed, too, that by this Act persons discharging an implied, were equally bound as those discharging an expressed, trust. This, he thought, would be a source of great hardship. These were the Amendments which he intended to have proposed in Committee; but when he saw the spirit in which the Motion of his noble Friend (the Earl of Derby) was met by noble Lords opposite, and the majority by which it was negatived, he thought it right to withdraw from any further discussion at that stage; and he now only brought them forward that it might be clearly seen what were the grounds on which he and those who acted with him opposed the Bill, and what Amendments they desired to introduce into it. His Lordship concluded by moving the adoption of his Amendments.

Lord BEAUMONT said, that of the proposed Amendments of the noble and learned Lord, he cordially approved of one—that which made a person in beneficial possession of the property previous to any succession—the predecessor. The Bill as it stood made the settlor of the property the predecessor, which it semed to him was inconsistent with the principle and scope of the Bill, and was in fact the only ground which existed for characterising it as a measure having a retrospective action. It was said in defence of this provision the other night, that it was the same as that applied by the present law to the case of personalty. But that was not the case, because if a person now left property, with a life interest to A, and remainder to B, the latter would not pay any legacy duty at all—

The LORD CHANCELLOR intimated that on this point the provisions of the new law were precisely the same as the old one.

Lord BEAUMONT: The only excuse he could find for this clause was, that it cut two ways, because in the case of two or more brothers succeeding in turn to an estate left by their father, the second and subsequent brothers taking the property would only have to pay the low duty attaching to the succession of a son to a father, instead of the higher one imposed upon the succession of a brother to a brother. Still he could not help thinking that this clause was contrary to the principle of the Bill; and it introduced a retrospective action which had much better have been avoided; and that it would have been much better to have taxed a succession according to the relationship of the successor to the party immediately before in beneficial possession of the property, instead of the relationship of the successor to the person by whom it was originally settled. This would have had the further advantage of avoiding the necessity of looking into the title deeds of estates—a step which would, no doubt, be attended with delay and inconvenience, although he certainly did not feel the alarm upon this point which had been expressed by the noble and learned Lord (Lord St. Leonards). There were other objections raised to this Bill, which, however, did not seem to him of a more serious character than must be incidental to any measure of this kind, and were certainly not of sufficient importance to warrant his dwelling upon them at that stage. He did not at all object to seeing real property and settled personalty taxed in the same manner as non-settled personalty was at present. On the contrary, he rejoiced at the removal of the existing anomaly. He must own, however, that he should have preferred a much more sweeping measure than the present. It would have been better to have repealed the existing legacy duty; and then, if there was to be a tax on successions, instead of the present complicated system of charging duty according to the consanguinity of the successor, to make every successor pay alike—a uniform tax of from 2 to 3 per cent upon all property from whoever derived: this would be far preferable to the graduated scale by which the duty was regulated under the law now in operation, and by the Bill now before the House. He believed that the high duty of 10 per cent on land derived from a stranger would be found to bear hardly upon a person coming into possession of property, very often from the very circumstance of its descending to a stranger in bad condition, and that it would tend to be injurious to that good cultivation of the soil which it was so important an object of public policy to promote. It could not be supposed that a person inheriting an estate from a distant relative would have more ready money to spare at the time of his succession, than if he had simply succeeded to his father.

Lord BERNERS was understood to oppose the Bill on the ground that it proposed to add most unfairly to the existing heavy burdens on land, and was totally opposed to the principle of equality in the taxation of property. Taking the figures of the Government, this tax would produce more than 4,000,000*l.* He would ask their Lordships to consider what the land already paid. The tax on stamps, on deeds, and other instruments affecting the land, now amounted to over 2,000,000*l.*; when the legacy duty was imposed by Mr. Pitt, the land tax amounted to 2,037,000*l.*, of which 1,136,000*l.* were still unredeemed; then there was 6,000,000*l.* poor-rates; composition and value of statute labour 40,800*l.*, highway rates 1,900,000*l.*, which, with some smaller burdens, made 10,310,000*l.* of taxation thrown exclusively upon the land. This was exclusive of the county rate, of rates for lighting, watching, drainage, and enclosure, and other local burdens attaching to the land, which at the lowest computation amounted to 9,000,000*l.*: in all 15 per cent on its value. Indeed, of the last three Chancellors of the Exchequer, two had stated the local burdens, one at 12,000,000*l.*, another at between 12,000,000*l.* and 13,000,000*l.*, and the third at rather more than that amount. When such an amount of burdens were imposed upon the land, he must protest against the imposition of this new tax, and must express his dissent from the statement of one of Her Majesty's Ministers (the Duke of Argyll), that the injustice of the burdens on the land had been considered, and their inequality was redressed by this Bill. Such a statement, if it went forth to the country without being contradicted, was calculated to have a most injurious effect.

Earl GRANVILLE apprehended that the burdens on land being so large a question, and one which had been so frequently discussed in that House, it would be hardly necessary for him to go into it on the present occasion. The remarks to which the noble Lord had alluded in the close of his speech, as having been made by the noble Duke near him (the Duke of Argyll), were not intended so much to claim any particular credit for the Government, as to answer an assumption made in the course of the debate, on the opposite side, that this Bill went to impose upon land an equal duty to that already imposed upon personal property. The noble Duke's answer went to show that the duty so imposed upon realty would only be 50 per cent of the duty imposed upon personal property. With regard to what had fallen from the noble Lord behind (Lord Beaumont), he was afraid that his proposal to equalise the degrees of consanguinity, and to make all successors pay alike a duty of 2 or 3 per cent, though it might bring the same sum of money into the revenue, would not be very favourable to the landed interest, for it had been shown pretty clearly that at least two-thirds of the landed estates of the country descended from father to son, and would, under the Bill, only pay the 1 per cent duty. Of course, therefore, if the duty were equalised, that would be doubled or trebled, and such a proposition would be no gain to the landed interest. The noble Lord had also expressed his opinion that the provision making the person inheriting pay according to his relationship to the original settlor of the property, was hard in its effects and contrary to the principle of the Bill; but, in considering which of the two principles to adopt—whether the successor should pay according to his relationship to his predecessor, or to the original settlor of the property—Her Majesty's Government had come to the conclusion that the latter was by far the most favourable to the landed interest; and that had been the answer of the Government to a great many objections made to them. For instance, in the case of four brothers succeeding each other rapidly to property settled on them by their father, the last three successors, instead of paying the 3 per cent paid by brothers, would only pay 1 per cent as succeeding to their father. In order to be consistent, it was necessary to deal with both cases on the same principle, and that which had been adopted would, as he had shown, be far more profitable for the landed interest than the other.

The EARL of WICKLOW said, if the noble and learned Lord (Lord St. Leonards) had remained in his place, he should have taken the liberty to reply to the complaint which that noble and learned Lord had made, of his not having had a fair opportunity of proposing his Amendments in Committee, by observing that the fault was that of the noble and learned Lord himself, and of the noble Earl under whom he acted, in having given notice of such Amendments as evidently showed that their object was not to amend the Bill, but to destroy it altogether. One of these Amendments would have had the effect of cutting off the head of the Bill, and another of them of cutting off its tail. It was quite evident that the adoption of those Amendments would have made the Bill so ridiculous that no Minister would have thought it worth his while to adopt it. The noble and learned Lord, therefore, ought not to be surprised at the tone of the House when those Amendments were alluded to. There could be no doubt that the object was insidiously to defeat the Bill, and their Lordships would naturally reject any Amendment made in such a spirit. Had the noble and learned Lord sincerely intended to improve the Bill, and render it more useful, he had no doubt fair and proper attention would have been given to any suggestion the noble and learned Lord might have made with that view.

The MARQUESS of SALISBURY observed, that the noble Earl had spoken in a manner peculiar to himself. He had taken very good care not to expose himself to the severe reply of his noble and learned Friend (Lord St. Leonards) who had left the House, and who had distinctly stated to their Lordships, when the Amendment was first introduced to their notice, that it was not intended to defeat the Bill. It was not usual in that House for any noble Lord to contradict what another noble Lord had distinctly stated to be his intention; but that on this occasion the noble Earl had thought fit to do. He begged to state, on the part of his noble and learned Friend, and on his own part, that there was no such intention as that which the noble Earl had imputed to them. His belief was that in every clause of the Bill there would be found such severity and oppression that it was not likely the country would very long submit to it. He had had no wish to speak on this occasion, for he thought it an inconvenient course to continue a discussion on a measure which it was not intended to oppose; but he could not help noticing what he considered a most unfounded and unjust aspersion, cast by the noble Earl upon his noble and learned Friend.

Amendments *negatived.* Then it was *moved,* That the Bill do pass; objected to; and on Question, *Resolved* in the *Affirmative;* Bill *passed.*

NATIONAL EDUCATION (IRELAND).

The EARL of CLANCARTY: My Lords, I regret to have to call your Lordships' attention, and that of Her Majesty's Government, to the undue delay, I fear I must call it the very gross neglect, there has been about furnishing your Lordships with the information respecting the operation of the National School system in Ireland, for which you agreed to an address to the Crown so long ago as the 7th of last March. The circumstances under which the information was called for, and readily promised on the part of the Government, were such as to have rendered it peculiarly incumbent upon the officials of the National Board to have used every exertion, to have afforded it with the utmost promptitude, unless they were sensible, as I believe they certainly were, that the returns called for would have convicted them of having put forward in their last annual report a statement of the successful working of the system of National education, altogether at variance with the true facts of the case. When I moved the House to call for those returns, I did so for the purpose of enabling your Lordships to judge, on the evidence of official documents, of the correctness of the statements and opinions I had expressed condemnatory of the system. With the last report of the Commissioners in my hands, I showed your Lordships that the number of children they had reported as actually under education in their schools was a gross exaggeration; that their schools were not in fact attended by nearly half as many as they reported; and that of the number really under instruction little more than one-tenth were kept at school after eleven years of age; so that the instruction given could be of any permanent advantage to but very few. For proof of this I had no need no need to call for any evidence, for it was already supplied by the returns of the Board's own inspectors, which were given in the appendix; but having no official documents to produce in support of what I further stated, I called for that information from the office of the Commissioners, which they are so reluctant to furnish, that would have established in the minds of your Lordships the opinion I had expressed of the total failure of the system of education. I expressed my belief from facts within my own knowledge, that there was little, if any, united education of the poor; that is to say, very little union of Protestant and Roman Catholic children in the same school-room, which it was the great object of the system to effect, even at the cost, to the character of a Christian people, of prohibiting the use of the Bible. The Commissioners were at the time in possession of returns upon this subject, which had been called for by the late Lord Lieutenant of Ireland, but which they suppressed from their report, and have since withheld from your Lordships, although they have been expressly called for. I further stated to your Lordships that such religious instruction as it was intended the children should receive in common, was not given them, namely, the reading of certain scripture extracts, and a volume of sacred poetry. This has been confirmed by the testimony of the noble Earl by whom the National Board was twenty-two years ago established. If the Commissioners are not aware, as they ought to be, in what schools these extracts and sacred poetry, at first obligatory, but afterwards only particularly recommended by them, are used, a short circular to the school patrons would have enabled them to have supplied your Lordships with the returns you called for. I further showed that the National education system had not received that aid of local subscription, by which its popularity and acceptance with the country was to have been tested. The Commissioners must have, in the archives of their office, records of the local aids and subscriptions annually contributed in support of their schools, otherwise they could not determine what amount it was necessary for them to contribute from the public grant. There is, however, the same withholding of information from your Lordships upon this point as upon every other that you have sought to be informed upon. The returns which were called for, would, I believe, have fully established the statements I submitted to your Lordships on the 7th of last March; if not, they would have been so far a vindication of the Commissioners, and of the system of education confided to their management, from the charges I made against them. On this account it might have been expected that diligence would have been used in getting the returns at once prepared; but, instead of that, nearly five months have elapsed without any return whatever having been made to your Lordships' address. I am unwilling to say that this delay has arisen from any wilful disrespect to this House, or from any deliberate purpose of evading a compliance with its orders; but the case calls, at least, for explanation on the part of Her Majesty's Government. Along with the representation I have felt it my duty to make to your Lordships about the returns that have been withheld, I must express my astonishment that the noble Earl at the head of Her Majesty's Government should—notwithstanding the fact universally admitted that the National system of education has failed of accomplishing the ends for which it was professedly instituted—notwithstanding the unhappily debased condition of the poor population of Ireland in intellectual and moral attainments—should have lately expressed it as his deliberate opinion that the National system of education was the greatest blessing ever conferred upon Ireland. My Lords, what are the proofs of it? In what can it be said to have proved a blessing to the Irish people? Is it a blessing to Ireland that her peasantry are the most illiterate of any to be found in the Queen's dominions? Yet the education of the poor has been for the last twenty-two years carried on under this system. Has the British Government no greater blessing to bestow upon the people of Ireland than the enforcement of a Papal bull prohibiting the teaching of the Bible in the Irish National schools? If so, then God forbid that the British Government should be the dispenser of any more blessings to Ireland! In one respect, my Lords, I will admit that the National system has proved a blessing; for when its principles were announced, and the clergy of the Established Church were called upon to assist in carrying out a plan of education which restricted them from freely teaching in these schools to the children of the poor the great truths of Christianity; this outrage upon their character as ministers of the Gospel awakened them from that state of supineness with which the Church in Ireland had been till then justly reproached; and the result was, that they not only declined co-operation in the proposed plan, but, at the sacrifice of every assistance from the State, established a society for upholding scriptural education in the country, in connexion with which, as affording uniformity of action and properly regulated inspection, their own parochial schools for giving Christian education to the poor around them have been placed. The consistent stand made by the Irish clergy against the principles upon which the National system was instituted, reflects, I must say, the highest credit upon that body; and the success that has attended their efforts, in spite of many discouraging circumstances, to carry out the principle of combining religious with secular instruction for all who are willing to come to their schools, will, I trust, be appreciated by the Government in the reconsideration of the question of education in Ireland—for reconsidered it must be, now that the men of most weight and respectability upon the Board have felt it necessary to resign their seats. Of the exact cause of the disagreement among the Commissioners, I am not aware; if it is, as some say, a mere difference of opinion as to whether Whately's *Evidences of Christianity* should be read in common or not, I am, certainly, surprised that such a question should have led to such consequences. Able as the work certainly is as a medium of Christian instruction, it was not worth contending for after the highest evidence of Christianity—namely, the Bible—had been discarded; it was a "straining a gnat, and swallowing a camel." But if the difference turned, as others say, upon the question whether the objection of any child to a particular book on religious grounds should be a sufficient reason for restricting the use of that book to the hours of religious instruction, there was, I must say, ample ground for the seceding Commissioners to separate from a majority who could support so unreasonable a proposition. The result, I trust, will be, that the Government will see the necessity of reviewing the plan of education, and making such changes in it as justice and reason require, and as are necessary for the best interests of the people. I have only now, in conclusion, to request that the noble Earl will state for what reason no return has yet been made to the Addresses of this House of the 7th of March and of the 18th of April respectively, for information connected with the state of education in Ireland?

The EARL of ABERDEEN assured the noble Earl that there was not the slightest reluctance on the part of the Government to the production of the returns; it would be absurd to suppose otherwise. That the returns had been unduly delayed it was impossible to deny; but he was unable to account for the delay. The returns were very voluminous, and the persons at the disposal of the Board of Education were not numerous; this, perhaps, might be the reason why the returns had not been prepared. Nevertheless, the delay had been so great, that an inquiry should be instituted into the case. As regarded a declaration of his to which the noble Earl had adverted, he adhered to the opinion that the National system of education was the greatest blessing ever conferred on Ireland; and it was to be recollected that it originated with a noble Earl opposite (the Earl of Derby), who was a friend of the noble Earl who now found fault with it.

The **Earl** of **WICKLOW** said, he thought as the Archbishop of Dublin, Chief Baron Greene, and the late Lord Chancellor Blackburne—the three members of the Educational Board to whom the Church looked with the greatest confidence, were reported to have withdrawn from it, the Government ought to adopt means to remodel it, and reduce its management into accordance with the original constitution of the system; for every change that had taken place had been more and more at variance with it. Unquestionably it had failed to carry out the object as a combined system of education; but still, even assuming that it had been confined to the Roman Catholic portion of the population, he conceived that it had proved one of the greatest blessings the country had enjoyed. It was impossible that they could have received a more excellent education than that afforded by the Board under Government control, and that was a great national benefit.

The **Earl** of **DONOUGHMORE** said, it could not be denied that the system had failed as a system of national and united education: indeed, the original idea of a united education had practically been already abandoned, and he would recommend the Government to abandon the doctrine altogether. Surely the Government must by this time have perceived that a system of united education in Ireland was not only unsuited to the condition of the country, but was impossible of execution. The aggressive action of the Roman Catholic Church, under the influence of its foreign head, had been directed to this end with undeviating energy, and would defeat any system that any Government could establish to secure a system of united education. There was a simple and easy mode, however, of getting over the difficulty, and that was by the Government undertaking secular instruction, and that alone, leaving the patrons of schools to provide for such religious education as they thought proper; the Government grants and the system of inspection being applied only to secular instruction, and proportioned to the progress made by the pupils in different schools—that is to say, that if upon a periodical inspection it was ascertained that in any school a certain number had made a certain progress in education, the school should receive a certain amount of aid proportionate to the number of scholars; but that as to religious instruction the Government Board should have nothing to do with it. The Roman Catholics had always declared against a united system of education. A gentleman, who signed himself "Paul Cullen, Archbishop of Dublin," and apostolic delegate (in defiance of the Ecclesiastical Titles Acts and other laws of the realm), had especially insisted on this point, and declared it to be a fixed doctrine and duty of the Catholic Church that Catholic children should not be educated in conjunction with Protestant children; but that Catholic children should be educated only by Catholic teachers. It was clear, therefore, that the so-called National system was unsuited to a country so Roman Catholic as Ireland, and could not by any possibility prove successful. As to other religious bodies, the same feeling to a great extent prevailed, though not perhaps accompanied by the same amount of prejudice. The Government ought to consider the question carefully, and they would discover that there was no effective mode of educating the people except by leaving religious opinions free.

Lord REDESDALE said, he hoped it would not be supposed that there were any great number of Peers on his side of the House who were favourable to the principle of a national system of secular education uncombined with any religious instruction. If Government grants were to be confined to secular education alone, there would soon be schools without any sacred instruction at all, and he should consider such a system anything but a benefit or a boon to the country.

The **Earl** of **HARROWBY** said, he thought the English system would be best adapted to Ireland—a system under which religious instruction was amply provided for, and Roman Catholic as well as Protestant schools received Government aid. As to the idea of an united system of instruction for Roman Catholic and Protestant children, it was one of the wildest that had ever entered into the mind of man to imagine. The National system had perhaps produced some beneficial effects, but as an united system it had utterly failed; and no system could properly be continued in which the Church of Ireland was practically deprived of all share. It was unjust and unseemly that the clergy of that Church, merely because they had not approved of a system of education the Government had chosen to select, should have no assistance from the State, and be subjected to obloquy and odium for maintaining at the sacrifice of their own interests the sacred principle of scriptural education.

The **Earl** of **DONOUGHMORE** explained that he had no wish to see a secular system of education, but a system in which the State only supplied secular instruction.

REVENUE OF THE DIOCESE OF SALISBURY.

The BISHOP of SALISBURY moved for returns respecting the gross and net income of the See of Salisbury, the amount of fines for renewal of leases for lives, and other matters connected with the property of the see. He could assure their Lordships that he should occupy their attention for a very few moments, while he stated to them his reasons for moving for these returns. It was peculiarly painful to him to feel himself obliged by circumstances to intrude himself upon their Lordships' attention a second time upon a subject of almost personal concern; but he would confine his observations to a mere statement of the reasons which induced him to do so, and what were the objects which he had in view. He hoped when he had on a previous occasion stated to their Lordships that he had accepted a fixed income from the Ecclesiastical Commissioners in the place of the revenue derived from his see in the ordinary way, that he had said all that was necessary on the subject. The amount derived from his see had averaged about 6,700*l.* a year, and he had accepted from the Commissioners the sum of 5,000*l.* But it appeared that a great deal of misapprehension had gone abroad on the subject, and had been most industriously promulgated, and statements injurious in their consequences had been made. It had been stated that he, in accepting a fixed income of 5,000*l.* a year from the Commissioners, had, so far from having made any sacrifice, in reality made what was commonly called a good bargain; that he had retained the full income of his see during those years when the receipts were usually large, and had ultimately resigned that income when he became aware that those receipts would, in all probability, fall off. In moving for the returns which he asked for, it was his object to show, in a manner which could not be contested, that any such supposition as that to which he had referred, not only was not founded upon fact, but was, in point of truth, diametrically contrary to fact. Before making the proposal to accept an income of 5,000*l.* a year from the Ecclesiastical Commissioners, and transfer to them the income derived from his see, he had not spoken to any one on the subject, except to his right rev. Friend below him (the Bishop of Oxford). That right rev. Prelate had on that occasion differed from him in the views which he entertained on the subject; but he would recollect that he had been firmly convinced at that time that the revenue derived from the ordinary means would not be decreased. If there were sources of revenue which appeared to be uncertain, but which an experience of fourteen years had proved to yield a large income, and if, according to the best judgment, they were likely always to continue to yield as large an income, the person changing them for other sources would not be content to rest under the imputation that he had made the exchange at a time when those sources of revenue were diminishing in value. In the position which he had the honour of occupying, he felt that to rest under such an imputation would be not only to render himself liable to fresh attacks, but also would expose the Church to imputation. It might be said that when he entered into the arrangement with the Ecclesiastical Commissioners he had no sufficient ground for entertaining the supposition that what might be called the uncertain sources of revenue in his see would not produce a smaller amount than they had up to that time produced. He might be misinformed himself upon the subject; but what he said was liable to correction, for he had the advantage of seeing present the noble Earl who was the First Estates Commissioner (the Earl of Chichester); and also the Gentleman who sat at the table of their Lordships' House (Mr. Lefevre) had, as an unpaid Commissioner, afforded the advantage of his great experience, of his acquaintance with all matters of finance, and of a candid and impartial judgment. He had gone carefully through the details of the matter with those persons, and he trusted that he should not say anything which they would not be prepared to confirm, or, at all events, he hoped that if he fell into error, they would correct him. It would be more satisfactory than entering into details, and he hoped their Lordships would permit him to read a letter which he held in his hand from the noble Earl who was the First Estates Commissioner. That letter, which was dated "Whitehall-place, July 26, 1853," said—

"You may probably wish me to state in writing what I said to you in a recent conversation on the subject of your agreement with the Ecclesiastical Commissioners in 1851. That arrangement was at the time considered by us to be an advantageous one for the Common Fund, and consequently could scarcely be, as has been stated, a pecuniary gain to yourself. An inspection of the septennial returns and of the state of existing leases upon lives clearly shows that there was reasonable ground for expecting that the seven years, commencing with 1851, would yield an aggregate income at the least equal to that of the preceding period. Indeed, I have no hesitation in saying that you were quite justified in the expectation entertained by you in 1851, that the period then commencing would be more productive than the former one. It was with these expectations, and on the earliest opportunity which the law afforded, that you proposed to put yourself under the new Act, and to receive a fixed income of 5,000*l.* a year, and no more."

He trusted that their Lordships would deem that letter sufficient to show the falsity of the imputations which had been cast upon him; and he himself, after reading that letter, felt that it would be unnecessary to trouble their Lordships with the figures upon which such statements had been founded. He would merely generally state that the income of his see, and of the sees of his right rev. Brethren, was derived from three sources—from permanent sources or receipts, which were certain to fall in every year—from other sources, in one sense fixed, in another sense fluctuating, such as accrued and were almost certain to fall in every year, as fines upon renewal of leases for twenty-one years, renewable every seven years; and it was on account of the income derived from that source that seven years was the period fixed upon for returns to be made. The other source of revenue was considered uncertain; it was derived from the fines accruing on the renewal of leases for lives. He would assert that there was no reason to suppose that the income derived from the latter source would not, when he made his offer to the Commissioners, approach to that derived from it during the preceding period, and he would go further, and say, that there were some reasons to expect a not inconsiderable increase. In discussing this subject, he had thought it desirable to look upon the revenue derived from the renewal of fines upon leases for life now as the same as that derived in the preceding period, and only to touch upon the revenue derived from that source. It had been argued that because before making the arrangement with the Ecclesiastical Commissioners, he had derived a large income from the renewal of fines upon leases for life; that, therefore, it was not likely that any considerable sum would accrue for a long time. In moving for the returns he now pressed for, his great object was to show that such was not the case, but that the exact contrary was the fact. From a return which he held in his hand, it appeared that during the first fourteen years of his incumbency the average receipts from fines on leases for years amounted to a sum of 1,973*l.* per annum; while the annual average for the seven years preceding the arrangement in the year 1851, had been only 820*l.*; so that it appeared that at the very time when he entered into the arrangement the receipts from that source were unusually small, and the probability was that the receipts to be expected for the future would be greater; although, indeed, such matters were so uncertain that he himself expressed no opinion on the subject. He would at once state to their Lordships that it was perfectly true that it had so happened that during the first two years after he had entered into the arrangement, the receipts had been extremely small. But, although such was the case—and he was most willing to admit that it was so—he would also beg their Lordships to observe what was the state of the case in the third year. It was the case that what had at one time only been a matter of probability had since become a matter of absolute certainty; that the receipts from the fines upon renewal of leases for lives, which it had been expected would increase, had actually increased, and at the present moment there was a larger amount due from that source than had been due at any period since he first entered upon the incumbency. Besides two other small cases, there were four lives at the present moment vacant. He would not enter into detail on the subject, for he did not think that such a course would be desirable, nor had he as yet received all the reports; but he felt that he had a right to say that, speaking upon the best information he could obtain, it was estimated that at the present moment there was due on account of leases in which lives were vacant, the sum of 10,196*l.*, a sum considerably greater than the largest which had fallen due during the whole time he had held the incumbency. The effect of that would be, that if during the remaining three and a half years of the period of seven years no other leases at all were to fall vacant, the sum now due, combined with the income derived from other sources, would give an annual income of 6,236*l.*, while, if other leases should fall vacant, that income would, of course, be proportionately increased. The average of the receipts of the see during the first three years of the present septennial period, if the leases now vacant were renewed in the ordinary manner, would be not less than 5,843*l.* 19*s.* These were all the facts to which he wished to call their Lordships' attention, and which he was desirous of confirming from the returns for which he moved. He did not wish to detain their Lordships longer: he felt bound, however, before he resumed his seat, to express the gratitude he felt for the kind attention which he had received. There was another thing which he wished to state, and which he considered it due to their Lordships that he should state. It was not on account of their Lordships that he had felt bound to make the statement which he had made that evening, for he felt that they were just and honourable men, and would not be ready to believe that other persons acted from unworthy motives. They would not, he was well persuaded, lightly attribute base conduct to any one, and least of all to one placed in the situation which he had been called upon to fill. He should have felt it degrading to enter into details concerning such a subject if he had only himself personally to defend. But that was not all. Such charges brought against one in his position, were calculated, if substantiated, to bring scandal upon the Church itself. And he had felt himself constrained to adopt the course which he at present pursued, to prevent that Church suffering by any imputations which had been cast upon him.

The EARL of CHICHESTER said, that as a member of the Ecclesiastical Commission he not only had no objection to the production of these returns, but he should rejoice at their production, being persuaded that when they were laid before their Lordships, it would be clearly proved how unfounded were the insinuations to which the right rev. Prelate had referred. At the time the arrangement was entered into, he (the Earl of Chichester) was fully satisfied that it would be for the benefit not of the Bishop, but of the Board; and as the right rev. Prelate had read to their Lordships a letter which he had addressed to him, he would only add to the statement contained in that letter, that, from a closer examination of the state of the existing leases, he had every reason to feel convinced that the right rev. Prelate, at the time of his entering into the arrangement with the Commissioners, must have anticipated that a larger income would be derived from that source during the succeeding septennial period, than had accrued in the preceding. He would only repeat his conviction that the returns moved for would entirely prove that such was the case.

The LORD CHANCELLOR said, he felt it his duty to declare, in justice to the right rev. Prelate, that the law on the subject had been very much misunderstood and misrepresented. There was a great misconception as to the state of the law regarding the arrangements between the Bishops of the various sees and the Ecclesiastical Commissioners. In the year 1835, or 1836, when he held the office of Solicitor General, a proposition was made with the view of making an approach towards an equalisation of the resources of the different sees. The Ecclesiastical Commission took the subject into its consideration. Two modes of proceeding were suggested for carrying that object into effect. One was the fixing, first of all, what ought to be about the nominal income of each see. It was proposed that the revenues should be received by the Ecclesiastical Commissioners, and paid by way of salary to the Bishops. The Commissioners were to look back to see what had been the average income for seven or fourteen years, and the see was to be accepted under an obligation to pay to the Commissioners such a sum as they should fix upon at the time of his coming into it, as that which would probably leave him in possession of the right amount. For instance, supposing it to have been ascertained that the right amount for the see of Salisbury was 5,000*l.* a year, and that for the preceding seven years the average income had been 6,000*l.* a year, then the Bishop was to pay 1,000*l.* a year. That arrangement was to operate during the whole incumbency; and, whether it was beneficial or not to the Bishop, there was no power of making any alteration. He recollected entertaining a strong opinion when the matter was first discussed in the House of Commons that the system was being based on a wrong foundation, and that it would be much better if an annual sum were paid. This conviction was strengthened by the fact which he discovered that the income of the see of Ely was, by the payment of 5,000*l.* a year, reduced for the first and second years almost to nothing. In that case, when the Bishop remonstrated, the answer of the Commissioners was, that it could not be helped, that he had accepted the see charged with a fixed payment, and that if he were a loser one year, he might be a gainer the next. That appeared to him a most unsatisfactory footing on which to place the resources of the hierarchy; but, on the other hand, it was but justice to the right rev. Prelate (the Bishop of Salisbury) and to the other Prelates concerned, to say that they had no choice in the matter; that the Ecclesiastical Commissioners fixed the sum to be paid by them with reference to the probable amount of their receipts; and that the Bishop had nothing to do but receive his income. That very unsatisfactory state of things was altered two years ago, and now the Bishops received fixed payments from the Ecclesiastical Commissioners, who received the whole revenues of the sees. If anything were wanted to show the necessity for the alteration, it would be found in the fact stated by the right rev. Prelate that evening, that in the present year he would, under the old arrangement, have received, besides his annual income, upwards of 10,000*l.*

Returns ordered.

PRIVATE BUSINESS.

Lord BEAUMONT rose to call the attention of their Lordships to the state of private business, which, he said, was such as to be productive of very serious inconvenience both to parties interested and to the House. It had happened this year, from peculiar circumstances, that many Bills sent up from the Commons had arrived late in the Session—some so late that they could not be considered if the Sessional Orders of the House should be enforced. This delay had arisen, not from the neglect of the parties, but from circumstances over which they had no control. One reason, with regard to Railway Bills, was the proceedings of the Select Committee, which had under its consideration the subject of amalgamations and working agreements; and another was owing to the appointment of numerous Election Committees, for which it was difficult to find Members, and which had occupied a very considerable period of time. One of their Lordships' Sessional Orders was that no Bill should be read the second time after the 12th July; but there was a provision in it which said that, if sufficient reason was shown, any Bill might be read the second time after the 12th July. He was informed that there were several Bills before their Lordships which, owing to the causes he had stated, had been delayed in the second reading beyond the period prescribed in the order. In such cases, where there had been no neglect on the part of the promoters, he thought their Lordships were bound to appoint Committees to sit upon them, otherwise many thousands of pounds would be lost, and great inconvenience arise. There might be difficulty in finding Peers in sufficient numbers to constitute Select Committees, owing to the advanced period of the Session; but he would suggest that in the next Session the system should be revised. For his own part, he was willing to assist to the utmost of his power in discharging the private business now waiting. This year it could only be done by noble Lords volunteering to undertake it; but next year he hoped another system would be adopted. He suggested that the system of rotation should be tried, for it was really very hard that the weight and burden of business should devolve upon a few. A large number of Members of their Lordships' House were yet in town; and it was only fair that they should attend in rotation, or that some other steps should be taken to prevent the business of the House from being conducted in a way that was certainly not very creditable to it.

Lord REDESDALE said, he should certainly be very glad to receive from the House some directions as to the relaxation of the Sessional Order in cases where he might be of opinion that the Bill ought to be read the second time. At the same time he must add, that for the sake of the House, the maintenance of the Sessional Order was of the greatest importance. It was of importance also to the other House, for it stimulated Committees there to pass Bills through by a reasonable period, and it enabled time to be given to their consideration in their Lordships' House. But if it were held that because the Session was prolonged to a more extended period than usual, that was a reason for allowing further time, he must remind their Lordships that such an argument would do away with the stimulus upon the other House to send up their Bills to this House in time. At the same time, what the noble Lord had said was true, that there had been undue delay in the other House in consequence of the proceedings of the Committee on Amalgamation Bills, and by the appointment of so many Election Committees. If their Lordships did relax the Sessional Order, he must, as far he was concerned, be extremely cautious how he acted in order to avoid any charge of partiality. The line must be broadly and simply drawn, and it must be rendered perfectly clear. In the case of several Bills, he had already recommended that they be read the second time; but there were other cases which would require much consideration, before he could adopt such a course. At the same time, if it appeared to their Lordships that special favour should be shown in the present Session to Bills which had been unavoidably delayed, he should be happy to act upon their Lordships' opinion. He should understand the desire of the House to be, that the Standing Orders were to be so far enforced, that where extreme diligence had not been used, or where there had been originally an imperfect construction of the Bill, there no relaxation of the Standing Orders would be conceded, but that in other cases the Bills would be allowed to go on.

The DUKE of NEWCASTLE agreed with his noble Friend that the duration of the Session, irrespective of other causes, ought upon no account to be considered a good reason for a relaxation of the Standing Order. There were, however, other reasons for it, one of which was the course taken by the Government, which seemed to him to present a decided claim for some relief to the parties who were likely to suffer from the operation of the order. He alluded to the Committee over which his right hon. Friend the President of the Board of Trade presided, to which the question of railway amalgamation was referred. The Committee consumed six weeks of the Session just at the period most useful for the progress of measures of this description. This fact undoubtedly furnished a strong claim for relief. There had also been a great demand upon the time of Members for other business, and he had reason to believe that great difficulty had been found in naming Select Committees. With regard to the private business in their Lordships' House, he must say he had seen with very considerable pain and annoyance the noble Lords who were occupied on both sides the House in managing the attendance of Members, and more especially the noble Lord entrusted by the House with the conduct of private business, obliged to go along the benches with slips of paper in their hands begging Peers in a sort of mendicant fashion, as a personal favour to themselves, to come down and discharge the duties which devolved upon them as Members of the House. This was not a position in which his noble Friend (Lord Redesdale) ought to be placed; it was not a position worthy of the character of that House; and noble Lords neglected very important functions if they neglected the private business of the House. He agreed, then, that some remedy for a state of things so unsatisfactory should be provided before the next Session. He hoped his noble Friend would turn his attention to this subject. He thought that his noble Friend the Chairman of their Lordships' Committees, and the Members of the House of Commons who undertook the management of private business, ought to be called together, either at the close of the present Session or the beginning of the next Session, to consider whether some improvement could not be made in the mode of transacting the private business of both Houses. At present, looking to the fact that the delay in the present instance had not been owing to any *laches* on the part of the promoters of many of these Bills, but that they had been prevented by accidents beyond their control, from complying with the Standing Orders, he thought that a liberal and generous view ought to be taken of the matter, and that his noble Friend (Lord Redesdale) ought to be relieved from the responsibility which he wished to avoid of evincing any partiality in his selection of the Bills to be proceeded with. Their Lordships would not, he thought, object to some such rule as this, that those Bills should be allowed to proceed to a second reading, against which there were not broad grounds of negligence on the part of the promoters, At the same time he should be prepared in any future Session of Parliament to resist any similar relaxation of the Standing Orders.

LORD STANLEY of ALDERLEY suggested that, upon a future occasion, the assistance of a Select Committee might be useful. There was already a *rota* for the attendance of noble Lords upon appeals; and probably some plan of that sort might be adapted to the discharge of private business.

LORD REDESDALE said, that he would to-morrow, after what had been said, look through the Bills again, and advance those of them, in accordance with what appeared to be their Lordships' wish, in regard to which the delay could be satisfactorily explained; and if there were any upon which he was doubtful, he would ask for the assistance of a Select Committee. With regard to the adoption of a new system of appointing Committees, no one could be more relieved by an improved arrangement than himself; but there were difficulties with respect to compulsory attendance, which might not have occurred to noble Lords. There would always be a greater difficulty, in consequence of the age of many of their Lordships, in securing an attendance upon private business, than in the House of Commons, where the attendance was also more regular in consequence of the Members being representatives of constituencies. In consequence of age and other causes, the *rota* alluded to by the noble Lord as having been established upon appeals, had broken down, and the attendance of the necessary number was now managed by agreement among their Lordships. A certain amount of compulsion was necessary to get through the private business of their Lordships; but the amount must be very much left to the discretion of those upon whom the appointment of the Committees usually fell. One great difficulty was in finding noble Lords to serve upon Select Committees who had no private interest in the Bills brought before them. If noble Lords would turn their attention to the subject during the recess, he should be happy to give them his best assistance. With regard to the Standing Orders, there was none more important than that their Lordships should not receive Bills after a certain time. If that rule were acted upon, there would be no difficulty in obtaining Committees; but if that rule were departed from, their Lordships would have every Session petitions for time.

THE AFRICAN SQUADRON.

The Earl of WALDEGRAVE, asked the noble Earl the Secretary of State for Foreign Affairs, whether the reduction of the naval force on the coast of Africa was temporary or not?

The Earl of CLARENDON, in answer to the inquiry of the noble Earl—a most legitimate one, after the information he must have received—wished to say, that if there were any impression abroad, either that the Government were less anxious about the suppression of the slave trade than heretofore, or that the number of the fleet was reduced, or its efficiency diminished, he felt much obliged to his noble Friend for making the inquiry, because it gave him an opportunity of saying that there was not the least intention on the part of the Government to reduce the number of the fleet, or to render it less efficient. In consequence of the notice given him by his noble Friend, he had put himself in communication with his right hon. Friend at the head of the Admiralty (Sir J. Graham), who had informed him that no ship had been withdrawn from the fleet of Admiral Bruce on the coast of Africa but those which accidentally required repairs, and were not fit for actual service. Since his right hon. Friend had been at the head of the Admiralty, only one ship had been withdrawn from the Admiral's fleet, and he was informed that his right hon. Friend had commissioned two ships of war in its place, and that another, and possibly a fourth, would be also sent out within the next week or ten days. He was sure the noble Earl would admit that his right hon. Friend was fully alive to the propriety and necessity of keeping up the African squadron. The noble Earl would also not fail to remember that his right hon. Friend the First Lord of the Admiralty, with only a peace establishment at his disposal, had brought together the fleet now assembled at Spithead, the fleet now at the entrance of the Dardanelles, the large naval force necessary for the defence of the British fisheries in North America, and for guarding the coast of Cuba and Brazil, besides that which was required in China and at Rangoon. He could appeal to the noble Earl's professional knowledge and experience whether his right hon. Friend had not made a judicious distribution of the force at his command for the different exigencies of the service, and the protection of British interests in every quarter of the world.

The Bishop of OXFORD said, the statement just made by his noble Friend (the Earl of Clarendon) must give great satisfaction to the many persons in this country who were watching the subject with the greatest possible anxiety; and he must express the gratification he had received from that statement. Their Lordships would see the exceeding importance of this great experiment, and of carrying out thoroughly whatever they undertook to do. It was like undertaking to stamp out a fire; if they intermitted their exertions before the last spark was extinguished, the flame would rekindle, and the whole work would be to do over again. It was only within a short time that a trade had grown up which was becoming the staple riches of the dwellers of those parts of the earth, and which he hoped would eventually enable us to withdraw our squadron altogether. Let their Lordships, therefore, do thoroughly the work which they had undertaken to do, while they did it. He rejoiced to hear the answer which had been given by his noble Friend to this question, because it assured him (the Bishop of Oxford) that this work was being done with that vigour and efficiency which so eminently marked his right hon. Friend at the head of the Admiralty.

House adjourned till To-morrow.

* * *

HOUSE OF COMMONS,

Thursday, July 28, 1853.

MINUTES.] PUBLIC BILLS.—1° Smoke Nuisance Abatement (Metropolis); Ecclesiastical Leasing Act Amendment; Sheriffs (Scotland).

2° Chancery Suitors' Further Relief; Turnpike Acts Continuance (Ireland).

3° Entry of Seamen; Eastern Union Railway.

EASTERN UNION RAILWAY BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the Third Time."

SIR **GEORGE PECHELL** moved, according to notice, that the Bill be read a third time that day three months. He said, that on the last occasion when the matter was brought under the notice of the House the Bill was re-committed on the ground that the first Committee had decided in favour of it without having obtained the assent of the majority of the shareholders. No less than 300,000*l.* stock was dissentient, and the House had been petitioned by merchants, bankers, and stockbrokers, who had prayed that the Bill might not pass into law, as if it were carried it would tend to shake the public confidence in all preference shares and property of that description. The petition had been signed by Messrs. Gurney, Dimsdale, Robarts, Stone, Martin and Co., and a great number of leading merchants, bankers, and brokers, including the Government broker, Mr. Mullins. The object of the Bill was to deprive the preference shareholders of their guaranteed interest of 6 per cent, and to give them instead 4 per cent, and a bonus of 9*l.* per share. He was sure that Parliament would not confiscate, as was proposed by the Bill now under discussion, the property of persons who had lent their money in a moment of great difficulty to this railway company.

MR. **WISE** seconded the Amendment, he said, that he was in the happy and independent position of a person who had never held a railway share in his life. He was influenced in the course he was adopting simply from a view to see justice done to a class of persons who had their interests protected by two or three Acts of Parliament. Was it possible that persons would lend their money to railway undertakings, or make provision for their families by the purchase of such stock, if Parliament was to interfere and to do that which the law would not allow private individuals to do to each other? He had looked through the list of the petitioners against this Bill, and he was gratified to find that it contained the names of the most respectable and influential bankers and merchants in the metropolis. Those parties had stated that this proposition would inflict a serious blow upon the confidence reposed in Parliamentary guarantees, and be seriously detrimental to the value of preference shares in future.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. **CARDWELL** said, he should, perhaps, save the time of the House by stating his views upon this Bill. It came to them recommended by the unanimous vote of a Committee formed of Gentlemen most competent for such an investigation, and it was with pain he differed from the unanimous finding of that Committee, but he felt it impossible to give his vote in favour of the third reading of the Bill. The Bill was promoted by the shareholders of the Company, and not by any creditors, and therefore the point to be considered was whether the preference shareholders had consented to an abrogation of their statutory rights. In consequence of negotiations with the preference shareholders, a Bill was introduced in 1852, and the Select Committee required to know if the preference shareholders consented to the creation of a stock having preference to theirs. The preference shareholders had a meeting, and said they would not agree to anything which affected their property in regard to claims posterior to their own, but they would agree to affecting their property in favour of claims anterior to theirs. The Act of 1852 accordingly passed, authorising the raising of preference stock, overriding the preference shareholders, for the purpose of liquidating the debts of the Company. The creditors were not paid off, and this year this Bill was introduced again to alter the standing of the preference shareholders. It was important to ascertain if they consented to such an arrangement; and whatever might be said of any loose decision, by a majority of preference shareholders at a public meeting, he was bound to say, looking at the evidence, that there was no dry legal proof to satisfy the House that they did so consent. There was about 360,000*l.* of preference stock, about half of which was registered, and the secretary of the Company stated before the Committee that shareholders representing no less than 56,000*l.* of this stock recorded their dissent to this Bill. It might be a good or it might be a bad arrangement; but the question was, whether the facts were such as to justify Parliament depriving those who resisted it of certain rights which by preceding Acts of Parliament they had acquired.

MR. CORRY said, that as Chairman of the Committee he could state that, although this was not strictly speaking a creditors' Bill, the creditors had the deepest possible interest in it, because they would not consent to waive a great portion of their claim, or to capitalise their debt, unless the preference shareholders consented to the passing of this Bill. The Eastern Union Railway Company was now absolutely insolvent, while at the same time it was exposed to a ruinous competition. Mr. Brassey and the other creditors had no faith in their present security, for they knew that unless some arrangement could be come to for the working of the line with one of the powerful companies, and for an understanding with the preference shareholders, it was worth nothing. He believed that this Bill would very much improve the property of the preference shareholders, and he strongly recommended the House to read it a third time.

MR. HUME said, he had read with great regret the long details which had been handed round to hon. Members. But he would ask, whether the power of Parliament ought to be thus appealed to? He did not think Parliament ought to be appealed to in order to interfere with previous arrangements. He was himself a considerable holder, and he did not think that the present Bill would tend to do justice to all parties. It would be one of the greatest calamities that could happen if that House once admitted that Parliament could be unjust. He admitted that injustice had taken place, but he had always protested against such acts. He hoped this House would not agree to anything unfair; and he supported this view, even though he quite agreed with the statement that the preference creditors would fare better under this Bill.

Mr. Cardwell

MR. CAYLEY said, that as a director of the Company, he was anxious to answer the objections made by the right hon. Gentleman the President of the Board of Trade, and those of the hon. Gentleman the Member for Montrose. He denied that the object of this Bill was repudiation. It was because he disapproved of repudiation that he was in favour of this Bill, and he sincerely believed that if the right hon. Gentleman the President of the Board of Trade had been one of the Committee, he would also vote for the third reading. The facts of the case were these. Mr. Sturge, a very wealthy preference shareholder, made a communication to the directors, and implored them to intercede with the creditors not to press their claims: as, if so, the line would be stopped altogether, and nobody would get anything. These negotiations lasted for five months, and Mr. Brassey, having given up 15,000*l.* worth of arrears, signed an agreement, on the understanding that Mr. Sturge, and those whom he represented, would consent to take a lower rate of interest. The gripe of the judgment creditors having been thus taken off the throats of the preference shareholders, they repudiated their proposition; and the result was, that the shares rose in the market from 9*l.* to 21*l.*, the present price. Talk of repudiation after that! Why, it was the preference shareholders who had repudiated, and nobody else; and this they did no less than three times. This was substantially a creditors' Bill; but it was impossible, by the forms of that House, to introduce a Bill in that shape, unless as a shareholders' Bill. There were now over-due debentures to the amount of 250,000*l.* with no means of paying them, and therefore it was impossible to deny that the Bill was not a creditors' Bill. After the passing of the Act of 1852, a committee of shareholders was appointed to negotiate with the preference shareholders, and another meeting was called in December, 1852, when a third proposition was made to carry out the very object of the present Bill. Mr. Brassey, who was a holder of 30,000*l.* worth of common stock, and of 30,000*l.* preference stock, and was also a creditor of the Company to the amount of 165,000*l.*, attended that meeting, and said he would guarantee the shareholders 100*l.* or par for the money they had advanced, and three years' arrears of interest, at three per cent, making 109*l.* The object of the present Bill was to enable Mr. Brassey to do this; and surely it could not be said that, after such an arrangement agreed to by the preference shareholders, they could talk of repudiation. He called upon the House to look at this matter, not in a *nisi prius* point of view, but as the great court of moral equity, bound to do justice between the parties. He denied that the majority of the preference shareholders were opposed to this Bill; because, if they would look at the propositions, they would find that five-sixths of the proprietors of registered stock were in favour of the Bill, against 30,000*l.* dissentient. He would earnestly call upon the House, while it abjured repudiation, and anything approaching to confiscation, to pass a Bill, which, so far from repudiating, actually proposed to pay the preference shareholders 109*l.* for every 100*l.* they had advanced; and he could only hope that every person who had to deal with repudiators might meet with the same kind of repudiation.

MR. AGLIONBY said, he intended to have moved for an inquiry into the allegations of the petition of Mr. Rigby Wason, and, therefore, wished the Bill to be recommitted, that investigation might be made into the charges of a petition so important, which alleged that the

> " directors of the said railroad company, as promoters of the Bill now before Parliament, although, as trustees for all classess of shareholders, they are bound to act justly towards the six per cent preference shareholders, did improperly suppress part of a chain of evidence, for the purpose of inducing the Committee on the said Bill to arrive at an unjust decision, and to disturb an agreement which the said directors clandestinely concealed from the said Committee, entered into between the directors and the six per cent preference sharholders, by which, in consideration of the latter assenting to the retention of certain provisions in the said Bill affecting their legal rights, the directors agreed not to lower their preferential share."

He thought that those interested should themselves be the most anxious for an inquiry, and that under all the circumstances the Bill ought not to pass this Session. If there was even a suspicion that any evidence had been concealed from the Committee, the House ought not to pass the Bill.

MR. GOOLD said, that as a Member of the Committee to which the Bill was referred, he was quite prepared to defend the decision to which they had arrived. He had no doubt in his own mind that a jury of twelve intelligent men would have arrived at the same conclusion, and would have agreed in thinking that the interests of all parties were consulted for by the present Bill.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 88; Noes 64: Majority 24.

Main Question put, and *agreed to.*

Bill read 3°, and *passed.*

SOUTH SEA ANNUITIES DISSENTIENTS.

Order for Committee read.

House in Committee.

The CHANCELLOR OF THE EXCHEQUER: Mr. Bouverie—The three Resolutions which I have laid upon the table will not require from me any lengthened statement. The first Resolution, I may say, explains itself. It is simply to enable me to make provision to charge upon the Consolidated Fund the sums which the public will be bound to pay in the month of January and the month of April next under the notices which have been given according to the statute passed in the present Session of Parliament. At the same time I shall be quite ready to enter into any further explanation of that Resolution which may be desired by any hon. Member. With respect to the second and third Resolutions, they will require a few words of explanation. The second Resolution provides that the South Sea Company may be permitted, within a time to be limited—

> " To commute, if they shall think fit, such portion of the capital stock of the Company as stands in the names of the Accountant General of the Court of Chancery of England and Ireland respectively, and of the Accountant in Bankruptcy in England, and likewise such portion as stands in the names of trustees and others disabled from voting in the general Court of Proprietors of the said Company."

As respects such portion of the stock as stands in the names of the Accountant General in Chancery and the Accountant in Bankruptcy, the reason for permitting to commute is probably sufficiently obvious to the Committee. It is because they were precluded from acting on the provisions of the late Statute, and it was thought unfair that they should be permanently deprived of any opportunity such as that which was afforded to private parties, or at least to persons who were masters of their own acts; whereas these were under the control of the Courts of Chancery and Bankruptcy. The reason of the postponement of the provision intended to operate in the case of those who were under the control of the Court was, that it was hoped it might be possible, even during the present Session, to introduce a measure which should have made a more extended alteration in the law with respect to Chancery and Bankruptcy accounts. The great mass of business, however, that has come before the House of Commons, has made it impossible for me to carry such a measure, and rendered it inexpedient, under the circumstances, to oppose it. That being so, I do not think it will be right, especially as a discussion took place upon this subject in another place, where a desire was expressed that some opening should be made for persons who had investments in the names of the Accountant General in Chancery and the Accountant in Bankruptcy, that it would be right to allow their case to remain entirely without provision until next year. But bsides the stock that is held by the Accountant General in Chancery and by the Accountant in Bankruptcy, we propose to make a further provision in respect of such portion of South Sea Stock as is held by trustees, or is otherwise held in joint names. The reason for that provision I will shortly explain. Those parties are the holders of more than a moiety of the South Sea Company's Stock; but by law they were disabled from giving any vote upon the question whether the South Sea Company should commute or should take money for its stock. The consequence of this course was, that the question whether the South Sea Company should commute, or whether it should take money for its stock, was decided by the representatives of the smaller portion of the property. It was not, however, on account of that, which might, perhaps, be called a technical anomaly, that the proposition would have been made if we had had reason to suppose that the cases of the sole holders of stock and of the joint holders were analogous. In point of fact, it is far otherwise. The joint holders are persons who, if they were paid off in money, would, in almost every case, be compelled immediately to reinvest. Being paid off in money, therefore, would be extremely inconvenient to them, and it would be a very hard case upon them that they should be subject to be so paid off in money without having had the opportunity of determining whether they would commute or whether they would not. And I may state that information has come to me from authentic sources that the generality of those trustees, or a large portion of them, were actually desirous to effect a commutation; but that, not being competent in law to take part in the proceedings of the Company, they were unable to give effect to their desire. I propose, therefore, to reopen the power of commutation for those parties—that is to say, for the joint holders of stock, being principally trustees who hold the stock of the South Sea Company. Besides those two classes of holders—namely, those whose stock stands in the names of the public accountants, and those who may be regarded as trustees—I propose by the third Resolution to make another provision founded upon a similar principle, but relating to a subject altogether new to the Committee, except to such Members of it as may possibly have paid attention to a private Bill now passing through this House. The fact was the South Sea Company has long, I believe, entertained a project for undertaking the office of voluntary trustees for all such parties as might be inclined to avail themselves of its services in private trusts, and charging a commission for those services. During the present year the resolution to pay off their stock has brought that intention on the part of the Company to a head; and the consequence has been, that after consulting the proper departments of the Government, they have introduced a Bill into Parliament, which is at present going through its stages, to enable them to become and to act as trustees on behalf of all persons who are inclined to avail themselves of their services. One of the clauses of that Bill requires that a certain guarantee fund, of not less than 300,000*l.*, shall be kept by the Company in the public securities. That being so, it is obviously convenient that the South Sea Company should continue to hold in some public security by way of commutation, rather than that in respect of its stock it should be paid off, and be compelled to reinvest. In point of fact, about 2,500,000*l.*, or more, may be said to be embraced within the scope of the second and third Resolutions; and the effect of those Resolutions will be to prevent the inconvenience of unnecessarily launching on the money market in the month of January next 2,500,000*l.* of money, and thereby producing an artificial and unnecessary redundancy of money to be absorbed again almost immediately by a necessary and obligatory purchase of stock. It is undoubtedly desirable, and also convenient, if that public stock is to be paid off, that the paying off should be restricted to the real liquidation of debt, and that there should be no actual paying off where the liquidation is merely nominal, and the reinvestment will follow immediately. That is the object of the second and third Resolutions. But there is one other point in those two Resolutions on which I must say a word. It may be observed by those hon. Members who have read them that I do not propose to confine the power of commutation under these Resolutions absolutely to the options which were opened under the Statute of the present year; because, owing to the great change of circumstances which has taken place within the three or four months since the passing of those Resolutions by the House, the mere reopening of those options might very possibly be offering to the parties only an opportunity, which, in their views, judged and measured by present circumstances, would be quite valueless, and therefore would not take effect. I think that the disposition of the Committee would be to offer to those parties, if any offer at all is to be made to them, something which should be really equivalent to what those options were intended and believed to be at the time that the former Resolutions were adopted by the House. In the present state of matters, with the uncertainty, partly of political affairs abroad, but especially with respect to the prospect of the harvest at home, it would be very difficult indeed to fix at the present moment upon any modified terms; and, besides, there would be a disadvantage, I think, in reopening the conditions of the late Act of Parliament in reference to the particular stock which it affected. Under these circumstances, it has appeared to me that the best course would be to ask Parliament to enable the Treasury to offer to those parties at its discretion, according to the state of the circumstances when the power shall have been given to it for the purpose, the liberty of availing themselves of the options afforded by the late Act of Parliament; or, in case those options should not be satisfactory to the parties under existing circumstances, that the Treasury shall have the power of offering them stock of the description which is commonly called "3*l.* 5*s.* per centum annuities, 1844," that is, the stock which was created by my right hon. Friend the Member for Cambridge University (Mr. Goulburn) in 1844. It is at present a 3¼ per cent stock, but within a single half year after the date fixed for liquidating the stocks which are the subject of the present Resolution, it will become a 3 per cent stock; and the only difference between it and Consols or Reduced will be, that it is a 3 per cent stock guaranteed for twenty years. That guarantee has considerable value in the eyes of the public, and that circumstance seems to point it out as the most convenient stock to be the subject of commutation in respect of these trustees. Perhaps it may be thought, if an option of this sort is to be given to these trustees, that it should likewise be given to all those who were embraced in the Act of the present Session. Well, but with regard to that, I think the Committee would act more wisely if they were to postpone for a while the consideration of that subject. I think, in the first place, it is quite plain that something is due to those trustees; that at the present moment we have done less for them than we have done for others; and that we ought without delay to do that which will place them upon, as nearly as possible, an equal footing with those who had certain options offered to them for the present year. This will not only be for the interest of the trustees, but for the interest of the public, as identified with the interest of the State, but it will be likewise for the interest of the trading public; because, as I have already stated, it is very advantageous with respect to the money market, and the conduct of trade in general, that we should avoid making an unnecessary redundancy of money in January next. Therefore I think that the reasons against the extension of the proposition at the present moment are conclusive. I think it is obvious that we cannot wisely and prudently fix by Resolutions the terms of commutation in 3¼ per cent stock that ought to be offered to those parties. If we could, the question would be a simple one; but, in the uncertainty of present circumstances, which are varying from week to week, I think that those terms cannot wisely be fixed by Resolution. I have no hesitation, therefore, in asking the Committee, looking at the limited scope of the transaction, to entrust the Treasury with the discretionary power of fixing the terms with regard to these particular parties, because the whole amount at issue is comparatively trifling; but I should feel great scruples in asking the Committee to authorise the Treasury to fix at its own discretion the terms on which an extended operation of the commutation might take place. For that reason, therefore, I am not prepared to propose any extension of the discretionary power beyond the narrow and limited sphere which I have referred to at the present moment. The wise course for the Committee to pursue, I think, will be this: Let us avail ourselves of the experience which we may gain by our dealing with these parties during the present autumn. We shall then be in a position to consider, at the opening of the next Session, what terms may deliberately, and with a fair prospect of success, be offered to the holders of stock generally, over a wider sphere, if the House should then be disposed to entertain the question. For these reasons, I think it wise to make the very limited and narrow proposition which I make to the Committee at the present moment, and to confine that proposition strictly within those limits. The right hon. Gentleman concluded by moving the first Resolution.

Motion made, and Question proposed—

"That provision be made, out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland, for paying off the proprietors of the Capital Stocks of Old South Sea Annuities, New South Sea Annuities, Bank Annuities (1726), and 3*l.* per centum Annuities (1751), mentioned in an Act of the present Session, chapter twenty-three, in respect of which Assents to commute shall not have been signified according to the said Act, and also for paying to the South Sea Company a principal sum equal to the amount of the Trading or Capital Stock of the said Company, or the part thereof the Interest or Annuity on which shall not have been commuted or exchanged, according to the said Act, or any Act to be passed in the present Session of Parliament."

Mr. DISRAELI: Sir, these Resolutions come rather suddenly upon the consideration of the Committee. I myself, certainly, not having had the advantage of being in the House yesterday, only learnt at a rather late hour this morning that it was the intention of the Chancellor of the Exchequer to call our attention to the consideration of this very important subject. This is to be regretted, because, although these Resolutions apparently have a limited scope, and seem, at first, to be composed with some simplicity, really, if examined, they will be found to involve very important considerations. In the first place, we must recollect that the stocks to the commutation of which those Resolutions particularly refer, form part of a great financial scheme that was brought before the consideration of the Committee, and the results of which were immediately to affect the Budget of the right hon. Gentleman for this year. The right hon. Gentleman estimated that this particular stock, or rather this group of small stocks which the Committee consented the right hon. Gentleman should deal with, would, if commuted, yield an estimated moderate surplus of 25,000*l.* a year by the operation. But by a larger commutation which he also introduced to our notice at that time, there would have been a saving upon the year, which would have been an element of the surplus of the Chancellor of the Exchequer, of not less in addition than, I think, 75,000*l.* The whole sum, therefore, which the Chancellor of the Exchequer estimated that he would immediately save by the scheme of commutation, and which saving was an element of his surplus, was not less than 100,000*l.* The ulterior effects of the scheme, however, which were estimated by the Chancellor of the Exchequer, were of a much larger amount and character. Nor is it indeed surprising that he should have indulged in those estimates, when we remember how great were the dimensions of the scheme which he brought under our notice, and which the House sanctioned. It was not at that time merely the intention of the Government to commute this group of small stocks, but they were to lay the foundation of an irredeemable 2½ per cent stock, irredeemable at least at the option of the holders—and they were also to sanction the circulation of what they were given to believe would be a very popular and current security—namely, Exchequer bonds. Originally when that plan was brought before the consideration of the Committee, the great mass of the public debt was contemplated as to be dealt with by the Government. There were subsequently limits applied to the various stocks; but I do not think that ultimately the sum which the Government intended to deal with was less than 90,000,000*l.* The Committee would do well to recollect that with regard to the foundation of the 2½ per cent stock, and the production of a very current and popular security in the shape of an Exchequer bond, the plans of the Government have been an entire failure. With regard to the third branch brought under our consideration, the one which was of lesser importance at the moment, and which is now at the end of the Session obliged again to be called to our attention, it is unnecessary for me to describe what has been the fate of that proposition, because the appearance of the Chancellor of the Exchequer before us with these Resolutions to-day is sufficient to show that the calculations on which that plan was framed and formed by the Chancellor of the Exchequer, have been most illusory. To those Resolutions referring to that proposition, I have now to call the attention of the Committee. Of course with reference to the first Resolution, it is unnecessary for me to say that I neither offer nor recommend opposition to it, because it is merely a declaration that the House of Commons will fulfil engagements which the public credit of the country demands. But I think the second Resolution will require considerable attention. In the first place, I very much object, when a proposition has really failed, to these schemes for continuing its operation, and bringing it to bear upon interests that before were not subjected to the option which it offered. It would be a very fair argument to use in favour of that portion of the stock of the South Sea Company which is in the hands of the Accountants General of the Courts of Chancery, or of the Accountant in Bankruptcy, or of trustees, if advantages had been enjoyed by those who were holders of that stock, but were not in that situation—it would be a very fair argument to say that those parties should not be debarred from participating in the same advantages. But what occurs to me is, that it has not been proved that those persons who are under the influence of trustees, or who are in the same position, have been debarred of any advantages whatever. The effect of the proposition as regards those holders of stock who are not under the influence of the Accountants General, or who are not under the regulation of trustees, is, I think, on the contrary, not such as to call upon us, on the principle of impartial justice, to extend the same options to persons who, before that arrangement of the law, were not empowered to avail themselves of that offer. The proposition, in short, has failed as regards the great mass of the funds, and, therefore, having so failed, we should make up our minds to conclude, on the best terms we can, an arrangement which has been so unfortunate: that, I think, would be the simplest and the best course for us to pursue. If we confine our consideration, in the first place, to the project of the right hon. Gentleman, as originally offered with respect to these persons, I do not see any fair prsspect that they would accept the options which have been refused by those whose property is not in trusteeship or in Chancery. I think that the prospect before us, whether we look to the state of the harvest, or to the state of our foreign relations, is not so encouraging that we have a right to suppose that the money market would be in such a state in the course of this year, or before Parliament meets again, that those persons whose property is in trust or in Chancery would avail themselves of a new power which it is now proposed we should extend to them, and accept those options which already have been refused by what I should have thought was the larger portion of the holders of the funds at issue. Nor do I think that the right hon. Gentleman, from his tone to-day, anticipates, if the second Resolution had included those persons, that there would have been the slightest chance of any commutation taking place; and, therefore, the right hon. Gentleman introduces a novel element into that Resolution. First of all, he has extended the area of commutation by introducing a new stock; and then he has done that of which I confess I entirely disapprove, and which I trust the Committee will ponder well before they sanction—he has proposed that the power shall be granted to the Government —which is very unusual, if not unprecedented—of concluding at their own discretion the terms on which a proposition of financial commutation shall take place. If the former proposition of the Government on this subject had been successful—if they had shown such an acquaintance with the money market, and such a mastery of the phenomena with which they had to deal as would give them a right to appeal to our confidence—I confess that, as a matter of principle, I should hesitate even then before I would confide to a Government so great a degree of power, the possession of which by them I do not consider at all necessary. But I have a right to consider whether the antecedents of the Government are such as ought to entitle them to the confidence which they claim on this subject. Looking at those antecedents, I cannot say, but I should hardly think, that the right hon. Gentleman or his Colleagues will prefer any claim for that unusual confidence on the ground of the success of their financial operations. Certainly, as far as I can form a judgment on this important subject of the commutation of the public funds, I do not think that their success has been such as that they can look back to it themselves with unlimited or unalloyed satisfaction or self-gratulation. The project, when first brought before us, was of very large dimensions. Before any discussion hardly could take place upon it, it was greatly altered and modified. The limitations which were proposed to the various kinds of stock which were brought under our consideration, varied from day to day, and the measures were hurried through this House because we were told that there was such eagerness to accept the commutation that we must waive our right of criticism— [The CHANCELLOR of the EXCHEQUER: Oh, no!] I certainly understood so from various Members of the Government, and I must appeal to the Committee, and to those who are present, whether that was not the conclusion at which they also arrived? I confess, then, that I am rather surprised at the interruption of the right hon. Gentleman when I recalled to the recollection of the Committee the fact that I believe no discussion upon those important measures took place upon the principal occasions on which discussions do generally occur. On all those important stages, such as the second or third reading, upon which discussions do occur, none did take place, and the only debate of importance which I can recollect was upon an occasion when an important debate upon measures of that consequence seldom does occur. The debate which then arose took place because the right hon. Gentleman, no doubt animated by a high sense of duty, moved the second reading of the Bill at past midnight; and it now arises, upon another occasion, on which the right hon. Gentleman certainly offers some apology to the Committee, at a time when no one could expect that it would have been brought forward. It is not in my power to speak except generally upon this point, because, as I said before, the question comes very suddenly under our consideration; but I feel confident that I am correct in the main in the representations I am making, and that all those hon. Gentlemen who have taken an interest in this particular question can bear witness to the truth of what I am stating. I was pursuing some arguments, however, which the interruption of the right hon. Gentleman diverted me from. I think I was impressing upon the Committee two points: first, that it is most unwise to extend to any Ministry the power of entering at their discretion into bargains of this kind; and, secondly, I was, not I trust in language offensive to the right hon. Gentleman, reminding the Committee, and I thought I was only fulfilling my duty in so reminding them, that the antecedents of the present Government with respect to this question are not such as should make their case an exception to the rule which I ventured to impress upon the attention of the Committee. I think that we ought to resist such a discretion as they now ask for. Why is it to be granted? The right hon. Gentleman has made a proposition of a financial commutation, and has brought in a measure which has not succeeded. Well, it appears to me that the wisest course would be to conclude and to close that business as soon as possible. These persons must be paid, and they must be paid in money. Let us know what is the cost of the transaction. Let us learn that, instead of the "moderate saving of 25,000*l.* a year" (which I think were the very words used by the Chancellor of the Exchequer), there is to be a certain loss. Let us understand what that loss will be; and we shall then be better acquainted with the state of our finances. But, because the Government has made a proposition, and has brought forward a measure, and has carried a measure, which has turned out, as they were warned it would turn out, to be perfectly illusory and inefficient, it appears to be most unwise that at the end of the Session we should be patching up that scheme, entering into new speculations founded upon the same, as I think, erroneous and imperfect data, and asking the House of Commons to grant a power to the Administration which, when Parliament shall be prorogued, must leave the state of our finances, to a certain degree, in a condition of uncertainty and doubt. I said that the Government were warned of what would be the effect of their propositions. I shall not refer to any word that I said myself upon that subject, for I never have any wish to exaggerate the importance of anything that I may say in this House upon any subject; and the right hon. Gentleman may tell me that in any criticism which I offer I may have been influenced by those party feelings that are sometimes reprobated by Ministers when they think it convenient. But let me remind the Committee that my hon. Friend the Member for Huntingdon (Mr. T. Baring), no mean authority upon such a question, and not a Gentleman whose judgment can be supposed to be warped by too strong a feeling of political connexion—my hon. Friend took occasion to express his opinion to the House upon the whole of the financial propositions of the Ministry. He said, that in all these affairs you ought to consider, in the first place, the time; and, in the second place, the mode. He thought that the time was unfavourable for such propositions; and even if the time were favourable, he thought that the mode by which the end was sought to be attained, was extremely perplexed, unsatisfactory, and complicated. I think, though I speak from memory, that that is not an unfair account of what fell from the authoritative lips of my hon. Friend the Member for Huntingdon, with respect to the financial scheme of the right hon. Gentleman. Well, Sir, I say, therefore, that the right hon. Gentleman was fairly and thorougly warned of the result of his propositions. A return which I hold in my hand, places that result generally before the Committee. There is no 2½ per cent stock really established. We were informed that it was a great disadvantage to have a number of small stocks in the market, and we were told that we ought to have a 2½ per cent stock which should be in everybody's hands. Now, the fact is, that if there is any 2½ per cent stock, it is in nobody's hands, because nobody has accepted these options, except some unfortunate persons whose property was in trust, or whose consent has been given by their agents, in their absence, and in total ignorance of the nature of these transactions. Then, inasmuch as the Government cannot bring their 2½ per cent stock into the market on the terms in which they purchased it, without incurring considerable loss, of course that 2½ per cent stock is limited, as its amount never appears. My hon. Friend the Member for Huntingdon said, that the time was unfortunate when the right hon. Gentleman proposed his financial Resolutions. Well, Sir, the time was unfortunate. The right hon. Gentleman set about reducing the rate of the public interest in a falling market; and that brings me to the consideration of an important point, which must not be lost sight of when Resolutions of this kind are brought before our notice, and that is, the state of the unfunded debt of the country at the present moment. It appears, from a return which I moved for, and which is on the table of the House, that that unfunded debt has been reduced to the amount, in round numbers, of 3,500,000*l.*; that in consequence of the reduction of the rate of interest on Exchequer bills, the Chancellor of the Exchequer had, in the month of June last, to meet from the public balances Exchequer bills to the amount of about 3,500,000*l.* He paid, I think, as well as I remember, about 3,170,000*l.* out of his balances at his bankers; about 360,000*l.* or 370,000*l.* he was relieved from by the commissioners of savings banks, and some small amount, I think 50,000*l.* or 60,000*l.*, was discharged by liquidating a corresponding amount of the public debt. In round numbers, 3,500,000*l.* of Exchequer bills had to be liquidated in consequence of the Chancellor of the Exchequer's reducing, I think most imprudently, the interest upon that species of security—

The CHANCELLOR OF THE EXCHEQUER: The amount was 3,100,000*l.*

MR. DISRAELI: Well, 3,100,000*l.* out of the balances of the Exchequer. I think that we ought to know, especially when a discretionary power is asked by the Minister which will permit him to enter into pecuniary bargains for the commutation of stocks while Parliament is not sitting, what has been the effect of that reduction of the unfunded debt. I think we ought to know what is the state of the balances in the Exchequer. I think we ought to know, in fact, what is the balance at the Government bankers'. Those are points which I think the right hon. Gentleman ought to communicate. I think he ought to tell us—

The CHANCELLOR OF THE EXCHEQUER: Have you not seen the balance sheet?

MR. DISRAELI: Yes, I have seen the balance sheet; but there are many things in balance sheets which are not known to the world, and which, I think, ought to be mentioned in discussion. Many persons do not see balance sheets, and in a popular assembly, when we are touching upon subjects of this nature, it is quite legitimate to take the opportunity of bringing, and frequently bringing, the most salient and important facts before the public in general. I thought it possible that the right hon. Gentleman would have favoured us with some observations upon these points, and that he would have contradicted me in my statements if I were erroneous in my recollection. But there is one point which we shall not find even in the balance sheet, and that is the intention of the Chancellor of the Exchequer with regard to the unfunded debt in future, and especially in the interval during which that important power is sought to be exercised by the Government; in fact, I will not say "interval," because, if I understand the Resolution correctly, the Government are asking to be entrusted with unlimited discretionary power. Unless I mistake the language of the Resolution, they are at all times to be entrusted, so far as these funds are concerned, with the power of making bargains on the part of the public with respect to the commutation of stock. Then, I want to know, during that time, what are their views? I do not want to bind them to any specific pledge; but what are their views with regard to the interest that will be paid upon the unfunded debt? The unfunded debt is now reduced by a very large amount—to an extent which I should myself suppose, but of course the Chancellor of the Exchequer can inform us—somewhat inconvenient to the transaction of the public business of the country. 3,500,000*l.* of Exchequer bills cannot well be taken out of a market—and a market where Exchequer bills do not at the present moment pay an interest which keeps them at that rate at which the Chancellor of the Exchequer ought to feel comfortable—without, I should think, considerable inconvenience. I say, then, that such a transaction violating the principle on which the unfunded debt ought to be managed, cannot take place without seriously affecting the Minister who has the discretionary power of fixing the terms on which the commutation of any stock is to occur. That, therefore, is a subject on which I think we ought to insist on some explanation from the Minister before we proceed with the consideration of the second Resolution. The first Resolution is, I believe, the only one at present before us. If I am right in my interpretation of the first Resolution, I should not think that any one would offer any opposition to it. But I have felt bound to make some comments upon the second Resolution, which I hope are not altogether unworthy of the attention of the Committee. I think they ought to consider, in the first place, whether, this plan having failed, it is expedient in any way to continue it; and, in the second place, if it be expedient in any way to continue it, whether it is wise to increase the area of commutation by bringing in a new stock, and then leaving to the Minister, who has failed in his original project, the unprecedented power of settling the terms on which future commutations shall take place. These are the principal points which strike me on reading these Resolutions.

SIR HENRY WILLOUGHBY said, he would not discuss the second Resolution until it should be put from the Chair; but he should be glad if the Chancellor of the Exchequer could inform him what would be the extent of the charge upon the Consolidated Fund arising out of the proposed plan?

The CHANCELLOR OF THE EXCHEQUER said, that it was not very easy to answer the question of the hon. Baronet without answering at the same time the speech of the right hon. Gentleman (Mr. Disraeli). If the hon. Baronet meant by the "charge" the loss which the country would suffer, and which the right hon. Gentleman had spoken of as a certain loss, without at all putting his authority in competition with that of the right hon. Gentleman, he ventured to say that there would be no loss, but a considerable gain in consequence of the operation of the plan as it stood at the present moment.

SIR FITZROY KELLY said, he wished to know what amount would be required to pay off those persons who assented to the commutation of the South Sea Stock?

The CHANCELLOR OF THE EXCHEQUER said, that the total amount which might have to be provided for upon the 5th of January would be 6,100,000*l.*; and the total amount, assuming that the trustees affected by the second and third Resolutions accepted the commutation, would be in round numbers about 3,500,000*l.* or rather less. The *maximum* amount therefore would be 6,100,000*l.*; and the *minimum* amount 3,500,000*l.*

SIR FITZROY KELLY wished to know whether the 6,100,000*l.* was arrived at after deducting all that was commuted already into new stock?

The CHANCELLOR OF THE EXCHEQUER: Certainly.

MR. W. WILLIAMS said, that although the right hon. Gentleman opposite (Mr. Disraeli) had characterised the plan of the right hon. Gentleman the Chancellor of the Exchequer, so far as it had been carried out, as a failure, he contended that no human wisdom could have foreseen the events which had taken place since that proposition had been submitted to Parliament. Whatever want of success there had been in the measures of the Government, he did not attribute it to any deficiency of talent in the right hon. Gentleman.

MR. WILKINSON said, that grateful as he was to the Chancellor of the Exchequer for his scheme of finance generally, he must say, in justice to Gentlemen opposite who objected to this part of the plan, that the result had been the failure which they expected and predicted. What his hon. Friend (Mr. Williams) had said with reference to the occurrence of events which could not be foreseen, was no doubt true; but, nevertheless, there was very little difference in the prices of stock now compared with what they were when the right hon. Gentleman brought forward his scheme. The mistake into which the Chancellor of the Exchequer had fallen was, that he had made an attempt to pay off the interest on the debt at a time when the market rate would not properly allow it. He thought the right hon. Gentleman should only ask for leave to raise money for the particular purpose for which it was now required, and not ask for such extensive powers as were involved in these Resolutions.

SIR FITZROY KELLY said, that in agreeing to the first Resolution he could not accept the statement of the Chancellor of the Exchequer as to the amount that would be charged upon the Consolidated Fund. According to the best calculation he could make, the amount to be paid off would be between 9,000,000*l.* and 10,000,000*l.* About 2,000,000*l.* had been already paid off, so that the entire sum would be somewhere about 8,000,000*l.*; but, whether it was 6,000,000*l.* or 8,000,000*l.*, the faith of Parliament was now pledged to pay off the stock at par, and on this ground only he would offer no opposition to the Resolution.

SIR HENRY WILLOUGHBY said, he would like to know the exact amount that would fall on the Consolidated Fund. So far as he could make out, it would be 9,500,000*l.*, but the right hon. Gentleman called it 6,100,000*l.*

The CHANCELLOR OF THE EXCHEQUER said, there was no practical difference between them. He now asked the Committee to make arrangements with respect to payments due on the 5th of January next. He did not ask them to make arrangements with respect to payments that would become due at a period after the meeting of Parliament next Session. These the House would consider when the proper time came. There was a portion of payments due on the 5th of April, in addition to what were due on the 5th of January, and that portion constituted the difference between the hon. Baronet's statement and his own. That difference was about in round numbers 2,000,000*l.* The *maximum* amount, as he had previously stated, payable on the 5th of January was 6,100,000*l.*; the *minimum* amount payable was 3,500,000.

Resolution *agreed to.*

The CHANCELLOR OF THE EXCHEQUER said, he would now propose the Second Resolution.

Motion made, and Question proposed—

"That the South Sea Company shall be permitted to commute, within a time to be limited, all or any part of the Annuity or Interest on their Trading or Capital Stock, payable in respect of shares in such stock standing in the names of the Accountant General of the Courts of Chancery of England and Ireland, respectively, and of the Accountant in Bankruptcy in England, and in the names of Trustees and others disabled from voting in the General Court of Proprietors of the said Company, into or for any one or more of the stocks and securities authorised to be created and issued by the Act of the present Session, chapter twenty-three, and the 3*l.* 5*s.* per Centum Annuities, and New 3*l.* per Centum Annuities, created under the Acts of the seventh year of Her Majesty, chapters four and five, commonly called and known as 3*l.* 5*s.* per Centum Annuities (1844), such commutation into or for the said stocks and securities authorised to be created and issued by the said Act of the present Session, to be upon the terms and subject to the conditions upon and subject to which the like commutation was authorised under the said Act, and such commutation into or for the said 3*l.* 5*s.* per Centum Annuities (1844), to be upon such terms and subject to such conditions as the Commissioners of Her Majesty's Treasury may see fit to offer, provided that the assent of the said Company to any such commutation shall be signified to the said Commissioners of the Treasury within such time as may be limited by such Commissioners for that purpose."

MR. J. B. SMITH said, that in consequence of the Resolutions not being in the hands of Members earlier, he was not so fully prepared to speak on them as he might otherwise have been. He was satisfied, however, that the second Resolution was very objectionable. In the first place, as the right hon. Gentleman opposite (Mr. Disraeli) had said, an option was given to the holders of South Sea Stock of converting it into other stocks, which they had already had the option of doing, but which they had refused. Where was the use of making this offer a second time? [The CHANCELLOR of the EXCHEQUER: That is not so.] Was it not so? Then, this was a consequence of not having had time to consider the Resolutions previously to their being called upon to speak on them. He had understood that they were to have the option of accepting the 2½ per cent stock, and that failing, the Treasury were to have the power to make a bargain with them to accept 3½ per cent. He objected altogether to leaving it to the Treasury to make a second bargain with parties who had already had an opportunity of accepting one. How could they tell whether the holders of this stock would accede to any proposition of the Government? Suppose they did not accept it, they would be in a position to dictate their own terms. It appeared to him that the principle was a false one, that when they made an offer to the holders of stock, and they refused that offer, the Government should be bound to pay them off in the way now proposed. The Government, it was clear, must now get the money in the best way they could. About 3,000,000*l.* of Exchequer bills had been paid off, and there remained 6,000,000*l.* to be paid. Now, if the right hon. Gentleman would issue Exchequer bills to that amount, he might have to raise the interest, perhaps, from 1*d.* to 1¼*d.* a day, but even that would be a better measure than he had proposed, as it would be only temporary. He protested, however, altogether against the principle of making a second bargain with parties who had had the option already of taking a particular course. The parties knew well that when they refused in one case they would obtain better terms in another; and was it likely, in such circumstances, that with respect to the 500,000,000*l.* of public debt with which they had to deal, they would have any chance of making really good terms? He should therefore feel it his duty to vote against the second Resolution.

MR. JOHN M'GREGOR said, he thought the hon. Gentleman who had just spoken, was very greatly mistaken as to the operations that would take place under this Resolution. As to a bargain having been made before, it should be recollected that that bargain was made under peculiar circumstances. At the time the Chancellor of the Exchequer proposed his measure to the House, the funds were rising, and the greatest unanimity was felt with regard to those measures both in London and elsewhere; and to his knowledge great sums had been transferred into the bankers' hands for the purpose of taking advantage of them. But soon after, political matters on the Continent, and other questions, gave a different tendency to the money market, and, though money was abundant, the same desire for investing did not exist as at the time when the right hon. Gentleman proposed his measures. Now, looking at the whole of the financial measures of the Government, and looking at the prospect of a not favourable harvest, he thought this Resolution was by no means either unwise or impracticable, and he should certainly vote for it. Unless they gave a discretionary power to the Chancellor of the Exchequer in these matters, his hands would be so tied up that he would be unable to do the best that his judgment suggested.

SIR FITZROY KELLY said, the first Resolution had been allowed to pass on his side of the House without objection; but the right hon. Gentleman the Chancellor of the Exchequer would perhaps permit him to suggest that the language of that Resolution extended to a remoter period than he had intimated, and that it included the 5th of April well as as the 5th of January, to which he intended to limit its operation. Perhaps, therefore, the right hon. Gentleman would so far modify the terms of the Resolution as to make it accord with the statement which he had made. With regard to the second Resolution, he felt it his duty to oppose it in every possible way. He would also take an early opportunity of bringing under the notice of the House the question involved in the Act of Parliament which had already been referred to. He begged, however, to call the attention of the Committee to the real question involved, which was, whether Parliament would confer on a body who stood in the situation of trustees for those who had no power to act, or even to speak for themselves, the power to meet the views of the Government in such a manner as to sacrifice very largely the interests of those for whom they acted as trustees? He thought the right hon. Gentleman could not have fully considered the extent of the matter. The parties were not free agents. The Company, as trustees, were to have power to commute, and the holders were to be consulted as free agents. The Committee were called upon a few hours' notice to confer on the South Sea Company the power of commuting certain stocks, and stocks standing in the hands of the Accountants General; and if these stocks were not the property of parties who had the misfortune to have their affairs in the Court of Chancery or Court of Bankruptcy, he did not know to what stocks the Resolution applied. If they applied to these stocks, then he was satisfied the Committee ought never to agree to the second Resolution. But, whatever the class of persons to which the stocks might refer, he opposed the Resolution on the ground that it was not just or right to convert stocks in the way proposed without the consent or sanction of the proprietors of that stock. What was the history of their legislation on this question? There were certain stocks denominated small or minor stocks, involving somewhere about 10,000,000*l.*, with which in the early part of the Session they were asked to deal, and it was declared by the Chancellor of the Exchequer to be expedient that those stocks should be paid off. Accordingly, the consent of the House was given to a Bill to enable the Government to cancel those stocks, and this in spite of the warning voice of the hon. Member for Huntingdon (Mr. T. Baring) and others, that the moment chosen for this operation was a most unfortunate one. He could not blame the Government for events that had since occurred, and which probably they did not anticipate. At the moment, too, when the scheme was proposed, the market was perhaps a rising one; but during the progress of the measure through the House things occurred that suggested some doubts whether the moment chosen by the Government for effecting their object was a right one. However, the Bill was passed, and the consequence was that the right hon. Gentleman had to pay off every 100*l.* stock with 100*l.* sterling, stock being at the time above par, while at this moment the same stock was not worth more than 98*l.* or 99*l.* in the market. So that of the 8,000,000*l.* to be paid off in January, there was a loss of at least 1 or 2 per cent, because the right hon. Gentleman had chosen a wrong time to make this operation. But, passing to the other provisions of the Bill, which were now applied to an altogether new case, he would say that if the right hon. Gentleman had contented himself, when the Bill was brought forward, with the payment of the South Sea and other minor stocks, and to raising a sufficient sum for that purpose, little observation would have been necessary then, and none would been required now. But the right hon. Gentleman, who seemed to have the idea that he was destined to carry out some gigantic measure of finance, involving sooner or later the extinction of the whole national debs of the country, proposed to add to his scheme a project of creating a 2½ per cent stock, 3½ per cent, and Exchequer bonds. The right hon. Gentleman, instead of confining his operation to the paying off of a certain amount of national debt, in a certain way, and raising money to pay off that portion of the debt, took upon himself the impossible task of determining not the exact, but the fair value in the market of three new and untried stocks. The two stocks were complicated in their conception, and the new Exchequer bonds had not yet been tried. The right hon. Gentleman, instead of ascertaining as had always been adopted by the Minister of the day in similar cases, their value by tender, took upon himself to fix the value himself. At the time, some hon. Members on his side of the House ventured to tell the right hon. Gentleman that if his proposal were accepted, it would bring about a losing and disadvantageous bargain for the public, should stocks be above par; if not, then the whole scheme would fall to the ground, because it would not be accepted. It was pointed out at the time that mischief would ensue if such elements of disturbance were introduced into the money market. He would not repeat the arguments by which the opposition to the measure was supported; he would only just ask the Committee to see the practical result of the operation. It was impossible to say, if the funds had remained about par, as they were when the Bill was brought forward, what might have been the effect of the 2½ per cent stock on the public. He was inclined to think that a larger sum—not 40,000,000*l.*, but about 20,000,000*l.*—would have been accepted by the public; but the amount taken had been so insignificant, in consequence of the funds falling, as to be scarcely worth a consideration. Those who had accepted the 2½ per cent stock had done so, because they trusted too implicitly to the statements of the right hon. Gentleman; and with regard to the other stocks, the small portion that had been taken, he would leave the right hon. Gentleman to say in what position those parties were now placed. He hoped the right hon. Gentleman would tell the Committee what he thought the 100*l.* of these stocks worth now? If the new holders were to sell, what would they get for this change? Such, then, was the entire failure of the scheme—such the condition of these new stocks, that the stocks were now unheard of in the market; they were a dead letter in the market, and their very existence was ignored. He was sure that the owner of 100*l.* sterling of these new stocks could not obtain more than 93*l.* in the market. In consequence, therefore, of holding out to the public that 100*l.* of the new stock was worth as much as 100*l.* of the old stock, the right hon. Gentleman had induced many to buy the new stocks, and trustees to buy for others, and thus to lose 7 per cent. And why did he allude to this? Because by the present Resolution the same vicious and losing principle was to be compulsorily extended to another class of stockholders. There was no means of knowing from the words of the Resolution to what particular class of stocks, and to what amount, it was limited. It was clear, however, there was a class of persons who under the Act recently passed had no power to convert their stock. But the meaning and effect of the Resolution was, that the holders of stock in the hands of the Court of Chancery and Court of Bankruptcy were to have their stocks arbitrarily commuted. He now came to another part of this Resolution, with regard to which he thought the Committee were entitled to some explanation. Government invited other classes of trustees to sacrifice the property of their *cestuique trusts* by this newly proposed stock. There was now one class of persons, whose stock being in the name of the Accountant Generals in Chancery or Bankruptcy, could not be converted. But the South Sea Company were now to be permitted to commute it, and those persons were to receive not 100*l.* sterling, but 2½ per cent or 3½ per cent stock, or Exchequer bonds—the 2½ per cent fetching only 93*l.*, the 3½ per cent 91*l.*, and the Exchequer bonds 90*l.* That was all they were to receive for 100*l.* Was that the way to deal with persons who could not help themselves? Would Parliament be a party to such an act of obvious injustice? And whether the parties were small holders or large, few or many, the Resolution was neither more nor less than to give a power to the South Sea Company to compel parties to commute one stock for a stock of less market value. He thought the right hon. Gentleman ought to have explained his views more clearly when he brought forward his Resolutions, for certainly at this moment he could not fully comprehend their purport and probable effect. There was, it was true, another option—that the holders were to have the value, which value was to be hereafter fixed, of the 3¼ per cent stock. So then, that class of persons who had lost eight or nine per cent in taking the 2½ per cent stock, were to be compelled to put up with their loss. But in order to induce the new class of victims to come forward, the advantage was offered of giving them the option of the money price of the 3¼ per cent stock. He objected to the Resolution, first, on the ground of the converting of good stocks into 2½ and 3½ stock, or the Exchequer bonds, being an attempt to induce persons to incur a loss, and at the same time to conceal that loss from them. The proposal was unbecoming on the part of Government, as it in effect confiscated a portion of the property of those who might be induced to accept the proposal. He should oppose every stage both of the Resolution and the Bill which gave the South Sea Company the power of converting into this stock. He objected also to that part of the clause in which the Government claimed the confidence of the House with regard to the terms they would be able to effect. As to the 3½ per cents, he admitted that the calculation of the right hon. Gentleman was as nearly correct as it could be under the circumstances; but he saw nothing to induce him to leave to the judgment of the Government the amount to which the holders of this stock were to be compensated.

The CHANCELLOR OF THE EXCHEQUER said, it was a matter of great regret and concern to him that he had been prevented by circumstances from paying the respect that was due to that House, and he must say the justice that was due to the Government and to himself, by replying on that occasion, and on the discussion of these Resolutions, to an attack which had been made by the right hon. Gentleman opposite (Mr. Disraeli), and by the hon. and learned Gentleman who had just sat down, upon the Government, not with reference to these Resolutions merely, but with reference to an Act of the present Session, and to the whole financial policy taken by the Government. That at this moment was totally impossible. [*It was now within a minute or two of four o'clock, the hour of adjournment.*] He hoped, however, that it might be possible, in the course of the present evening—if at all in conformity with the rules of the House—to resume that discussion, when he should show his respect to the Committee by replying to the statements to which they had listened. He would only say that he fully recognised the reasonableness of the demand for time to give full consideration to Resolutions like the present; and he might state that he came down to the House at six o'clock on Tuesday, with the intention of announcing these Resolutions for the present day—a notice of two days, being precisely the same notice that was given by the right hon. Gentleman the Member for Cambridge University, in 1844, when he proposed to convert 250,000,000*l.* of stock; but the counting out of the House on that evening prevented him carrying out his intention. He could assure the hon. Member behind him (Mr. J. B. Smith), that he would have concurred entirely with him, if he had been at all correct in the inferences which he had drawn from the Resolutions. The hon. Gentleman said he would never offer new terms to persons who had rejected those which had been placed before them, and in that he entirely agreed with him. [Here the right hon. Gentleman was stopped by the CHAIRMAN, it being now four o'clock, and the sitting was suspended. The House resumed at six o'clock.]

GOVERNMENT OF INDIA BILL.

On the consideration of the Government of India Bill, as amended,

SIR JOHN PAKINGTON said, it was now his duty to appeal to the Government and to Parliament whether the time had not arrived at which the monopoly of salt possessed by the East India Company ought to be entirely abolished. He made the Motion in no party sense, and with no party object, but rested it entirely on the merits and justice of the case. If there was one portion of the House to which he appealed more earnestly than to any other, it was to Her Majesty's Government; and he did so on the ground that, in whatever light the subject was viewed, it was the duty of Parliament to put an end to this obnoxious monopoly, which had been the subject of long and just complaint both in England and in India. Whether it was viewed as affecting the welfare of India, the trade and commerce of England, or the consistency of their commercial legislation; on either or all these grounds he thought he could show that this was a question entitled to the gravest consideration of Parliament, and one on which he thought he should be able to show that Parliament had had no fair option. He did not need to remind the House that in all countries salt was a first necessary of life; but in India, where the diet was vegetable, it was particularly more required than elsewhere. In India that necessary of life was scarce, the supply was deficient, and the price exorbitantly high. In England there was no limit to the supply, and the price was proportionately cheap. Why did not the usual law of supply and demand operate in this case? What was it that prevented the supply and cheapness of the article in England from being applied to relieve the deficiency and dearness of India? It was the East India Company, who stepped in with this monopoly. They manufactured, charged whatever price they liked, imposed a duty of 300 or 400 per cent on the article, whether produced in India or imported, and thus they injured the people whom they were bound to protect, preventing the usual laws of supply and demand, and the ordinary rules of commerce, from operating. If the President of the Board of Control said the remedy was to be found in India, his reply was, that the Indian Government and the East India Company could not be depended upon; and if a remedy was to be given it must be so by the British Parliament. In the first place, he should draw the attention of the House to the price of salt in India. He should quote from the *Calcutta Review*, and with the less hesitation because he found in the papers laid before the House by the Court of Directors that the *Calcutta Review* was referred to as a work of authority. He should also take the Company's own figures, and prove the case from the Company's own witnesses. One of those witnesses was Mr. Halliday—a gentleman of great ability and authority in India; there were also his hon. Friend opposite the Member for Honiton (Sir J. W. Hogg), and Lord Dalhousie, the Governor General of India. The East India Company put the cost of their own manufacture at 80 rupees for the 100 maunds. They added a duty which was no less than 250 rupees on the 100 maunds, making a total of 350 rupees for the 100 maunds. That sum in English money amounted to about 8*l.* 5*s.* for the ton of salt. The *Calcutta Review* said—

> "Now commences the chief iniquity of the system. A great proportion of the salt for inland consumption throughout the country is purchased by large wholesale merchants at less than 4 rupees the maund" [10*l.* per ton]. "These mix a fixed proportion of sand, chiefly got a few miles to the south-east of Dacca, and sell the mixture to a second, or (counting the Government) a third monopolist, at about 5 or 6 rupees. This dealer has more earth or ashes, and thus passing through more hands from the larger towns to villages, the price is still further raised from 8 to 10 rupees, and the proportion of adulteration from 25 to 40 per cent."

He would next call attention to the English price of this necessary article. Salt in Worcestershire cost 10*s.* per ton; in Cheshire 6*s.* or 7*s.* per ton; so that the price in the interior of India was actually fifty times higher than the cost price in England. Salt that had cost 10*s.* in Worcestershire could be shipped at 15*s.*; and, with 25*s.* more for freight and cost of transit to Calcutta, the price at which it was landed there was about 2*l.* per ton. It would there have to pay the duty of 2½ rupees per maund, which raised the charge as nearly as possible 1,400 per cent on the first cost. The article cost as soon as it was taken out of bond 9*l.* per ton. It then got into the hands of the monopolist. It afterwards underwent adulteration, though not to the same extent as the native article; and when it reached the interior it was exposed for sale at the exorbitant price, of 18*l.*, 20*l.*, or 25*l.* for the English ton. Such was the charge which the unfortunate native of India had to pay. He would next draw attention to the consumption. The first question that arose was, what was the consumption necessary for the purposes of health? The consumption per head per annum in England varied from 21lb. to 25lb.; in the United States, where there was no Excise, and a moderate import duty, the average was 27lb.; in Russia, where there was a heavy import duty, 23lb.; in Austria, where there was a Crown monopoly, 20lb.; in Prussia, where there was also a Government monopoly, 18lb.; in France, Belgium, and Holland, 21lb. What was the consumption of India? According to a paper of the Court of Directors, it was only 12lb. per head per annum—as nearly as might be half the consumption in Europe and America. That diminished consumption also took place, it should be remembered, in India, a country in which the great extent to which vegetable diet was used rendered the consumption of salt more necessary than it was in other countries. It should be remembered also that the salt consumed in Europe and America was pure and unadulterated, while of that which was used in India more than one-half was mere dirt and ashes. Now what, he would ask, were the effects which had been produced in India by a state of things such as that to which he had just called the attention of the House? He had before him papers issued by the Court of Directors this year, in which they had not stated the case so frankly as they might. The consumption of 12lb. per head per annum was, he believed, a great exaggeration as regarded Bengal; but they proceeded to estimate the wages of the Indian peasant at three rupees per month—an amount which might be received for work on a railway, but which was greatly beyond the average amount received for Indian labour. Taking that amount, and the case of single men, they declared the deduction for this exorbitant monopoly did not exceed 1½ per cent on the earnings of a man. Instead of taking a single person, the average ought to be taken of a man with his family—of five persons instead of one. Then it would be found that the Indian labourer had to pay various prices, from 7 to 12 per cent on his income, to purchase the primary necessary of salt; and in some cases it would take two months' labour to provide him with that portion of salt which was indispensable, not only for his comfort, but for his health. The Court of Directors further stated that—

> "The pressure of the salt tax on the labourer could not be regarded as severe, inasmuch as it was the only way in which he contributed to the pecuniary necessities of the State; in all other respects he was not necessarily subject to taxation."

The Directors said so in 1853, with a new Act for the government of India hanging over their heads. He should, before he proceeded further upon this point, refer them to the evidence of Mr. Halliday, who in 1847 stated—

> "That the people in the interior still buy their salt at a price which presses hardly on their means, and that no small portion of the community obtain no salt at all, but are obliged to substitute for it adulterated and often deleterious articles, are, unfortunately, notorious facts."

He wished next to remind the House of what Mr. Halliday had said the other day before the Committee now sitting on Indian Affairs, when asked what would be the probable effect with respect to the manufacture of salt if the duty were altogether removed:—

> "It is generally understood by those best acquainted with the subject, and it cannot be denied by any one who looks into the details, that the present price of the Government manufactured salt in Bengal is very much raised to the consumer in the market by the necessary want of economy, not to say extravagance, connected with the Government system of manufacture, and by those many speculations and extortions and corruptions which are inevitable in such a system, and carried on with such instruments."

He now came to another painful part of the subject, which he sincerely hoped would weigh with the Government and the House —namely, the effect which the state of things he had just described produced on the health and lives of the natives of India. The first witness he should quote was not an interested English manufacturer, nor an enthusiastic writer from the Parliamentary party known as "Young India," but a homely but useful book—namely, Dr. Graham's *Domestic Medicine*, a work which was written long before this question arose, so that this writer was at all events an impartial witness:—

> "Salt is a natural stimulant to the digestive organs, and seems absolutely necessary to the health of the animal body; for those who neglect it as an article of diet have a weak and depraved digestion, and engender worms; often with frightful rapidity."

But what are the effects of an utter and compulsory want of it? The same writer also tells us in a note on the above passage:—

> "A mode of punishment formerly existed in Holland, which places the effects resulting from a total disuse of salt, more especially in moist climates, in a striking point of view. The ancient laws of the country enacted that certain convicted men should be kept on bread alone, unmixed with salt, as the severest punishment that could be inflicted on them in their moist climate. The effect was horrible; these wretched criminals are said to have been devoured by worms engendered in their own stomachs."

Mr. Carnac Brown, from whose pamphlet he had quoted this extract from Dr. Graham, added:—

> "Be it noted that this effect was produced upon these persons by confining them to a vegetable diet uncorrected by salt. A diet wholly vegetable is the diet of numerous classes in India, and a diet almost wholly so is the diet of the rest of the population. A punishment, therefore, the most horrible and loathsome which human barbarity ever devised in the dark ages, for the torture of the worst criminals, is the fate which the East India Company maintain and defend as one of their principal fiscal resources, and which they deliberately run the risk of inflicting, in this the nineteenth century, upon the millions of innocent men whom humane England has confided to their governance! Not only do multitudes of natives die annually in the interior of disease produced by the want of a sufficient supply of salt to sustain life in a healthy state; but no man who has used his opportunities of observation among them can entertain a doubt that many of those who survive and are met with in every part, victims to the most loathsome and miserable diseases, gradually making them objects truly horrible to behold, owe the origin and the inveteracy of their sufferings to the same cause, which converts the blood in their bodies into a mass of corruption."

He would next turn to the *Calcutta Review* of March last. What did it say on the subject?—

> "The curse which this tax thus proves to the country is manifest to every one intimately acquainted with the condition of the poor; not only do they suffer from the ruinous price at which it is sold, but from its deleterious character. They eat, but they are not satisfied; they heap on salt, for which they have paid dearly, but there is no savour in the rice. And those who cannot afford to purify it are compelled, in violence to their habitual cleanliness in diet, to consume a large proportion of injurious sand and filth. Disease is the inevitable result, especially in a low country, and where vegetable diet is the universal food. Every one acquainted with the constitution of the Bengali, knows that the prevailing complaint of the country is worms. A missionary of twenty years' experience in dealing with the bodies, as well as the souls of the natives, once told us—'If ever I am at a loss to know what is the matter with a man, I prescribe salt and pomegranate bark, for he is sure to have worms, whatever other complaints he may have.' To this state of the native constitution are to be imputed many diseases of the digestive organs and bowels; that general debility, which induces recurring fever, and causes fatal results to accrue from cholera and other violent attacks, while it is the immediate producer of that most loathsome judgment, not unfrequent among the poor, of being literally eaten up by worms."

The right hon. Gentleman the President of the Board of Control would perhaps tell him that Dr. Graham was no authority on medical subjects, and that the writer in the *Calcutta Review* was an anonymous writer; but, at all events, he would not venture to tell him that salt was not absolutely essential to life and health in India, and that, under the existing arrangements, the native Indians were deprived of that quantity as well as that wholesome quality of salt, without which it was impossible they could have health or enjoyment. He challenged the right hon. Gentleman to disprove his assertions on that point, but he did not believe he would attempt it. Leaving that question to be solved by the facts which he had laid before the House, and by those to which he would subsequently call their attention, he would now turn to another aspect of the question, and view it as connected with the Indian trade. He asked the House to bear in mind what he thought was not an unimportant consideration—namely, what but for this monopoly would be the condition of the fisheries of India. They all knew the importance of the mackerel fishery at Newfoundland and around the coast of North America. They knew what sources of wealth were the pilchard and herring fisheries on the coasts of England and Scotland, and the sardine fishery in the Mediterranean. But were they aware that sardines were as abundant in the Indian seas as in the Mediterranean, and that but for the salt monopoly they might form an important element, not only of the Indian trade, but of the comfort of the natives? He had the authority of Bishop —Herbert for saying

> "It is well known to all persons acquainted with the history of the West Indies during the slavery period, that a portion of salt fish was regularly served out to the negroes as an essential and legal part of their rations, without which they could not subsist, nor work in health for their masters."

Bishop Heber related, in his *Travels*—

> "That in the remotest parts he visited in Hindostan he found a small addition of salt fish valued as a grateful relish to their vegetable food by all classes of natives able to consume it."

He would next give them the opinion of Mr. Carnac Brown on the same subject:—

> "I have seen a French ship arrive on the west coast in the sardine season freighted with the usual supply of Nantes sardines. I have seen her readily sell off canister after canister of them, containing, perhaps, two dozen fish, to the English residents, for 18*s*. to 20*s*. each (nine or ten rupees); and, at the very same time, I have seen a native fisherman return to the shore with a boat-load of fresh sardines, the fruit of a whole night's toil; I have seen this man glad to sell his many thousands of fish for 2*s*., or one rupee, to be used as manure, as the only choice left to him to save them from rotting on the beach, because of his utter inability to buy the Company's monopoly—salt, requisite to cure and convert his sardines into an article of the same universal demand and value as the French sardines selling before his eyes."

He thought the House would admit that these facts formed a strong claim for consideration on the part of the House of Commons. On what principle—above all, how, on their own principles, did the Government justify a monopoly of this kind, which they must acknowledge was injurious to British trade, inasmuch as it compelled the English manufacturer to keep his salt at home, and prevented him sending it to a market where it was wanted to supply the necessities of the people of India, as well as restricted the use of British shipping in conveying it where it was required? He might be told that at present shipping was abundantly employed. He admitted it, but that was no answer to his argument, for that was only the ephemeral effect of the passing hour; and he did not believe that they would tell him that it was a wise policy to restrict the use of British shipping in any single branch of commerce. These were some of the crying evils to which this monopoly had led. And who was to blame for them? He

Sir J. Pakington

was sorry to say he could impute the blame to no one but the Indian Government and the East India Company. He could show the House that not only had the Government of India incessantly struggled for years to keep up this monopoly, but that at this very moment they were as much as ever—nay, he believed, more than ever, struggling not only to maintain, but to increase the monopoly. In 1836 so pressing was this subject felt to be that a Committee of the House of Commons was appointed to investigate the merits of the question. He would beg the attention of the House to the Report of that Committee. It stated that this monopoly was subject to all the evils which attended monopolies under ordinary circumstances—that it formed no exception; and then it proceeded to say—

> "Your Committee cannot conclude without expressing their conviction, that however modified the monopoly may be, the evils of the system can never be totally eradicated but by its extinction; and, entertaining a strong opinion that the interests of the consumer and revenue will ultimately be best secured by a considerable reduction of the duty under a system of free competition, they repeat the expression of their hope that the Government will not neglect to give their early and serious attention to this important subject."

The passage he had read formed part of the Resolutions of the Committee. He further found that the hon. Member for Honiton (Sir J. W. Hogg), who was a Member of the Committee, moved an Amendment that the words after "extinction" should be omitted; but the hon. Baronet was a party to the emphatic declaration that nothing but the extinction of the salt monopoly would remedy the evil of the system. [Sir J. W. HOGG: Hear, hear!] Well, year passed away after year, and still this monopoly continued in full action, and the natives of India continued to be oppressed by this state of things. At last, in 1845, the trade of this country cried out loudly; and he considered it his duty to go to the India House with a deputation to remonstrate on the fact that for nine intervening years nothing except the lowering of the duty in 1844 had been done to remedy the evils complained of. In 1845 the hon. Baronet the Member for Honiton was what was generally called "a Chair." [*Laughter.*] That is, he was one of two chairs—he feared not always very easy chairs. The hon. Baronet was then, as he generally was, attended by a most respectable elderly gentleman, who seemed to think it his first duty to do whatever the hon. Baronet bade him, and to echo whatever the hon. Baronet said. He felt bound to say, that nothing could exceed the courtesy of his hon. Friend on that occasion. He took the deputation completely aback, and made them look extremely foolish. The hon. Baronet virtually told them that they had come on a fool's errand; that they were entirely mistaken in supposing that English salt was excluded from India; that salt might be sent to India as to any other market, upon payment of the duty, which said duty, however, was certainly enormous—as much, indeed, as 400 per cent. An English merchant who was one of the deputation was so delighted with the hon. Baronet's courteous bearing, and so carried away with his assurances, that he actually sent off 2,000 tons of salt to India on the faith of them. The result was, that he found the hon. Baronet's description strictly true as to the letter, but wholly erroneous as to substance. He was not only asked to pay the duty on his salt, but to pay it before it went over the ship's side, at the risk of great wastage. He was told that he was perfectly free to warehouse it; but there was no warehouse. In fact, the whole thing broke down; and the owner was obliged to send it where it was less wanted than anywhere else—to the bottom of the sea, and he resolved to try no more experiments in connexion with the subject until the salt trade was on a better footing. This, however, brought things to a crisis. He (Sir J. Pakington) and some others waited on Lord Broughton, who received them in the most favourable way, and evinced an anxiety, which he believed he sincerely felt, to put an end to the evil. And what, perhaps, was of more importance, the subject was taken up by the late Sir Robert Peel, who presented a petition on the subject in such a manner as showed he was fully alive to the enormity of the grievance. In February, 1847, an ateration was made by the Company to the effect of allowing the duty to be paid when the salt was taken out of bond, making a fair allowance for wastage, and providing warehouses, but still retaining the enormous duty. What was the result? In 1847, the exports from England were 25,754 tons; in 1848, 15,507 tons; in 1849, they rose to 27,640 tons; in 1850, to 36,341 tons; and in 1851, to 61,711 tons; but in 1852 they fell to 37,677 tons, owing to the high rate of freights occasioned by the gold discoveries in Australia. So that, in point of fact, even the exports of the year 1852 could not be said to form any exception to the general rule which had led to the increase he had mentioned. And this had occurred in spite of what he thought was not quite *bonâ fide* conduct on the part of the Company. The Government of India professed to carry out the recommendations of the Select Committee of 1836, namely, to allow foreign salt to enter into fair competition with native salt; but in a minute by the Governor General it was laid down that—

> "To warrant the Government of Bengal in continuing this system, I conceive it is essential that the operation of the system should clearly involve no injustice to the importer of salt from without, or to the producer of home salt in India. The representations of the Revenue Board, in my humble judgment, have established that under the existing system, no injustice is done to the importer of salt, but that great and growing injustice is inflicted on the native producer of that article. For, the importer of salt from England or from elsewhere has a right to expect that he should not be exposed, by the determination of the Government of Bengal to retain the monopoly of salt in its own hands, to any greater competition than he would have to contend with if the monopoly were abolished, and the traffic in salt, like the traffic in any other article, were carried on by ordinary traders. The Government of Bengal, acquiescing in that principle, have long since given effect to it by establishing that the selling price of their native salt shall consist of the amount of the import duty on foreign salt, plus the cost of manufacture and conveyance for sale of the native article."

The whole course of the Company's conduct, indeed, showed that they had not the slightest intention of carrying out the arrangement in the spirit of the Committee's Report. It appeared from the papers which had been produced to the Committee the other day by Mr. Aylwin, that the Company had actually sold their salt at a loss as compared with the amount which they would have received from the payment of the duty by the importer. From that duty they would have derived in seven years a sum of 80,626,000 rupees, while the sum they had received during that period had only amounted to 69,253,633 rupees; so that they had suffered a loss in those years of not less than 11,372,370 rupees, or 1,137,237*l.* Mr. Halliday, indeed, in his answers to the Committee, had endeavoured to explain away a fact so damaging to the system, but his answers had completely failed to substantiate the proposition which he desired to establish. This witness, in fact, after Mr. Aylwin's figures had been shown him, admitted that one fifth of the Company's salt had been sold retail at a lower rate than the regulation price; that was to say, the cost of manufacture, *plus* the duty, which was precisely the charge that was made against the Company in this particular. Mr. Halliday's next explanation of the matter was, that Mr. Aylwin had not included in the price he gave the cost of the prevention, that was to say, the cost of the prevention of smuggling, and so on; which, said Mr. Halliday, ought to have been included by him in the cost of the manufacture. But this answer, like his others, only served to establish the case against the East India Government. He would now call the attention of the House to the effects upon the importation of salt into India, of the change effected in 1847. In 1829–30, the imports of salt into Calcutta, were 10,498 maunds; they increased gradually and slowly till 1847–48, when they were 1,772,134 maunds. In 1851–52, they were 3,174,370 maunds, while they had sold of the Company's salt only 3,135,949 maunds, making a total of 6,310,319 maunds. When, however, you looked at the Company's sales, these which in 1847-8 were 4,907,387 maunds, had fallen in 1851–2 to 3,135,949 maunds, in which year, as he had just shown, the imports of foreign salt, notwithstanding the enormous duty of 300 or 400 per cent, had actually turned the scale, and now exceeded the sale of the home manufacture by 38,421 maunds. This brought him to the proposition, that the Indian authorities, so far from relaxing in their monopoly—so far from yielding to the wants and wishes of India in this essential matter, were now setting every nerve to work to revive that monopoly and to make it more oppressive. The Indian year ended in April. Just after the close of this year, 1851–2, the change he had described in the relative position of imported salt and home salt becoming manifest, the Indian authorities discovered all of a sudden that they had been committing, as Lord Dalhousie benevolently styled it, "the blunder" of charging as cost of manufacture certain items which ought to have been charged to revenue, under the head of "preventive cost." Justice to the producer forthwith became the cry with the Indian authorities, and a long letter was written from the Board of Revenue on the subject, to which the Governor General, for whose character and abilities he entertained the highest respect, was induced to append a minute, in terms which clearly manifested, that, in the candid simplicity of his heart, he had no idea that he was therein making himself a party to the most palpable dodge that was ever seen on the part of the East India Company. So long as the import of salt was limited, so long as the home manufacture thrived, the Company found it remarkably convenient to charge on the poor consumers of India the items for prevention; but the moment it became clear that the home manufacture was in danger, the Company wrote to the Governor General that these items ought to have been borne by the revenue. The law had been framed to favour the home manufacture; and the only point in favour of the importer was, that he sold salt, while the native article was composed of sand and ashes and other deleterious substances. The Company at length feared that they should be driven out of the market; and Lord Dalhousie stated that they ought not to be deterred by any sense of false shame from confessing their former blunder. But there had been in reality no blunder at all; it was a system by which, so long as they found it at all answer, they sought to maintain their monopoly; and their only reason for making a change was, that they desired, by a new process, to undersell the foreign importer, who had at length managed to undersell them, and having, by a dodge, recovered their position, to revive their monopoly in full force. By transferring the items for prevention from cost of manufacture to revenue, they would reduce the cost price from 80 rupees per 100 maunds, to 65 rupees per 100 maunds, or 7*s.* 6*d.* per ton, the price of salt in Cheshire; a reduction by which they anticipated they should be able again to undersell the foreign importer, and so, keeping his salt out of the market, revive their own monopoly. That was the case he had to lay before Parliament; and he could hardly think that it was necessary for him to enter into any lengthened argument for the purpose of establishing his position. What was it that he was then doing? Would the House believe—would the country believe that it was necessary for him, in the year 1853, to appeal to the followers of the late Sir Robert Peel, the great advocate of commercial freedom, and the great enemy of commercial restriction, to put an end to a monopoly fatal to the health, the comfort, the lives of the people of India, and which injured to a considerable extent one important branch of the trade and shipping of this country? He supposed he would be met upon that occasion by the single argument of money. He would be told, perhaps, that the Government of India could not dispense with the revenue which it derived from the monopoly. He had two answers to give to any such argument. In the first place, he had to tell them that they were governing India under a deep and heavy responsibility, and that they were not justified, in the sight of God or man, in raising a revenue by injuring and oppressing the people of that country. His second answer was, that in point of fact their revenue was not at stake in that question. At all events, he did not ask them to abandon their revenue. He begged them to remember that all he asked them to do was to adopt a combined system of Excise and of Customs duties. In Bombay they had adopted that combined system with regard to salt, and there the revenue had flourished. He did not see why the same system should not answer in Bengal. He should add, however, that he certainly contemplated a reduction of the duty. He believed that the duty ought to be lowered, and that the natives of India and the British merchants could not in justice or in policy be subjected to a continuance of the present exorbitant duty, which amounted to not less than 300 or 400 per cent. He felt, however, that there were good reasons to expect, that, with modified customs and with lower duties, the revenue would not seriously suffer, if it should suffer at all. The duty on salt had been reduced on three former occasions; it had been reduced in 1844, in 1847, and in 1849; and the result of those three experiments showed that salt in India was no exception to the rule which held good in this country with regard to other articles of commerce, that a reduction of duty led to an increase of consumption. But he would revert to his first argument, that they were not morally justified in raising a revenue from a source which led to grievous, and in many instances fatal, injury to the people of India. Upon that point he would quote no less distinguished an authority than Lord Dalhousie. In the minute written by Lord Dalhousie the other day, he found the following emphatic passage:—

> "If it be objected that to do so" [to lower the price] "will involve a sacrifice of revenue, I reply, that even if it should reduce the revenue, the plea cannot be admitted."

The noble Lord went on to say—

> "This is a question of duty and justice, and not one of expediency or profit. If it be admitted, as I think it must, that the people are bearing an unfair burden, it is the duty of the Government to lighten it at whatever sacrifice or cost."

He was ready to admit, that Lord Dalhousie had used that argument with immediate reference to the salt producers; but he contended, at the same time, that the noble Lord's language admitted of a wide, and even of a general application. Those were noble words; and he (Sir J. Pakington) cared not what might be the special object for which they had been employed. They were large words, and as such he adopted them. It was true that he was acting upon that occasion at the request of the salt msnufacturers of Worcestershire and Cheshire; but it was also true that before that request had been addressed to him, he had given notice of his intention to bring that subject under the consideration of the House. He had taken up the question with the full and deliberate conviction that the conduct of the authorities in India upon that matter was a stain on our Government in that country. The right hon. President of the Board of Control, in introducing that Bill to the notice of the House, had consumed four or five hours in boasting of the blessings which our rule had conferred on the people of India; but he (Sir J. Pakington) said that they had no right to make that boast so long as they left that people to be the victims of elephantiasis and many other diseases brought on them by a want of the first necessary of life in such a land—a necessary of life which they as a paternal Government were bound to place within their reach. So long as they did not place it within their reach he held that they were guilty of a breach of one of the first duties imposed on them by the authority which they exercised in India. He challenged and invited them to defend that monopoly if they could. He believed that it could not be defended; and in the name of the people of India he demanded that it should be repealed.

Clause—

> "And whereas by the Act 3 & 4 *Will.* 4, hereinbefore recited, it was enacted, 'That the said

Company shall with all convenient speed, after the twenty-second day of April 1834, close their commercial business, and make sale of all their merchandise, stores, and effects, at home and abroad, distinguished in their account books as commercial assets, and all their warehouses, lands, tenements, and hereditaments, and property whatsoever, which may not be retained for the purposes of government of the said territories, and get in all debts due to them on account of the commercial branch of their affairs, and reduce their commercial establishment as the same shall become unnecessary, and discontinue and abstain from all commercial business which shall not be incident to the closing of their actual concerns, and to the conversion into money of the property hereinbefore directed to be sold, or which shall not be carried on for the purposes of the said Government.

"And whereas the said East India Company have continued to carry on the manufacture and sale of Salt, from the date of the said Act to the present time, notwithstanding the aforesaid provision.

"And whereas it is expedient that the said Salt monopoly should absolutely cease and determine: Be it Enacted, That from and after the first day of May 1856, it shall be unlawful for the said East India Company to continue the manufacture of Salt as at present carried on by them in the province of Bengal, and that such manufacture shall absolutely cease, whether carried on by the East India Company or on the account and under the control of the said Company, and that the manufacture and sale of Salt in India shall be absolutely free, subject only to such Excise or other Duties as may now or from time to time be levied upon such Salt so manufactured."

Brought up, and read the First Time.

SIR CHARLES WOOD thought that if the right hon. Baronet had concluded his speech by saying that, in the name of the people of Droitwich, he called upon the House to alter the mode of levying the duty upon salt, his appeal would have been much more consistent with the arguments he had used. There had been various anomalies and contradictions during the debates on this measure, but he certainly had been surprised to hear the right hon. Baronet appealing to God and man against the enormity of imposing a duty upon the food of the people. A right hon. Gentleman who had advocated the maintenance of a duty upon corn, and upon other articles of food in this country, now appealed to the House to declare that it was utterly impossible, in the face of God and man, to maintain one single tax in India upon an article of consumption. The people of India paid a tax upon one single article of consumption—salt, and the right hon. Gentleman and his Friends considered that tax so utterly unjustifiable that they contended the House was bound to repeal it all hazards. The argument sounded strangely from the lips of the right hon. Gentleman—he had introduced in almost every other sentence of his speech the unpalatable word "monopoly;" but so little did the right hon. Gentleman appear to understand the meaning of that term that he had actually complained of a proceeding on the part of the Governor General of India, the effect of which would be to reduce the price of salt to the consumer, as an attempt to increase and enhance an existing monopoly. He (Sir C. Wood) had always understood that a monopoly meant an endeavour, by artificial means, to raise the price to the consumer; but the Governor General of India had sanctioned a measure the effect of which would be to reduce the price of salt from 80 to 65 rupees per 100 maunds. The effect of this reduction of the price of salt made in Bengal would of course be to compel a reduction in the price of salt exported from this country; but though it might be natural that the exporter from England should complain, the consumer in India would clearly gain by the reduction. The Indian Government were taking measures against monopoly. What the right hon. Baronet wanted was to maintain a partial protection on behalf of the exporters of salt in this country. The right hon. Gentleman had found fault with a reduction of the price of salt, which was clearly for the benefit of the Indian consumer, and had charged Lord Dalhousie with what he called a "dodge"—

SIR JOHN PAKINGTON was sure the right hon. Baronet did not mean intentionally to misrepresent him, but he must state that he had said nothing of the sort. He entertained the greatest respect for Lord Dalhousie, and he had applied the word "dodge" not to the conduct of the noble Lord, but to that of the Company.

SIR CHARLES WOOD said, it was true the right hon. Gentleman had expressed great respect for Lord Dalhousie, but, as he was commenting upon the policy of the Government, declared in Lord Dalhousie's minute, the term "dodge" could only be regarded as applying to that noble Lord. The right hon. Baronet had referred to what had taken place in years gone by, when, undoubtedly, a monopoly with regard to the sale of salt in India had existed; but the Resolutions of the Committee of 1836, as the right hon. Gentleman had shown, had been fully carried into effect in 1847, when that monopoly ceased. His statements and his arguments applied to a state of things long gone by. The right hon. Member for Droitwich had referred to the reports of the Secretary to the Revenue Board, who stated most distinctly that the Government of India had no monopoly, in the ordinary sense of the word, and that they were not themselves manufacturers of salt. A large revenue was derived from the consumption of salt in India, and the Company adopted the mode of collecting the revenue which they regarded as the cheapest and most convenient. There was in Bengal one large establishment for manufacturing salt, an excise duty being charged upon the produce; but an unlimited supply of salt was imported, upon which a revenue duty, equal to the excise duty, was charged. Salt might also be introduced from the North-western Provinces. The Government officers entered into contracts for salt by means which were equivalent to public competition, and, so far as the consumers were concerned, there was no monopoly with regard to the sale of that article. There were, in fact, in India five different competing supplies of salt, the duty upon all being equal, whether levied by customs or by excise. It would have been something to the purpose if any evidence had been laid before the House to show that the natives of India had any reason to complain of the want of salt. [*Cries of* "Oh, oh!"] Well, he would ask those who had read the evidence, whether it contained a single syllable showing that the natives of India suffered from the want of salt, or that the duty was a heavy charge upon them? It appeared from the inquiries before the Committee of 1836, that in the household of a great native landowner, with an income of 20,000*l.* a year, the average consumption of salt by each individual was 12 lb. of salt per annum. The consumption per head throughout India now amounted to 12 lb. per head. Mr. Halliday's evidence established the same fact as to the peasantry of Bengal. There was, therefore, no evidence of consumption being materially diminished by high price. The duty upon salt was three-farthings per pound, and, therefore, taking 12 lb. of salt as the average consumption in India, the amount of duty paid would be only 9*d.* per head. The right hon. Gentleman had thrown discredit on the statistical information of the East India House; but, so far from that being just, the Company in this instance had understated their case. According to their statement the charge on the labourer was greater than it really was. Numerous witnesses had been examined as to the effect of the salt duties. Mr. J. Dykes, for example, had stated distinctly that it was the only tax paid by the people of India, and that a week's labour would pay the whole amount. Mr. Turner, a collector in the North-western Provinces, had stated that he had never heard the slightest complaint respecting it. To the elaborate and highly-coloured pictures drawn by the right hon. Gentleman of the effect of a want of salt, he must reply, that there was no evidence at all to show that the natives of India had not a fair amount of salt for consumption. The right hon. Gentleman had also drawn a comparison between the native salt and the imported salt, and had stated that the former was very impure. The fact was, however, that the adulterations complained of were made after the article had left the Company's warehouses, and they were made to an equal extent in the imported salt. Another part of the right hon. Gentleman's case was, that the reduction of duty on salt by the Governor General prevented the importation of the article from this country. But why had that reduction been made? Partly, no doubt, to prevent the adulteration of the imported article, but also for another more important reason. There were a great many persons employed in India in the manufacture of salt; persons whose forefathers had been engaged in the same manufacture for centuries; and it was found, upon inquiry, that a very large proportion of these had been thrown out of employment by the increased importation of the article. He was quite ready to subscribe to the principle, that, for the benefit of the consumer, there ought to be a fair opening for the importation of salt into India; but the House, in deciding this question, ought not to do so with reference to the interests of a particular class in England, but only with reference to the interests of the natives of India. One of the grounds urged by the witnesses from Cheshire was the employment of the people there. But how did this argument apply to India? Referring to the increased importation of British salt to which the right hon. Gentleman had alluded, and, taking the last twenty years, he found that there had been a diminished consumption of native salt amounting to 1,600,000 maunds. The number of people who had been thereby thrown out of employment in India was about 32,000*l.* Looking to the interests of the people of India, then, he thought the Governor General perfectly right in taking care that they were not subjected to an unfair competition with English salt, which really was the case at present. It was found by the Governor General, on inquiry, that several of the salt agencies, where the salt was manufactured, had ceased to be productive, and had been closed, thereby throwing large numbers of people out of employment. In his opinion, therefore, the Governor General would have been guilty of serious neglect of duty, if, when he discovered these facts, he had not at once endeavoured to make the competition fair and equal. The reduction of the duty by the Governor General was therefore just and reasonable. He thought he had clearly established the fact that it was not in the name of the people of India that the right hon. Gentleman had adjured the House to consider this question—that he had complained of a monopoly which, in point of fact, did not exist—and that it was only reasonable that the East India Company should be allowed to decide how they were best able to raise the revenue in India. With regard to the latter, he would only advert to the fact that the Government of India reduced the duty on salt full 25 per cent within the last eight years; and, though the revenue had suffered considerably in consequence, it was his firm belief that before very long it would arrive at its former amount. When that should be accomplished, he had no doubt that the Government would at once propose a further reduction in the duty on salt. Such, however, would not be the effect of the Motion of the right hon. Gentleman, for it did not affect in any way the amount of duty. It only put an end to the present mode of levying the duty, which the best authorities in India considered to be the cheapest and least oppressive to the people. If it were carried, it would force the Governor General to establish a system of excise throughout India, and it would seriously distress the very large number of persons who depended on the manufacture of salt for their livelihood. Having the whole case before them, he considered the House was called upon to say whether the salt duty was to be repealed or not. He had shown that the general tenor of the evidence adduced before the Committee established the fact, that the pressure of the duty was not complained of, that it produced a revenue of 1,500,000*l.*, and that no substitute had been proposed for it. It was true, indeed, that one witness had proposed to impose in its place a large duty on sugar; but that, he supposed, would not suit the views of the right hon. Gentleman. But almost every witness had stated clearly and distinctly, that the salt duty was anything but an oppressive tax, and they had seriously impressed upon the Government the impropriety of attempting to impose a new tax—new taxes being more distasteful and obnoxious than in any other part of the world. The principle of legislation on which the House had acted of late years, had been to abolish as many of the smaller customs duties as possible, and to depend for the revenue on two or three great articles of consumption. The Government of India was further advanced in this respect. All taxes on consumption in India were confined to the one duty on salt, and that had been reduced full 25 per cent. If they had been able to do that in this country they would be remarkably well off. He must here notice another argument adduced by the right hon. Gentleman. He had stated that the monopoly of the East India Company in the manufacture of salt materially diminished the importation of salt from England; but the right hon. Gentleman had quite forgotten, or was ignorant of, the state of the case as regarded Bombay. In that Presidency the duty was an excise duty; much lower in amount than in Bengal; but not a single pound of English salt had been imported into the former. That, he thought, proved that the right hon. Gentleman would fail to effect the object he had in view, even if he succeeded in carrying his Motion. Neither the consumer nor the importer would be benefited by the change which the right hon. Gentleman proposed in the mode of levying the duty. On all these grounds, he asked the House to resist the Motion of the right hon. Gentleman.

MR. J. G. PHILLIMORE said, he thought that the speech of the right hon. Gentleman the President of the Board of Control had abounded in serious mistakes and misrepresentations of the question before the House. The right hon. Baronet the Member for Droitwich (Sir J. Pakington) had been charged with bringing forward his Motion solely in consequence of the particular constituency which he represented; but he (Mr. Phillimore) would be at least free from any such imputation, and it would be admitted that he had no other motive but the welfare of the people of India. The right hon. Gentleman (Sir C. Wood) had referred to the Indian Customs Report; but when he did so he must have been ignorant that a high authority had shown that document to be full of the most incredible misrepresentations. Surely he must have forgotten how very much garbled that Report had been. Authorities on Indian matters had declared that Report to be a tissue of misrepresentations. He alluded to the declaration of Mr. Craufurd. Mr. Craufurd said that nothimg could be more absurd than to suppose that the Bengalee would not consume more of that necessary article, salt, than he did if he could procure a cheap and wholesome supply, instead of an adulterated and abominable mass of putrefaction. And he (Mr. Phillimore) might add that he had just been called out of the House by Mr. Chapman, who had recently published a pamphlet, in which he showed that the consumption of salt by the natives of Bombay was 33 lbs. a head annually instead of 12 lbs., but that with respect to the annual consumption of the Bengalee, instead of its being 12 lbs. a head, he did not believe it amounted to 7 lbs. But the East India Company furnished a complete refutation of their own statements; for, according to Mr. Craufurd, the Madras sepoy, when on foreign service, received at the rate of an annual allowance of 17 lbs. of salt; the Bombay sepoy received 45 lbs.; and the Bengalee sepoy 23 lbs. What became, then, of the right hon. Baronet's argument, that the present system operated for the advantage of the people of India? What became of his extraordinary statement that this Motion was got up for the benefit of certain classes in England? When the right hon. Baronet the President of the Board of Trade twitted the right Gentleman the Member for Droitwich with his change of opinions on the subject of free trade, he did not perceive that he himself had changed his opinions in favour of monopoly. The right hon. Baronet the Member for Droitwich had gone forward—the right hon. Member for Halifax had gone backward. He, the former friend of free trade, was now the advocate of monopoly, and of a monopoly as gross and cruel as any individual or any nation ever groaned under. The right hon. Baronet the Member for Halifax complained of the use of the word "monopoly." Why, it was the very word made use of by Lord Dalhousie himself. In the despatches laid on the table, Lord Dalhousie used the expression, "The Government is determined to retain the monopoly of salt in its own hands." It was then a monopoly; and it was a miserable evasion, a quibble, a putting aside of the facts of the case, to say that it was not. Defend it if they would—say that it was just and right; but deny not that it was a monopoly. Mr. Craufurd fully disposed of the argument that the people of Bengal would not consume more salt if they could get it. He showed that their climate was damp—that the country was distant from the sea—that the soil was not impregnated with saline particles—that the diet of the people was vegetable and insipid, and that their poverty excluded them from the use of every other condiment. But that was not all. Mr. Colebrooke, one of the ablest of Indian statists, described very graphically the delight of the Indian when he could get salt, and showed how much he would use it if it were brought within the reach of his means. And the right hon. Member for Droitwich had clearly shown, that far from being a gainer by this monopoly, the East India Company were losers by it. According to the regulations of the Company, the price of salt was fixed on the principle that it should not fall short of the cost of production, together with a fixed duty on it as revenue. The high price thus fixed tended to lessen the consumption, and the consequence had been that the revenue lost, between 1845 and 1851, no less than 1,137,237*l.* It was not, therefore, for the sake of the revenue of India that the monopoly was kept up. But the right hon. Gentleman challenged them to point out any means by which this deficiency in the revenue might be supplied. He thought the remedy was very obvious. If Government would lower the duty in such a way as to allow of the manufacture of a cheap and wholesome article, levying a duty at the rate of one rupee per maund, which would be equal to a duty of 2*l.* 14*s.* 6*d.* per ton, that would produce a revenue of 2,206,677*l.*, and it would confer upon the inhabitants of Hindostan the supply of a cheap and wholesome salt. At the workhouse in Liverpool the average amount of salt consumed per head was 16 lbs., at Coldbath-fields Prison, 13 lbs.; and at Glasgow Bridewell, 16 lbs.; and yet the right hon. Gentleman said that 12 lbs. per head was sufficient for an Indian living on rice and vegetable diet! The monopoly was a cruel and grievous one, and it had been continued because the people of India had no representatives to bring their wrongs before Parliament; and now, when a right hon. Gentleman came forward, and in a manly manner exposed the true state of the case, he was met by the imputation that he acted from the consideration merely of local interests. But there was another fact. The right hon. Gentleman never touched upon the adulteration of salt. Did he deny it? If he did not deny it, would he say that the system of adulteration ought to continue? To such an extent was it adulterated, that on the late expedition to China, when our troops were compelled to use the Bengal salt, it produced a dreadful disease and a great mortality among them. But further, the right hon. Gentleman did not seem to be aware that there was a distinction in the price of salt in Madras and in Bengal. Bengal, according to Mr. Craufurd, was a corn country, but it was deficient in salt; Madras, on the contrary, produced abundance of salt, but it was deficient in corn. And yet the Bengal Government taxed severely the importation of salt, and the Madras Government did the same with the importation of corn. This was the improved system of finance and legislation which the right hon. Presisident of the Board of Control called upon them to imitate. This question then came to be this, whether the Government would consent to abolish this monopoly, which was so pernicious to the interests of England, and so fraught with mischief to the interests of the Hindoos? Whatever the Directors of the East India Company might say in that House, it was as certain that the people of Bengal would be glad to shake off their yoke, as it was certain that fire would burn, or water flow. It was disgraceful to a Christian country that they were more merciless to their Hindoo dependants than their former Mahomedan conquerors. He would not enter into other arguments. He would admit that they had a right to extinguish every spark of generous enthusiasm over the vast continent which they were called upon to govern. He would admit that they had a right to stifle those hopes throughout India, without which Englishmen would find life intolerable. He would admit that they had a right to look upon the Hindoos as slaves, as helots, as beasts of burden; but they had no right to corrupt their food. If they were determined to reject all higher motives—and as the hon. Member for Honiton once told him, it was only schoolboys who talked of justice and right in an English House of Commons—if they were deaf to the cries of India, let them at least listen to the complaint of England—to the voice of her manufacturers—and let them relinquish a monopoly which was not only wicked in itself, but which was unprofitable to retain.

SIR JAMES W. HOGG said, that the question before the House was simple and easy of solution, if irrelevant matter were not introduced into the discussion. He admitted that there existed just ground of complaint anterior to 1836; and, as something had been said in reference to himself, he begged to say that the opinions he then expressed he still entertained. He was then, as he was now, hostile to monopoly; but the House had not heard how the matter stood anterior to 1836. Before that period the East India Company had the monopoly not only of the production but also of the sale of salt, and nobody could import salt, except at a duty imposed by the Company, which amounted and operated as a practical exclusion of all foreign salt. That was the just and well-founded complaint of the merchants, particularly those of Cheshire and Droitwich; and the complaint of the Indians was, that there existed a sub-monopoly, which operated to their disadvantage—that the sales were by auction and only at stated periods, and the quantity being limited the Company could impose upon salt whatever price they chose. Now, the proper Parliamentary course when a Committee had made a Report, was not to fix upon one particular witness, and quote what he had said before the Committee, but to refer to the Report come to after long and serious investigation. Well, the Report of that Committee contained three Resolutions, which, being acted upon, did away with all those disadvantages to which he had just adverted. By these Resolutions, the Committee submitted with confidence the following recommendations:—

"That the Government do abolish the system of periodical sales, and do keep their golahs at all times open for the sale of salt at the cost price, in quantities not less than 100 maunds, the purchaser to pay in addition a fixed duty on removing the salt from the golahs."

Anterior to this the golahs were not always open, and the sales were periodical, so that great capitalists could buy large quantities of salt, and thus establish a sub-monopoly. But by keeping the golahs alway open, this sub-monopoly was destroyed. The second recommendation was—

"That salt manufactured in any country other than the district subject to the Bengal monopoly, may be sold at such times as the proprietors may please, in quantities not less than 100 maunds; and that such salt on being removed do pay the same duty as that sold by the East India Company, and no other duty or charge whatsoever, except a fair and reasonable rent on such salt as may have been bonded."

By that Resolution the monopoly was abolished, and a free trade in salt established; the East India Company being precluded from charging a duty upon imported salt more than the excise duty. The change thus recommended by the Committee was, in fact, carried into effect by the Government of Bengal previously to the Resolution being communicated to them, and from that time there had been to all intents and purposes free trade in salt; and, in fact, salt had been imported into India from America, Spain, France, the Eastern Archipelago, and, above all, from Great Britain, paying only the same duty as the manufacturer of salt paid in India as excise duty, or monopoly duty, as his right hon. Friend the Member for Droitwich was pleased to call it. The third Resolution was—

"That the duty to be imposed shall be fixed at the lowest rate consistent with the maintenance of the revenue, and not exceeding the average rate of the net profit of the Company's monopoly for the last ten years."

He begged to ask, therefore, would it not have been better if the right hon. Gentleman, instead of reading a single paragraph deprecating monopoly, had read the three Resolutions of the Committee, by one of which that very monopoly was abolished. He maintained that those Resolutions had been fairly carried into execution, though the importers of salt had at one time a ground of complaint, in consequence of some inconvenience in the mode of levying the duty, and also in reference to the wastage of salt. Those objections had, however, in consequence of representations from the gentlemen of Cheshire been removed; and the result, which his anxiety for the interests of the people of India must make him regret, had been, that the foreign salt had to a great extent beaten the home-made salt out of the market. In olden times the East India Company having the monopoly, not only of the sale but of the manufacture of salt, were in the habit of charging, as the cost price of the manufacture, the expenses of agents with large salaries, and the whole revenue expenses attached to the manufacture. But as it was desired to carry out the recommendations of the Committee of the House of Commons of 1836 fairly, both as regarded the importer and the home producer, the Board of Revenue in India sent in a Report to the Governor General, stating that it was not fit and right to charge as part of the cost of the manufacture of salt, the expenses of the revenue in protecting the manufacture from the effects of smuggling. He regretted that his right hon. Friend the Member for Droitwich had said that there was any unworthy dodge, and that in repudiating the expression as applicable to Lord Dalhousie, he had said that it had been applied to the East India Company. He begged to tell him that the Report of the Board of Revenue was sent home with the assent and approbation of Lord Dalhousie; and the Court of Directors sent out instructions desiring that a strict investigation should be made, and that what appertained to the cost of production, should be debited to production, excluding all expenses connected with the protection of the revenue. If his right hon. Friend read the Report of Lord Dalhousie, he would see that the loss sustained was a loss that would be sustained by the revenue in doing justice to the native producer. Lord Dalhousie said, "If in doing justice to the native manufacturer of salt, to enable him to compete with the importer of salt, the revenue is injured, let it be injured, but let justice be done." He believed the despatch of Lord Dalhousie and the Minute of the Board of Revenue to be in strict accordance with the Resolutions of 1836. The Board's Report ran thus:—

"In the Board's opinion, the correct principle which ought then to have been, and now to be adopted, in calculating the prime cost of home-made salt, is to add to the price actually paid to the Molunghees so much of the expense incurred by Government in bringing it to market as would be incurred by private individuals or a joint-stock company for the same purpose, on the supposition that the salt were manufactured under an excise system, and subject to the restrictions inseparable from that mode of management, the operations of Government being confined to the collection of the fixed duty, and the prevention of illicit dealings."

Lord Dalhousie says—

> "Necessity may unfortunately compel this Government for the present to continue to raise an objectionable impost upon an article of first necessity, but nothing can justify the Government in pursuing for this purpose a system which unduly exposes a portion of its people to disadvantages that are rapidly depriving them of their means of livelihood."

Then came the paragraph alluded to by his hon. Friend opposite. It was the context which showed the meaning :—

> "If it be objected that to do so will involve a sacrifice of revenue, I reply that, even if it should reduce the revenue, the plea cannot be admitted. This is a question of duty and justice, not one of expediency or profit. If it be admitted, as I think it must, that the people are bearing an unfair burden, it is the duty of Government to lighten it at whatever sacrifice. Lastly, if it should be objected that this revisal of the selling price of native salt in India will create remonstrances, and raise clamour among the owners and exporters of salt from England to India, the answer is easy; the Act of the Government here can be shown to be founded on justice and necessity; any clamour against it in England, therefore, will have no foundation in justice or reason, and accordingly it ought to be, and safely may be, disregarded."

With regard to the reduction of the tax on salt, he said let them reduce it as much as they possibly could, not from a regard to people in this country, but out of consideration for the people of India. The tax had been reduced three or four times already, and let the House mark the operation of these reductions. The reduction of a tax upon an article of consumption might have the effect of so increasing the consumption as very shortly to make up for the deficiency in the revenue at first occasioned by the reduction; and this was the result with respect to the first three reductions of the salt duty. But the fourth and last reduction did not increase the consumption, and therefore, if a conclusion founded on the principles of political economy were drawn, it would be that the consumption had gone nearly as far as it could. He thought, however, that that was only partially true, and he was induced to hope that in a short time the consumption would further increase. The very moment the revenue regained its strength, he hoped and felt confident that the Government would seize the opportunity to make another reduction. He quite agreed with his right hon. Friend, that salt was a necessary of life, and that in India it was particularly so. It was well known how generally the Natives made use of spices, curries, and other stimulants, as condiments, which rendered a less amount of salt necessary. As to the consumption of salt per head, or an average, he was disposed to regard 12 lbs. as a fair and adequate allowance; but, a statement had been made, that the sepoys were allowed 45 lbs. He must say that he had never heard of it before, and should certainly be surprised to find it turn out accurate. Some doubts had been thrown upon certain statistics which had been prepared by a gentleman who presided over the statistical department at the India House, and which he believed were singularly correct. Mr. Aylwyn, whose evidence had been referred to, assailed these statistics with reference to the proportion of the earnings of an individual which must go to to the purchase of the quantity of salt. He would refer to an authority upon the point which the House would deem satisfactory. Mr. Halliday, in his evidence, says—

> "It so happened that, long before I ever thought of coming to England, or being examined on this subject, and without the slightest regard to any inquiry of this kind, I had a casual conversation with a man likely to be very well informed upon these subjects; an East Indian, a deputy collector, and a man who has mixed intimately and familiarly with the Natives from his birth, and has been officially employed among them, and is thoroughly acquainted with all their concerns. I happened to ask him (and to jot down, as I was accustomed to do, the heads of his information) something about the cost of salt to the Ryots in the Bengal villages. I had no conception whatever that it would ever turn to account in this way. When I saw the evidence of Mr. Aylwyn, I turned to it, and I found it remarkably corroborated by the statistical tables which have been referred to. He told me that in a Bengal village, salt costs to the peasant, one anna and a-half to one anna and three-quarters a seer; that will be at the rate of about $1\frac{3}{4}$ a lb. The consumption is at the rate of about half an anna a head per measure; or six annas, equal to about 8*d.* a head per annum. Their earnings, he said, he reckoned at from two to three rupees a month, so that the cost of salt is a little more than 1 per cent upon their earnings. Mr. Thornton's tables give $1\frac{1}{2}$ per cent."

Mr. E. Thornton's tables gave $1\frac{1}{2}$ per cent, so that the statement which had been commented upon as erroneous and exaggerated, gives $\frac{1}{2}$ per cent more on the testimony of Mr. Halliday. In answer to the statement that the salt monopoly had not been broken up, he might quote the words of Mr. Halliday, who declared that the sub-monopoly had been destroyed by the system of open golahs and small sales. The Report of the Committee of the House of Commons recommended sales in quantities so small as 100 maunds. The Government of India reduced the amount to 50 maunds; and the golahs were open throughout the year any day to every person who chose to go and buy 50 maunds. Mr. Halliday said, with reference to the statement of Mr. Alywyn, which was commented upon by his right hon. Friend, that smuggling had been almost entirely abolished. He begged to ask whether, looking upon the question as a matter of revenue, the easiest way of levying the duty would not be to import the whole of the salt, and to levy the duty upon the article when imported. That would be the simplest, the easiest, and the most economical way of raising the revenue. The only object of encouraging the home production, was the consideration of the home producers. Mr. Alywyn said, that by taking the whole amount of salt imported and manufactured, and by multiplying it by the amount of duty per maund, the total amount of duty which ought to go into the Exchequer is obtained. Mr. Alywyn then gave the amount which now goes into the Exchequer, and said, that the difference was so much lost, and that the importer was wronged to that extent. Mr. Halliday, who had been threee yars in one of the salt districts, pointed out the error of the reasoning. He said that in the aggregate of salt, that which was sold in the salt-producing districts was included; that it was impossible to sell salt at an enhanced price in the very district where it was manufactured, for if that was done, the smuggler would beat the Government, so that the only chance of preventing smuggling in districts where salt was produced, was to sell at such a price as would compete with the smuggler. One-fifth of the whole amount of salt was therefore sold by retail in the manufacturing districts, and was not sold at the usual duty, but at such a price as could be realised; and as regarded one-fifth of the aggregate amount, the statement of Mr. Alywyn was therefore fallacious. Then his right hon. Friend argued that it was not right to charge as the cost of production anything that would not be charged if a system of excise prevailed. Mr. Halliday stated, that when no deduction was made for salt agents and the preventive service, the Native producer suffered a detriment, and not the importer. Thus the Native manufacturer had upon the aggregate of seven years suffered an actual loss by having the cost price of his salt enhanced to the benefit of the importer. Then there was another benefit which the importer had, and which Mr. Worthington, who came up from Cheshire, acknowledged. Mr. Worthington said, the Cheshire salt was better, because it sold better and paid the same duty. If, then, it sold higher and paid the same duty, there was no discriminating duty in favour of native salt. It had been said that 5,000 people in Cheshire were dependent upon the hope of sending salt to India; but was not consideration to be shown to ten times 5,000 Natives of India, who would be thrown out of occupation, and would have no other to which they could turn themselves. He contended for no peculiar benefit to the Native of India in this matter, but he stood up as the advocate of free trade in salt. Hon. Gentlemen might sneer; but, according to the principle of free trade, there must either be no duty at all, or else the same duty must be placed upon the imported article and the article produced at home. What would be the result if there were no duty? He hoped there was an approximation to that good end; but if the tax were abolished to-morrow, one ounce of imported salt never would go into India, as every man would have his little earthen pot, and would make his own salt. He should be sorry to see Cheshire suffer; but he was sure his right hon. Friend opposite did not wish Cheshire to reap an advantage to the detriment of the native manufacture. True, it might be called an objectionable tax; but it was the only tax the Native of India paid, and could a better be substituted? Mr. Halliday, in his evidence, said, "I do not think that the same revenue could be derived from any other tax with so little detriment to the people." Mr. Marshman said, "The impost on salt in India, though heavy, is perhaps less felt by the great body of the people than any other tax of equivalent value would be." He begged it to be understood, he was not advocating the tax. He only stood up for it, because it was evident from the testimony of several witnesses, that if the salt duty were abolished, no substitute could be proposed less onerous or likely to be paid with greater facility. It had been asked, why not have a system of excise? To that he would not object, and he agreed with Mr. Halliday, that instructions to that effect might be sent out. Mr. Halliday made a suggestion, that the present system should not be abolished now, but kept in existence, in order that it might remain for the Government to fall back on in case of need, and that in the meantime the system of excise should be tried in some districts. He should be glad to see that system tried; but he repeated, that hitherto the Indian Government had faithfully carried out the recommendations of the Committee of 1836, and had established a system of free trade with respect to salt.

MR. TATTON EGERTON said, though the question was one in which many of his constituents were greatly interested, he would not have trespassed upon the House had not the arguments of his right hon. Friend (Sir J. Pakington) been completely misrepresented both by the right hon. Gentleman the President of the Board of Control, and the hon. Baronet the Member for Honiton (Sir J. Hogg), who had accused him of treating it as a question of the producer against the consumer. The hon. Baronet had talked of the concessions made by the Company; but what had been the very gravamen of the charge against it? No doubt it was quite true that the Company had carried out the recommendations of the Committee of 1836; but then each concession made had been wrung from the East India Company most unwillingly. A friend of his had sent out a large cargo of salt to India, and when it arrived he found that he had to pay the duty upon it before he was permitted to take the salt over the vessel's side. The hon. Gentleman talked of the reductions of the duty, but he had forgotten the increase from 2*l.* 10*s.* to 16*l.* or 18*l.* which had been attempted, till the failing consumption compelled them to give it up. He thought, therefore, that the conduct of the India Government fully justified the application to it by his right hon. Friend of the expressive term "dodge." He was glad to hear hon. Gentlemen advocating the introduction of the excise system; and after that he thought he might fairly claim their votes for the Motion of his right hon. Friend. They might depend upon it that they would never have a system of free trade (of which the hon. Baronet was so consistent a supporter) until they procured the abolition of the Company's monopoly of production. He was really ashamed to hear the hon. Baronet attribute such unworthy motives as he had done to the supporters of the Motion; but the taunt would fall quite innocuous on him (Mr. Egerton). He had always imagined that the argument of the hon. Gentleman and his party was, that the reduction of a duty was an advantage to both the consumer and the producer; because it left a larger surplus for either the necessaries or the luxuries of life. On that ground, too, he thought the hon. Baronet ought not to oppose the Motion. At all events, he hoped the House would consent to the very moderate proposition of his right hon. Friend.

Sir J. W. Hogg

SIR HERBERT MADDOCK said, that two of the reductions in Bengal had taken place under himself; and one great reason for the step was, that the amount of salt stored in the golahs, or Government warehouses, had become so enormously disproportionate to the demand, that it was considered desirable not only to reduce the duty, but the production of the article itself. Accordingly he diminished annually the quantity produced; and he could bear his testimony to the truth of what his hon. Friend (Sir J. Hogg) had said respecting the alarm of the people. Indeed, so earnest were their remonstrances in some cases that they had found it necessary to alter the plans of the Government. He was himself an advocate for the gradual reduction of the duty. That gradual reduction had gone on while he was in Bengal, and he thought it would have been right to have continued it to the present day. At the same time he really believed that the more they reduced the duty the less would be the quantity of English salt that would be consumed in India. It was proposed that the present system should be superseded by an excise duty on home-made, and a customs duty on the imported article. Now, though he decidedly objected to any enactment of Parliament on the matter, he was quite willing that the plan itself should be tried. He must say that he was surprised Mr. Halliday should have thought the excise system practicable; but that gentleman had certainly had more experience than himself. The salt manufacturers in Bengal were thousands in number, and the quantity made by each was very small, so that he should himself have thought the expense of the preventive force, necessary to prevent frauds upon the revenue, would have swallowed up most of the revenue itself. But still he was most ready to sanction any measure to establish a system which he should consider preferable to that which was called a monopoly.

MR. ADDERLEY said, it seemed to him, on a consideration of the mode in which the Government and the representatives of the East India Directors had met the proposition, that the right hon. Gentleman the Member for Droitwich had the best of the argument. The right hon. Baronet had pointed out the monopoly existing in India—a monopoly odious in itself, and pernicious to the country—and the Members of the Government and the hon. Baronet the Member for Honiton (Sir J. Hogg) had attempted to meet the argument by saying that that was not a monopoly, which was one of the grossest kind. Although he thought the Government had the worst of the argument, he saw a line of argument which they might have taken, and which was unanswerable, and which would prevent him from voting with the right hon. Member for Droitwich, namely, that whatever might be the merits of the question, that was not the place to deal with it. If that House took upon itself to deal with the details of the fiscal measures of India, they would adopt the first step towards effecting the ruin of the British rule in that country. It had been truly said by Napoleon to Talleyrand, that if ever the mode of communication between England and India was of such a nature that England could undertake the internal administration of the affairs of India, they would lose that country, because the Government of every dependency should be localised in that dependency. He desired to know whether the House would undertake the trouble to fill up the vacuum in the revenue of India which such a Resolution as that proposed would create? They would, also, throw whole classes out of employment by this very deceitful Motion. On these grounds he should vote against the proposition of the right hon. Gentleman.

MR. HUME said, he entirely agreed with the hon. Gentleman who had last spoken, except that he could not allow that that House ought not to give its attention to the taxation of India. If they were not to have a responsible Government in India (which they could never have), where were the natives of India to look but to that House? He had taken part in the struggle for the removal of the salt tax at home, and they had all seen the wonderful results which had occurred in social life, and, he might say, in science. The Resolution affirmed nothing but that the Company ought not to be traders, and with that he fully agreed. He would, therefore, give his vote for the proposition.

MR. DANBY SEYMOUR said, that in the strictest sense of the term the salt trade was a monopoly, because it was only the East India Company who could sell salt. The right hon. Gentleman at the head of the Board of Control had stated that there were no complaints on that subject from India; but the petition of the Native inhabitants of the Presidency of Bengal, setting forth in what way that monopoly injuriously affected the poor of India, amply refuted that statement. Then the right hon. Gentleman said that salt was not regarded in India as it was in this country; but the fact was, that salt fish was a common trade among all the nations of Asia, from the banks of the Caspian to China, and the Company's monopoly had, he believed, had a most injurious effect upon the fisheries in India. When it was stated that the salt duty was only at the rate of 10*d.* per head in Bengal, it must be remembered that a family did not consist of a single individual, but of five or six; and as it was shown that the remuneration for labour in some parts of India was not more than 2*s.* a month, upon which the labourer had to maintain himself and his family, the effect of the tax would at once be seen. Altogether he should certainly vote with the right hon. Gentleman (Sir J. Pakington), because he believed that, without pressing the Government to any great extent, he must say they had not shown sufficient care or sufficient goodwill towards the Natives of India, to induce the belief that they would diminish those expenses and abolish those sinecures which would enable them to repeal or greatly to reduce this tax.

MR. LOWE said, he would not detain the House very long, but there were one or two remarks which he felt it was necessary to make before a division was come to upon this question. There had really been so much eloquence, and—the hon. and learned Member for Leominster (Mr. J. G. Phillimore) would excuse him for saying—so much declamation on this point, that he feared there was some danger of their losing sight of the real question at issue, that which the right hon. Baronet the Member for Droitwich wished the House to vote upon. The first thing the right hon. Baronet had done was to recite the Act 3 & 4 *Will.* IV., by which it was enacted that the Company should, with all convenient speed after the passing of the said Act, wind up their commercial business, and discontinue and abstain from all commercial business "which shall not be carried on for the purposes of the said Government." Having done this, the right hon. Baronet proceeded to state that the Company had carried on trade notwithstanding this provision, and he then went on to contend that this manufacture and sale of salt must be prohibited for the future. Now he (Mr. Lowe) would put it to the House whether that was a logical conclusion to come to. The right hon. Baronet had cited a further part of the Act, expressly excepting from the prohibition this very case, and providing that trade should not be carried on except for the purposes of raising revenue, and the purposes of Government. [*Cries of* "No, no!"] If hon. Gentleman doubted, he would prove it. In that case the right hon. Gentleman's Motion amounted to a *non sequitur*. If the Act absolutely prohibited the manufacture of salt, it was evident the Company had done what was illegal; and the proper inference was that the Attorney General, or some other person, should have been employed to prosecute them for violating the statute, but not that a new law should be made, if the old one was sufficient already. It must be one way or the other, and in either way what the House was called upon to affirm was absurd. If the Act were prohibitory already, they did not want a new law, and if it was not prohibitory there was no occasion to cite a law which was irrelevant. The real question was, whether this manufacture were carried on for the purposes of government, and whether it were carried on as a monopoly. Let hon. Gentlemen consider, and not be led away by names. It was easy to call things a monopoly, but what was a monopoly? In his view a monopoly meant an exclusive privilege of selling a thing. That was no doubt the original meaning of the word. When one person was thus exclusively privileged he had an interest opposed to that of the people, who were the buyers, and exercised that privilege to a degree hurtful to the people. In that sense the East India Company had no monopoly at all. ["Oh, oh!"] What he maintained was, that it was not a monopoly in any odious sense whatever. It was an exclusive privilege, but not a monopoly in any odious sense. And why? What was this odious monopoly? It was this—that whereas the East India Company was driven to raise an amount of revenue beyond that which they derived from rent of lands; and whereas not one had been yet discovered to return what was produced by this—as every one admitted it to be—objectionable tax; and whereas India was a country which in itself produced salt to a great extent, the East India Company had adopted this course—it had placed upon the import of salt a duty of two rupees and eight annas a maund, which was equal to ¾*d.* a pound; and in certain parts of the country, where considerable facilities for the manufacture existed, they had imposed an excise duty, which, allowing for the other taxation, was considered an equivalent according to the exigencies of the country; and in another district, principally the district of the Sonderbund, the Delta of the Ganges, an equivalent had been substituted in exchange for the excise duty, and that was what was called this monopoly. The Molungees were the persons who manufactured the salt, and the Company taxed the manufacture, and agreed to purchase their salt from them at a fixed price, and then, having got it at this fixed price, they added to it this tax of ¾*d.* per pound, and then kept their stores open at all times to sell it at that price. It was no object of the East India Company to have this exclusive monopoly. They gained nothing, and could gain nothing, by it; neither had they any selfish interest in it whatever. If they were to attempt to ask more for the manufacture than they were entitled to from the cost of manufacture, and adding to that the amount of excise duty, they would not be in a condition to compete with the importer of salt, and would be driven out of the market. It was not their interest to get a high profit as manufacturers. They stood in a perfectly impartial position between the foreign importer, the native producer under the excise duty, and the consumer. It was a matter of perfect indifference to them, so long as the revenue was raised, from what source it came, with this single exception, that it might come to pass that the constituents of the right hon. Gentleman (Sir J. Pakington) would ultimately undersell the Indian producer, and the latter would be left to perish of hunger. Except in that point of view, the East India Company had no interest whatever in perpetuating what had been so repeatedly termed, during this discussion, this odious monopoly—this detestable tax—this horrible thing—which could not be spoken of without detestation and horror. Distrust it as they would, that was the fact, and that was the state of things they were about to meddle with. And in what way? Any one who listened to the speeches of the right hon. Baronet and those who supported him would suppose he was going to lighten the burdens of the people of India, which he wished to God they could do; but in reality the right hon. Baronet made no such proposal—he did not seek to relieve them of their load by the weight of his little finger; and after such a speech, backed by bad logic, and after all the declamation wasted on the subject, and after they had taken a step in the dark, they would leave the people of India still suffering under the grievous load of which they complained. But they would have done this—they would have entered on a subject of which they had, and of which they could have, no knowledge whatever—they would have applied the powers of Parliament not to great and important principles, but to the minute details of the management of a distant and unknown Empire; and while they were philosophising on free trade and the rights of man, they were interfering with all the fiscal arrangements of the East India Company, conducted on the principles laid down by the greatest of their councillors and servants. They should remember that this was not entirely an Indian question—it was one of a local and practical kind, relating to a portion of India only—and he would ask those who had spoken with such ardour and rancour on the subject, if they were competent to deal with it? Taking into consideration the nature of the Sonderbunds, those vast alluvial tracts by the side of the Ganges, where it was almost impossible to prevent this manufacture taking place, they had to decide whether it was absolutely necessary to keep up the principle at present in force, or whether they could introduce a system of excise for the collection of revenue. The greatest Indian authorities differed on the subject; and he must be guilty of the presumption of offering the least shadow of an opinion upon it. If it were right and proper to collect the revenue by a system of excise, let it be done: if that was not right, let it be raised, as it must be raised, by means of this odious monopoly; but never having been in India, and not having that intimate knowledge of Indian affairs, which seemed to have dawned on so many hon. Members in the course of that debate, he would not venture to decide the question. This, however, he would say, that if they precipitated the Government of India into the abolition of this system, and into the adoption of one to which the country was not suited, they would do a mischief which subsequent legislation could not repair. He put it to the right hon. Member for Droitwich, as a Member for a borough not very distant from that which he (Mr. Lowe) had the honour to represent, the constituents in which, judging from the right hon. Baronet's speech, did not very well understand the question—nor did he believe the House did either—when he said the importation of English salt was increasing every year, and that it was larger than the quantity produced by the Molungees—to consider well whether he was doing wisely to disturb such a system, and whether he was not taking a desperate leap in the dark in forcing Parliament to abandon it and to try a new system, which might or might not have the same effect, but which would, in case it had not the same effect, destroy the competition between the English manufacturers and the Natives of India. Would he not do more wisely to leave well alone? When hon. Gentlemen talked of this odious monopoly, he would put a question to them. What did they call the restrictions on the growth of tobacco in England? Had the Government a monopoly of tobacco? That was entirely a parallel case. It was not for the pleasure of tormenting people who smoked, but for the purposes of revenue, that the Government forbade the growth of tobacco in this country. One word more, and he had done. He was persuaded that in dealing with this question they were making a beginning of a great evil for India. It had been always said—and he put it to those who were anxious to place the Government of India in the hands of a Minister of the Crown, whether the course they adopted now was likely to induce the country to follow them—that if Parliament interfered in these matters men would come forward in that House with the local interests of their constituents to oppose to those of the people of India. One hon. Member would carry one point on this side, another would carry a point on the other—they would press the House to sacrifice the people of India to their local interests. They would be thinking of their boroughs and counties here at home, and of the interests of their manufacturers, and the interests of India would suffer. That had been said by great authorities and distinguished persons who knew the subject well; and if they treated the Governor General of India and the Council of India as utterly unfit to arrange the mere technical details of collecting a tax, he would ask, was that the way to give the country confidence in any plan which would place the Government of India more under the control of Parliament? He, therefore, trusted that the House would reject the inexpedient, unreasonable, and illogical Motion of the right hon Baronet.

MR. JOHN M'GREGOR regretted exceedingly to hear the speech of his hon. Friend the Member for Kidderminster, with regard to the great economical principles of the salt duties; but, as he conceived the Amendment to be a most dangerous experiment, he would vote against it, differing altogether, however, from the financial principles of the hon. Member who had just sat down.

MR. BLACKETT said, he had never heard of a subject so full of anomalies as the India question; but it was long before he could have imagined such an anomaly as hearing a free-trade Minister standing up for the interests of the salt producers of Bengal, and giving an explanation of the word "monopoly" which would, he trusted, make the right hon. Member repent ever having applied the term to the corn laws. It was twenty years ago since Mr. Wilbraham brought forward a proposition against the Indian salt tax, and in the debate which ensued, Mr. Charles Grant, afterwards Lord Glenelg, said he did not defend it. No one could deny the expediency of removing it, and the Government thought it should be got rid of as soon as possible. Mr. Cutlar Fergusson, the advocate of the East India Company, could only defend it by saying the prejudices of the Indians were so powerful as to offer a complete bar to the substitution of any other tax; and on the assurance that the Government would consider the alteration of the tax as soon as possible, Mr. Wilbraham's Amendment was withdrawn. The Parliament consented to leave the abolition of the tax to the discretionary power of the local authorities in India; but now that they heard arguments Lord Glenelg would have been ashamed to use, he trusted they would not consent once more to leave the question in such hands.

LORD JOHN RUSSELL: Sir, I wish to say something with regard to what appears to me to be the extraordinary step proposed by the right hon. Gentleman opposite (Sir J. Pakington). And, first, let me remark that though the right hon. Gentleman's speech was entirely directed against the tax on salt, his Amendment does not touch that question. With regard to the tax itself, there is no doubt much to be said, and I should be much disposed to vote for its repeal; but the right hon. Gentleman, after a long speech against the vicious and oppressive nature of the salt tax, proposed to levy it not as the Indian Government should think fit, but to interfere with the mode in which the tax is levied, and raise the amount by a system of excise. Now, supposing the House to agree with this Motion, they would by no means get rid of the salt tax in India, which is called indeed a monopoly, but which my hon. Friend near me (Mr. Lowe) has proved to be none. But there is one point which it behoves the House to consider. The Indian Government, in the exercise of its discretion, and presided over by a noble Lord who is certainly as conversant with matters of trade and commerce as any one who ever went to India—that Government thinks that the best mode of raising the revenue of India is partly by a salt tax, and that the best mode of raising that tax is by leaving its manufacture in Bengal in the hands of the East India Company. I have heard it said that we were responsible for any deficiency in the Indian revenue. I ever thought that doctrine was entirely unfounded, and I have never subscribed to that opinion. I conceive that the dividends on East India Stock are payable out of the territorial revenue of India, and that the Company has no claim whatever upon the Home Government. But the case will be totally altered if you agree to the Motion proposed by the right hon. Gentleman. If you say, "There shall no longer be a revenue of 2,000,000*l.* raised in the manner in which the Indian Government, with all the assistance of the most able men, has thought fit to raise it," how can you tell what may be the consequences? We all know that a salt tax levied by means of the excise is a tax which occasions a great of deal irritation and vexation, and which may be so oppressive to the inhabitants of a country that the revenue arising from it may fall very far short of what is expected from it. Supposing that 1,000,000*l.* should be wanting in the revenue derived from the salt tax in India, who will be responsible? Will it be the Indian Government? Would they be bound to lay on a new tax to supply the deficiency? No Sir; in that case they can say, for the first time with justice, that the deficiency has been caused by the House of Commons. I hope the House, before it indulges the right hon. Gentleman opposite and his constituents with the prospect of an extended market for salt, will consider that this is a subject which affects India itself far more than any particular interest in this country. We ought not to set the example of regulating the finances of India, relying on our own information, which must be very imperfect, but we should, I think, leave this great and important subject in the hands of the Government of India.

Mr. DISRAELI: Sir, I should not have risen to address the House but for one observation of the noble Lord who has just sat down. The noble Lord says, if this was a Motion to repeal the tax upon salt in India, he would have supported it. I think the noble Lord brought an accusation against my right hon. Friend (Sir J. Pakington), and said there was an inconsistency between his speech and his Resolution. The noble Lord said that my right hon. Friend's speech was in favour of the abolition of the tax in India, but that his Motion was not for the repeal of the tax, but for an alteration in the mode of raising it. I think, Sir, that I have a right to conclude that the noble Lord himself was in favour of making some change, and that was the reason why I took the liberty of rising, because I could not easily see how my right hon. Friend was open to the charge which would be inferred from the observation of the noble Lord. For the argument of the noble Lord was this:—Carry the Resolution, but that will not be a repeal of the tax, which is so odious. Now, my right hon. Friend said—The first step that I have to take is to destroy the monopoly, and when I have destroyed the monopoly, I will defy you to raise an excessive tax in the country. The observation of the noble Lord does not answer that position which was taken up by my right hon. Friend. Nor, Sir, can I agree with the noble Lord as to the difference which he has so precisely laid down between the revenue of England and the revenue of India. The noble Lord the leader of the House of Commons tells us that he recognises no identity between the revenue of England and the revenue of India. I should like to know whether that is the opinion of those colleagues of the noble Lord who are proud to be the disciples and profess to be guided by the opinions of the late Sir Robert Peel. That was not the opinion of Sir Robert Peel. All of us have read, and some of us have heard, that eminent personage say in this House, that he could not for a moment acknowledge that there was any difference between the revenue of England and the revenue of India; and the state of the Indian finances formed one of his principal arguments in favour of the income tax; and he asked whether there was any one who could suppose that embarrassment in the finances of India would not produce an effect on this country. Until the noble Lord rose to-night, I really never heard any person in authority in this House profess an opposite opinion. I do not agree with the noble Lord in his opinion. I am sure that it there be any embarrassment in Indian finances, ultimately England must examine into and deal with that embarrassment. But I cannot allow any opinion which we may have, one way or anoother, at all to interfere with the conclusion which we ought to draw upon the particular topic before us. We are not called upon to consider what should be the Government of India. On that subject the House has already arrived at a decision, and not for a considerable space of time—probably not for twenty years—is that Government likely to be altered. But it has been laid before this House that there is a fiscal relation in that country, which, in the opinion of my right hon. Friend, tends to the detriment of that country and to the serious injury of its inhabitants. He has laid before us the circumstances and the causes which have induced him to adopt that opinion, and I must say that I have heard nothing from noble Lords or right hon. Gentlemen who differ from my right hon. Friend that has at all met the case which he put before the House. Well, if it be found that a salt monopoly—call it, if you like, by any other name, it will smell as sweet—does produce consequences so injurious to the great body of the population of India, I want to know how that evil is to be dealt with, except by the action of the British Parliament, and when a more fitting opportunity can occur for Parliament to consider the alleviating means in that respect than the one which now solicits our attention, and the occasion which now forces itself upon our notice? That is, I think, the point which we have to consider. Here is an evil the immensity of which cannot well be described. It is well for you say, "You must not interfere with the fiscal relations of India—leave them to the Court of Directors—leave them to the Governor General." But we have to consider—are the Court of Directors or are our viceroys inclined or powerful enough to compete with this grievance; and if they neglect or are too powerless to do so, is it not our duty to step in, and to perform that which they have omitted to accomplish, or are unable to achieve? And if that be so, can there be a fitter opportunity than the present? No Gentleman has risen and met that which is the real point of the discussion. There is one, indeed, not a noble Lord nor a right hon. Gentleman, who has come forward, and, certainly with a confidence which none but the hon. Member for Kidderminster (Mr. Lowe) could have exhibited, has encountered that difficulty, as he would be prepared to encounter all difficulties on this and every other subject. There is nothing more interesting to me than to see a free-trader at bay. The hon. Gentleman fought most gallantly in the perilous position in which he was placed. He has read us a lecture, not merely on Indian legislation, but on legislation in general. He tells us there are very few subjects on which the House of Commons ought to presume to give an opinion, and certainly there are not many subjects on which the hon. Member is not ready to give the House of Commons his advice. I must, however, protest against the analogy which the hon. Member drew between the regulation affecting the production of tobacco in England, and of salt in India. The hon. Member seems to forget that the people of India are permitted to produce salt, but the people of this country are not permitted to produce tobacco. Now that is a very considerable difference—

Mr. LOWE: There is no monopoly in either case.

Mr. DISRAELI: I am not aware that I made use of the word "monopoly." The hon. Member has had some experience in other assemblies, and he is always ready with suggestions, at all times interesting, and sometimes, when you are speaking, inconvenient. I want to draw the attention of the House to the real point before us, and not to be diverted by foreign considerations. Is it or is it not the fact that the present state of the law, and the fiscal regulations in India with respect to the production of salt, are an enormous grievance, tending to the degradation of the people of that country? If that be so, have we a fair chance of the evil being successfully dealt with by our Indian authorities? If, as I maintain, we cannot indulge in that hope, it is the duty of the Parliament of this country to interpose; and if it be the duty of Parliament to interpose, when, as I have before said, could there be a happier opportunity, or a more befitting occasion, than when we are deliberating upon the best mode of governing India? If that be a true description of our situation, it is one that entails upon us a great responsibility, from which I, for one, have not the courage to shrink. The evils of this system regulating the manufacture of salt are as great national evils as the imagination of man can well picture. I have not heard them deprecated by any Gentleman opposite. Even those who have resisted the Motion of my right hon. Friend, have not for a moment shown any inclination to pretend that the fiscal regulations respecting the manufacture of salt in India are not one of the greatest evils that can possibly exist. Is it the wish of the House of Commons that these evils should be permanent, and that no exertion should be made to remedy them? Have you well considered the circumstances of a population in a chronic state of bad health? [*Laughter.*] Because, although hon. Gentlemen may smile, that is the fair conclusion that we must draw from the authentic documents on that subject in our possession. Sir, I heard some sneers about my right hon. Friend studying the interests of his constituents in the Motion which he has brought forward. I have been astonished to hear them both from the right hon. President of the Board of Control and others. We, I hope, on both sides are sufficiently enlightened, when our attention is drawn to the consideration of a topic of this extensive interest, not to be led by the representations of any individual who may have an interest in a limited body of human beings. But I deny that we have in this question to consider what constituency the Member represents who brings a question of this kind under our notice. I, who know my right hon. Friend well, know that something beyond the interests of his constituents at Droitwich animated him tonight in that able appeal which he has made to the House. But I should like to ask some of the enthusiastic free-traders whom I see opposite to me, whether, when the hon. Member for Stockport—whether, when any other hon. Gentleman who represented the interests of Lancashire, came forward and called upon us to repeal the duties which regulated the importation of foreign corn ten years ago—whether they would have thought it a conclusive answer to such a question, to say that he was advocating the interests of his constituents, and that his only object and his only view in the course he was taking was, that he should benefit those whom he immediately and particularly represented in this House? Indeed, Sir, whatever may be our opinion upon these subjects—whether we consider them in a philanthropic or a purely commercial light—I am surprised that any one, especially a Minister of the Queen, holding the responsible office of head of that department which peculiarly presides over the fortunes of India, should consider it the happiest retort and the most felicitous repartee to such a Motion, introduced in such a manner, that my right hon. Friend was thinking only of the interests of his own constituents at Droitwich. I argue, from such an answer as that, that the case which the right hon. Gentleman the President of the Board of Control rose to support, was not one of the strongest that was ever placed before the House of Commons. I believe that the House will decide upon the broad merits of the case, such as I have endeavoured, very feebly I am aware, to place before them. I am convinced that they will decide to-night, so far as they can, whether they approve of a system that has prevailed long, and in my opinion too long, in India, with respect to the manufacture of the first necessary of life in that country, or whether they are not of the same opinion as my right hon. Friend, that, if this opportunity to remedy the evil, and to add to the continued and increasing welfare of the people of that country be lost, another will easily offer itself to the consideration of the House of Commons.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The House *divided:*—Ayes 117; Noes 107: Majority 10.

List of the AYES.

Alexander, J.
Ball, J.
Barnes, T.
Barrow, W. H.
Bell, J.
Biggs, W.
Blackett, J. F. B.
Blair, Col.
Booth, Sir R. G.
Brocklehurst, J.
Bruce, H. A.
Bunbury, W. B. M.
Cairns, H. M.
Carnac, Sir J. R.
Cayley, E. S.
Chaplin, W. J.
Cheetham, J.
Cobbett, J. M.
Cobbold, J. C.
Coffin, W.
Corry, rt. hon. H. L.
Crook, J.
Disraeli, rt. hon. B.
Duncan, G.
Dunlop, A. M.
Dunne, Col.
Egerton, W. T.
Egerton, E. C.
Elmley, Visct.
Feilden, M. J.
Ferguson, J.
Fitzgerald, Sir J.
Floyer, J.
Foley, J. H. H.
Frewen, C. H.
Galway, Visct.
Goderich, Visct.
Goold, W.
Graham, Lord M. W.
Greene, J.
Gregson, S.
Greville, Col. F.
Grogan, E.
Hadfield, G.
Hamilton, Lord C.
Hamilton, G. A.
Hastie, A.
Heywood, J.
Heyworth, L.
Hill, Lord A. E.
Horsfall, T. B.
Hotham, Lord
Hume, J.
Hume, W. F.
Hutchins, E. J.
Johnstone, J.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kelly, Sir F.
Kendall, N.
Kennedy, T.
Kinnaird, hon. A. F.
Laffan, R. M.
Langton, H. G.
Langton, W. G.
Lewisham, Visct.
Liddell, H. G.
Liddell, hon. H. T.
Locke, J.
Lockhart, W.
Lucas, F.
Macartney, G.
M'Cann, J.
MacGregor, J.
Maguire, J. F.
Mandeville, Visct.
Manners, Lord J.
Meux, Sir H.
Miall, E.
Miles, W.
Mowbray, J. R.
Mullings, J. R.
Muntz, G. F.
Murrough, J. P.
Newark, Visct.
Noel, hon. G. J.
Norreys, Sir D. J.
Oakes, J. H. P.
Parker, R. T.
Pilkington, J.
Price, W. P.
Ricardo, O.
Russell, F. C. H.
Sandars, G.
Scobell, Capt.
Scott, hon. F.
Seymer, H. K.
Seymour, H. D.
Smith, J. A.
Smith, J. B.
Stanhope, J. B.
Stanley, Lord
Stuart, Lord D.
Sullivan, M.
Swift, R.
Thompson, G.
Tyler, Sir G.
Vance, J.
Vansittart, G. H.
Vyse, Capt. H.
Walcott, Adm.
Walmsley, Sir J.
Walpole, rt. hon. S. H.
Whalley, G. H.
Williams, W.
Wise, A.
Yorke, hon. E. T.

TELLERS.

Pakington, Sir J.
Phillimore, J. G.

List of the NOES.

Acland, Sir T. D.
A'Court, C. H. W.
Adderley, C. B.
Bagshaw, J.
Bailey, Sir J.
Baines, rt. hon. M. T.
Bass, M. T.
Bethell, Sir R.
Bonham-Carter, J.
Bouverie, hon. E. P.
Bowyer, G.
Boyle, hon. Col.
Bramston, T. W.
Brotherton, J.
Browne, V. A.
Bruce, Lord E.
Butler, C. S.
Cardwell, rt. hon. E.
Child, S.
Clay, Sir W.
Cockburn, Sir A. J. E.
Cowper, hon. W. F.
Craufurd, E. H. J.
Dashwood, Sir G. H.
Denison, E.
Denison, J. E.
Dering, Sir E.
Dundas, F.
Elcho, Lord
Fagan, W.
Fergus, J.
Ferguson, Sir R.
Fitzroy, hon. H.
Forster, J.
Freestun, Col.
Gladstone, rt. hon. W.
Goodman, Sir G.
Graham, rt. hon. Sir J.
Grenfell, C. W.
Hastie, A.

Headlam, T. E.
Heathcote, G. H.
Herbert, rt. hon. S.
Hervey, Lord A.
Hindley, C.
Hogg, Sir J. W.
Howard, hon. C. W. G.
Hutt, W.
Ingham, R.
Inglis, Sir R. H.
Jocelyn, Visct.
Keating, R.
Keogh, W.
Laing, S.
Lowe, R.
MacGregor, J.
Maddock, Sir H.
Mangles, R. D.
Marjoribanks, D. C.
Masterman, J.
Maule, hon. Col.
Milligan, R.
Mills, T.
Milnes, R. M.
Michell, W.
Molesworth, rt. hn. Sir W.
Monck, Visct.
Monsell, W.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mure, Col.
O'Brien, C.
O'Connell, D.
Osborne, R.
Palmer, R.
Palmerston, Visct.
Peel, F.
Pellatt, A.
Pinney, W.
Pollard-Urquhart, W.
Rumbold, C. E.
Russell, Lord J.
Russell, F. W.
Sadleir, J.
Sadleir, J.
Sawle, C. B. G.
Scully, F.
Seymour, Lord
Smith, M. T.
Smith, rt. hon. R. V.
Spooner, R.
Stirling, W.
Strutt, rt. hon. E.
Thornely, T.
Townshend, Capt.
Vane, Lord H.
Villiers, rt. hon. C. P.
Vyvyan, Sir R. R.
Warner, E.
Wickham, H. W.
Wigram, L. T.
Williams, M.
Wilson, J.
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Young, rt. hon. Sir J.

TELLERS.

Hayter, W. G.
Berkeley, G. C.

Clause read 2°, and *added.*

Mr. BLACKETT said, the object of the clause of which he wished to move the insertion, was to secure at least a discussion on Indian affairs in each Session of Parliament, and was strictly in accordance with the opinion which the right hon. Gentleman the President of the Board of Control had expressed in favour of such an annual statement of Indian finance. It might, indeed, be said that it was unusual to bind the Government by enactment on such a point. But he thought it was expedient under the peculiar circumstances of the case. The Government were not forced by the necessity of taking a vote to bring the subject forward; and the promise of the right hon. Gentleman that such a statement should be made, could only bind him, and might be disregarded by his successors.

Clause *offered*—

"The President of the Board of Control, or, in his absence, some other Member of Her Majesty's Government, shall, in every Session, make a statement to the House of Commons on the subject of the Indian Finances, on some day subsequent to the presentation of the annual Indian Accounts."

Lord JOHN RUSSELL said, he must oppose the clause, which he considered to be of a most unusual nature. Besides, as it stood at present, it was really very incomplete. He thought the hon. Gentleman should specify how long the speech was to be. Would he be content with a speech of ten minutes or a quarter of an hour? If not, he should enact by the clause that it should not be under three quarters of an hour, or an hour. Then there certainly should be some penalty to enforce obedience: if the President of the Board of Control did not make the statement, was he to be sent to prison upon the demand of the hon. Member? It seemed to him inexpedient to enact that a speech should be made in the House of Commons by the President of the Board of Control, who might not even have a seat in that assembly."

Mr. BLACKETT: The clause says, "or some other Member of Her Majesty's Government."

Mr. HUME said, he was surprised at the remarks of the noble Lord. He thought it was highly desirable, as he understood the right hon. Gentleman (Sir C. Wood) to admit, that there should be an annual statement on the Indian finances; and as the practice began by Mr. Dundas had been since discontinued by subsequent Presidents of the Board of Control, he thought it was absolutely necessary to secure the performance of this duty by Act of Parliament. If the noble Lord was afraid of long speeches, he (Mr. Hume) would next Session submit a Motion that no Member should address the House for more than one hour at a time.

Lord JOHN RUSSELL said, that he did not object to a statement on the Indian finances being made. On the contrary he thought it would be very useful to restore this custom. All that he objected to was, the making it compulsory upon the President of the Board of Control by Act of Parliament to make his yearly statement.

Mr. DISRAELI said, he wished to suggest that if the House agreed to the clause, it should also be enacted that the statement of accounts should be made in pounds sterling, and not in sicca rupees.

Motion made, and Question proposed, "That the said Clause be now brought up," put, and *negatived.*

Mr. WIGRAM said, he would now beg to move the addition of the following Clause:—

"That no law or regulation made by the Governor General in Council under the powers of the Statute 3 & 4 *Will.* IV., c. 85, s. 43, shall be invalid by reason only that the same affects any prerogative of the Crown, provided such law or regulation shall have received the previous sanction of the Crown, signified under the Royal sign manual of Her Majesty, countersigned by the President of the Board of Commissioners for the Affairs of India."

Power was given by the present Charter to the Governor General in Council, of legislating for all places in India, in very ample terms, but subject to specific restrictions, and amongst those restrictions was one that no law should pass which affected the Prerogative of the Crown. On several occasions the existence of that restriction had been productive of many practical difficulties, the remedy for which was obviously very simple, by adopting the short clause which he now submitted to the House.

Sir CHARLES WOOD said, he had no objection to the clause.

Clause *agreed to.*

Mr. WIGRAM said, he now wished to move the addition of another Clause:—

"That all fines and penalties incurred by the sentence or order of any court of justice within the territories under the Government of the East India Company, and all forfeitures for crimes of any real or personal estate within the said territories, and all real and personal estate within the said territories, escheating or lapsing for want of an heir or successor, and all property within the said territories devolving as *bona vacantia* for want of a rightful owner, shall (as part of the revenues of India) belong to the East India Company, in trust for Her Majesty, for the service of the Government of India: provided also, that the Governor General in Council, and any other person or persons who may be authorised by any Act passed in that behalf by the Governor General in Council, shall have power (in cases where the same may appear suitable and proper) to make any grant or disposition of any property so accruing by forfeiture, escheat, or otherwise, to or in favour of any relative or connexion of the person from whom the same shall have accrued, or to or in favour of any other persons."

At present there was great discrepancy and confusion with respect to fines, penalties, forfeitures, and escheats, belonging to the Crown. The law was different in the Presidency towns. In Calcutta fines and penalties were received by the Crown, whilst in Madras and Bombay they were granted to the Company. Forfeitures of real and personal estate for crimes and offences were on a different footing in Bombay from the other two Presidency towns. All the rights of the Crown in Bombay were granted in the original Charter by Charles II. to the East India Company; but in the two other Presidency towns those rights were reserved, so that when it was proper the relatives should apply for a grant of the land forfeited, they had to send a memorial home for that purpose. It was the same as regarded escheats; but that kind of anomaly was obviously extremely absurd, and it was to rectify it that he proposed that clause.

Sir CHARLES WOOD said, he would also agree to this clause.

Clause *added* to the Bill.

Sir HERBERT MADDOCK said, he also wished to move the addition of a clause. He thought the time was arrived when it was fitting Her Majesty's territories in the East Indies should be governed in Her Majesty's name. If the authority of the East India Company had not been diminished, he should still have been of the same opinion; but considering how greatly the power and authority of the Directors had been shorn by this Bill, it appeared to him the more deserving of consideration. Although obedience had been shown, the name of the Company had not been treated with that respect which was to be expected on the part of the rulers of so great an Empire. The Company was ordinarily called by the name of "John Company," which was more jocularly changed into "Honourable John," whilst the illiterate people of India imagined the Company was an old woman. He could not imagine there could be any objection to the proposal, and he thought it scarcely possible to overrate the importance of having justice and the law in India administered in the name of Her Majesty.

Clause *offered*:—

"Whereas the Territories of British India are a portion of the Dominions of the British Crown, and the Native and European Inhabitants thereof are Her Majesty's subjects, the Government of the said Territories as carried on in India, and the administration of justice therein, shall, from and after the passing of this Act. be in the name of Her Majesty, Her Heirs, and Successors, and all public acts of the Government of India shall be done and executed by the Governor General in Council, in the name of Her Majesty, Her Heirs and Successors."

Sir CHARLES WOOD said, that this question had already been raised, and the House had decided that the Government of India should remain for a time entrusted to the East India Company, and it ought not therefore to reopen the question raised by the hon. Member.

Motion made, and Question, "That the said Clause be now brought up" put, and *negatived.*

Sir CHARLES WOOD said, he had given notice some time ago of his intention to bring up two clauses fixing the qualification and salaries of the Directors. Objections had been made to the large money qualification now required, and he thought it very desirable that that qualification should be reduced. He considered, also, that it was most desirable that all the Directors should possess the same qualification. He therefore proposed a clause reducing the qualification of elected Directors from 2,000*l.* to 1,000*l.*, and enacting that all Directors, whether elected or appointed, should have that qualification, and should be required to make a declaration that they were in possession of stock to such an amount. He thought it desirable that all the Members of the Board should be placed upon the same footing, in order to secure their harmonious working. A Director could not take part in the proceedings of the Court of Proprietors unless he held the stock of the Company.

Mr. BLACKETT said, he thought this clause was a departure from the understanding which had been come to with his hon. Friend the Member for Manchester (Mr. Bright) for the withdrawal of the pecuniary qualification for the office of a Director; and his hon. Friend being unavoidably absent, he could not promise for him that he would not propose to strike out this clause on the third reading, should it now be agreed to.

Clause *agreed to.*

Clause (Yearly allowances to Chairman, Deputy Chairman, and Directors, instead of those now payable under by-laws).

Sir CHARLES WOOD said, he hoped they would remember the Bill originally proposed to fix the salaries of the Directors at 500*l.* each; but the amount was received by the hon. Member for Manchester with a sneer, and, indeed, the general feeling of the House appeared to be, that the salary should not remain at an amount which was more in the nature of an *honorarium* than an adequate remuneration for the services that had to be performed. He, therefore, proposed in this clause, to fix the salaries of the Chairman and Deputy Chairman at 1,500*l.* each, and that of a Director at 1,000*l.* per annum.

Clause *brought up*, and read 1° and 2°.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. HADFIELD said, he objected to the clause. The right hon. Gentleman the President of the Board of Control, in the early stage of the Bill, fixed the salary at 500*l.*, and he saw no reason for increasing it now. But what he principally complained of was this: it was said they nominally paid the Directors a salary, but their chief remuneration was to be patronage which they enjoyed, and which was estimated to be worth 10,000*l.* a year. Now he wanted to know how this patronage was distributed? It might, for aught he knew, be used by some Directors to obtain seats in that House—indeed it was somewhat remarkable that two of the Directors who held seats in that House represented the smallest constituencies in the country; and he thought, before they increased the salaries, the House ought to obtain some control over the distribution of this extensive patronage.

Mr. BLACKETT said, he concurred very much with the hon. Gentleman in his opposition to this clause. He held in his hand a statement showing, in a tabular form, the patronage distributed by the Directors between 1835 and 1851, and from this return it appeared, that in that time no less than 4,569 cadetships had been given away by the Directors, which gave to each Director ten cadetships and a fraction a year, and to the Chairman and Deputy Chairman twenty and a fraction. Now it appeared, from the records of the Court of Directors, that each cadetship was valued at 1,000*l.*, so that in cadetships alone, each Director enjoyed patronage to the extent of 10,000*l.* a year. With regard to writerships, it appeared from the same return, that on the average each Director had one writership at his disposal every year, thus increasing the value of his patronage to 13,700*l.* a year; but by this Bill the patronage of the writerships was taken away from the Directors, and to that extent their patronage would certainly be reduced. This loss, however, would be made up by the increase which would take place in the vacancies for cadetships which the formation of the new European regiments would occasion. According to the Earl of Ellenborough, the creation of the new force would place 300 appointments at the disposal of the Company; but, taking only a half of that number, it would give each Director seven or eight additional cadetships in 1854, and he thought with this patronage in their hands the Directors had no claim to an increased salary. Abolish the patronage, and he should be quite ready to double the salaries; but while the existing system continued, 500*l.* a year would be amply sufficient, and he would move an Amendment to that effect.

MR. HUTCHINS said, he should support the Motion of the hon. Member who had just sat down. He thought it most essential that the House should have had notice of the sum intended to be proposed by the right hon. Baronet. The only thing they found on the paper was, that the President of the Board of Control was to move a clause, fixing the salaries of the Directors, and if for no other reason than that nothing more definite was stated, he should vote against the clause.

MR. WISE said, no one could fail to be struck with the manner and time of the proposition of the right hon. Baronet, which was made without notice, or opportunity of knowing what the salaries were to be. He did not blame the Directors—they were wise in their generation; but the present Motion was a most unreasonable one, and he should give it his most cordial opposition.

MR. MONCKTON MILNES said, that the object of the proposal was to secure the services of the best men. It was not to be expected that gentlemen returning from India, with large fortunes, would undertake the arduous duties of Directors, unless a proper remuneration was given. He thought hon. Gentlemen committed an error in confounding patronage with salary. Persons disposing of patronage derived no pecuniary advantage from it. The patronage of which the Secretary to the Treasury disposed was enormous; but would any one, for that reason, say he ought to have no salary?

MR. SPOONER said, the question then before the House was, not as to the amount of salary; but the question was, that the House should go into Committee to consider it.

MR. MANGLES said, he must protest against these continued attacks upon the honour and integrity of the Board of Directors. It was not a question of pecuniary compensation which would induce men to dispose of the patronage which would be in their hands. He and his co-Directors took a solemn oath upon every occasion of an appointment being made, that they had not nor would not receive any consideration in money or money's worth. Although he felt bound to defend their own conduct, yet he was quite ashamed to advert to such a fact. As to the intimation respecting the independency of their constituencies, he begged to tell hon. Gentlemen, that his own constituency was an independent constituency. He had never been asked for an appointment by any one of them.

House in Committee.

On the CHAIRMAN putting the question in reference to the amount of salaries to be paid to the Chairman and Directors,

MR. J. G. PHILLIMORE said, the question was one that applied particularly to the people of India, and not to the people of England, for the former would have to pay the money. Further time ought to be given for the Committee to consider such an important matter before voting those sums of money.

MR. THORNELY said, in that part of the House many Gentlemen entertained a very great disposition that the question should be adjourned. He owned he felt surprised at the very large sums proposed to be given to the Directors and Chairman, and if the proposition were persisted in, he should move, as an Amendment, that the former should be paid 500*l.* and the latter 1,000*l.* per annum. [*Amidst cries of* "Move!" the hon. Member moved that the Chairman report progress.]

MR. HUTCHINS said, he strongly objected to the improper way in which the clause had been introduced. It had been put on the paper without notice having been given, and it was not right to press it on the Committee.

LORD JOHN RUSSELL said, that if there was any wish on the part of the Committee to have further time, the Government were quite ready to consider this clause on the third reading, and for that purpose he would agree to the Motion for reporting progress. There had been from the beginning a great deal of debate whether the salary of the Directors had not been placed too low. Many hon. Members had expressed themselves of the same opinion with the noble Lord the Member for Lynn Regis (Lord Stanley), who on the second reading of the Bill said that the salary of the Directors was too low. Their observations seemed to have a great deal of force and truth, and the increase was agreed to rather in consequence of what was said by hon. Members, who appeared to give good reasons for their opinion, than from any desire on the part of the Government for the increase in question. The question that he wished the House to decide was, which was the best way of obtaining the services of the best men in the Government of India. If the Directors were to have the disposal of so many millions of men and the revenues of India, the House ought not, for the sake of 500*l.* a year, to lose the services of the men who could govern India with the greatest wisdom. Many of the men who came from India, and who might be offered the situation of Director, might say that the salary of 500*l.* would not enable them to incur the additional expense of living in London without a loss of income. They might therefore decline accepting the post of Director, and say that they meant to live in a cheaper part of the country. The real intention of the clause was to secure the services of the men who could govern India well. He agreed that the patronage attached to the office of Director went for something in the consideration of their recompense. Patronage was power, and the being enabled to oblige a man whom a person in office considered worthy, added to the consideration in which he was held. He did not allude to the bestowal of patronage in a sordid sense and from sordid motives; but a man liked to be in a position to give a reward to persons whom he thought deserving, and to choose among his fellow-citizens the persons he considered worthy to fill situations of power and responsibility.

The House resumed.

HACKNEY CARRIAGE DUTIES BILL.

Order for Committee read.

Instruction to the Committee on the Bill, that they have power to make provision therein as to the charge for the hire of Hackney Carriages.

Bill *considered* in Committee.

Clause—

> "That whenever more than two persons shall be conveyed by any Hackney Carriage drawn by one horse only, a sum of sixpence for each person above the number of two shall be paid for the whole hiring, in addition to the fare now directed to be paid for two persons, under the Act 16 and 17 *Vict.* c. 33; and two children under ten years old shall be considered as one adult person, for the purposes of this clause."

Brought up, and read the First Time.

Sir DENHAM NORREYS said, he wished to know if this clause had not been enacted in consequence of the late strike? Why had not notice been given of it?

The CHANCELLOR of the EXCHEQUER said, that the intention of his hon. Friend the Under Secretary for the Home Department, whose state of health prevented him being present, had been simply that the Legislature should put itself quite in the right towards the cab interest, while it showed its determination not to depart from what it considered just towards the public.

Sir JOHN SHELLEY said, he rose to corroborate the statement of the right hon. Gentleman. He had that afternoon been present at a deputation of cab proprietors who had waited on the Under Secretary of State, and he had heard that deputation state positively that the Resolution just read from the Chair, had been laid before them previous to the occurrence which had lately taken place, and the reason of the delay in bringing it before the House had been a mere question as to the wording of the clause, which had only been settled a short time ago. He certainly hoped that Her Majesty's Government would not give way on this occasion. As one of the Metropolitan Members, he had been very anxious to see any just demands which the cab proprietors might have met in a proper spirit, and settled if possible; but, at the same time, he was bound to say that the circumstances under which they now came before the House were very materially altered by the course which they had pursued. He thought the most dignified course for the House to pursue would be to look upon these men now as entirely out of court; when they had brought their cabs back on the stands, then let them petition Parliament, and any just grievances which they had might be redressed in a fair spirit.

Mr. SPOONER quite agreed with the right hon. Chancellor of the Exchequer that this question must be treated as a question of justice, and without any reference to what had taken place. He was one of those who believed, with the hon. Baronet the Member for the University of Oxford, that they ought not to have fixed the fares, without evidence before them that those fares were just. His conviction was then, and it still continued the same, that it was not just to require them to go for a sixpenny fare at all.

Mr. GROGAN said, that if he understood the clause rightly, it was to allow cabs, which were only licensed to carry two, to break the law by carrying more, and get additional fare for it. He had no objection to the cabs carrying more than two, but he did not like to see it put in the light of an infraction of the law.

Mr. LOWE said, that to carry two, meant that they were not to be compelled to carry more than two, and not that they were to be limited to carrying two only.

MR. FREWEN thought that they were knocking under to the great proprietors by amending the Act in this manner. It was notorious that it was not the men who owned one or two cabs who had organised and were carrying on this strike, but the large cab proprietors, and it would be far better for the House to adjourn the consideration of this question for a few days, and when the cab proprietors came to their senses, no doubt the House would entertain any reasonable proposal for the relief of any real grievance under which they might be suffering.

MR. LOCKE said, he thought, with the hon. Member for North Warwickshire (Mr. Spooner), that justice ought to be done in this case independent of the present state of things. When the conduct of the Dublin cabmen was contrasted with that of the London cabmen, it must be remembered that the latter had never had an inquiry referred to them. He thought it would be much more consistent to leave the responsibility of arranging the matter in the hands of the Government; but he entertained a strong opinion that the scale of fares laid down in the Bill was not remunerative. He certainly thought that at least an inquiry into its justice should have been made before such a reduction was attempted.

LORD DUDLEY STUART said, he agreed with those who thought the House ought to resist anything like a concession to clamour. He lamented very much the state of things out of doors, and chiefly for the sake of the persons who had occasioned that state of things, for there could be no doubt that the persons engaged in the cab trade would be those who would suffer the most inconvenience from the strike. In taking such a course they had been ill-advised; but at the same time he could not help reminding hon. Gentlemen that the present difficulty, and the public annoyance experienced, had been brought upon the House by their own conduct. If the Select Committee asked for had been granted, all the details connected with the matter would have been properly examined, and the mistake would not have been made which had involved them in so much difficulty. Another time, in legislating, the House should remember the good old proverb, "The more haste, the less speed."

The CHANCELLOR OF THE EXCHEQUER said, if the Committee felt inclined to discuss the subject of the sixpenny fare, and whether the legislation of the House was to be reversed, he would withdraw the clause altogether. That point was not pressed by the cab proprietors themselves. It was most desirable to confine the discussion to the real point, and he trusted the Committee would at once either affirm the clause or postpone it. The general feeling appeared to be in favour of the clause, and he thought it would be better to adopt it than to enter into a disquisition as to who was right and who was wrong.

MR. VINCENT SCULLY said, that trifling as the occasion might appear, there was an important constitutional principle involved in the present discussion. If the Committee were now to yield to the dictation of a particular class of persons, who happened to belong to the metropolis, it would open a most dangerous precedent to encourage the future adoption of a similar improper course by other classes who might have any fancied or real grievance to complain of. It would also create very just discontents in provincial districts, from whence decorous remonstrances often remained unattended to by the Legislature. It would suggest to the car owners of the city of Dublin, as well as to other classes there, that their local grievances would have a much better chance of being speedily redressed if they now had their own local Parliament in College Green. A deputation from those Dublin car owners was at present in London, seeking by legitimate means an alteration in the Dublin Carriages Bill, and their conduct afforded a striking contrast to that pursued by the cabmen of London. Members of the House had certainly suffered some personal inconveniences during the last two days; but those might be easily obviated, either by proper official regulations, or, if necessary, by immediate legislation. They could all remember when, in the year 1848, a special Act of Parliament had been passed through all its stages in a single day, in order to suppress summarily what had been called the "cabbage-garden rebellion" in Ireland. The present state of things, however, should at once be put an end to in one way or other; and as it was a sort of little London cab rebellion, he thought it lay entirely with the Executive Government to suppress it in such form as they might think best. He could not think they were now proposing the most effectual course. Were he allowed to offer a suggestion, he would state that they might never again have so good an opportunity to pass a law introducing a perfect free trade in cabs, by permitting the owner of any vehicle in London, or in any other town, to register it at the commencement of each year, to run at any fare he might think fit; and, at the same time, to take effectual measures to repress combination of any sort. By such means they would have some vehicles, suited to the humbler classes, plying at fourpence, or even twopence per mile, while they would also have a very superior class of carriages running at sixpence or eightpence, or perhaps one shilling per mile. Any interference with the principles of free trade, whether by public Act of Parliament, or by private combination among individuals, was always productive of injury to the public and to the individuals themselves. For his own part, having stated these views, he would leave on the Government the responsibility of taking such steps as they might think proper to suppress this little cab rebellion.

Mr. **HUTCHINS** said, he had been present at an interview between a deputation of cab proprietors and the Secretary to the Treasury, and could state that his hon. Friend had done his utmost to arrive at an equitable conclusion as regarded all parties. It appeared, however, almost impossible to satisfy the proprietors. He hoped the Committee would proceed to pass these clauses.

Mr. **WALPOLE** would suggest that they really ought not to divide. He felt the cab proprietors were very much in the wrong; but he could not conceal from himself that the House had been a little inadvertent. Let them put themselves right by adopting the two clauses proposed by the Government, and then all would go well.

Mr. **GROGAN** did not wish to stand in the way of an arrangement, but the clause would not carry out the object in view. He certainly would oppose it in the interest of the public.

Sir **JOHN SHELLEY** said, as one who was present at the interview of the cab proprietors with the hon. Gentleman, he thought it right to state they were satisfied with the Resolutions so far as they went, but that nothing would completely satisfy them except a shilling for the first mile.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The Committee *divided:*—Ayes 88; Noes 9: Majority 79.

Clause read 2°, and *added.*

Mr. V. Scully

Bill *reported:* as amended, to be considered on *Monday* next.

House resumed.

House adjourned at a quarter after Three o'clock.

HOUSE OF LORDS,

Friday, July 29, 1853.

Minutes.] Public Bills.—1ª Entry of Seamen; Stamp Duties (No. 2).

2ª Resident Magistrates (Ireland); Turnpike Trusts Arrangements; Sheep, &c. Contagious Diseases Prevention; Public Libraries (Ireland and Scotland); Burgh Harbours (Scotland); Elections; Sheriff Courts (Scotland).

Reported. — Registrar of Meetings; Stamp Duties.

3ª Customs Duties; Dublin Parliamentary Registration.

NATIONAL EDUCATION.

Lord **BROUGHAM** wished to ask his noble Friend (the Earl of Aberdeen), a question respecting the measure in which he naturally took very great interest, the Education Bill. He was anxious to know if the Government intended to pass it this Session. He would take this opportunity of setting his noble Friend (Lord John Russell) right, or rather noting an omission in the statement he had lately made in another place. For the expressions used by him respecting the labours of the Education Committee of 1816 and 1818, he (Lord Brougham) felt duly grateful, as the only survivor of that body except his noble Friend at the table (the Earl of Haddington); but the commendation had been confined to the Committee's inquiries respecting charitable trusts, and the legislative measures proposed and carried by them on that important subject. His noble Friend had omitted to state that the same body had originated the measure respecting Education which had since been carried into effect, and which continued to be pursued. There was a report of that celebrated Committee recommending the very course afterwards taken, of grants for schools to be applied by the Government; and the mode of application had also been pointed out. He (Lord Brougham) had no power of giving effect to this report until he came into office; but he then obtained the concurrence of Earl Grey and his other colleagues to the adoption of the plan, and the grants were accordingly in 1833 begun which had since been increased with the most beneficial effects. He owed this statement to the memory of a body so often the object of ignorant censure and party clamour.

The EARL of ABERDEEN said, it was with great regret he had to inform his noble and learned Friend that it was utterly impossible to proceed this Session with the Education Bill.

SCHOOLMASTERS IN SCOTLAND.

The DUKE of BUCCLEUCH rose to inquire what were the intentions of Her Majesty's Government with respect to Scotch schoolmasters? He wished to make a few observations, in order to explain what was his reason for putting this question. The Act which first created the Scotch schools was passed in 1690. A commission which was appointed in the year 1803 to inquire into the subject of schools in Scotland reported that the remuneration of the schoolmasters as fixed by the Act of 1690, was totally inadequate, the highest rate of payment being 11*l.* a year, and the lowest 5*l.* An Act was consequently passed for raising those salaries, making the *maximum* salary 22*l.* and the *minimum* 16*l.* a year, and it provided that at the end of every 25 years the salaries of the schoolmasters should be revised according to the average return of the price of oatmeal during that period, calculated from the return made by the sheriffs to the Court of Exchequer in Scotland. The wording of that Act was very ambiguous, and liable to lead to a great deal of misapprehension. This revision was made pursuant to the Act in 1828, and the *maximum* salary was fixed at 34*l.* per annum, and the lowest at a proportionate rate. At Whitsuntide 1854, the revision would again take place, and their salaries would be paid according to the average of the last twenty-five years, and this would effect a diminution of one-fourth in their salaries. Before that diminution the salaries which they received had not been one farthing more than was absolutely necessary, if, indeed, as large as they ought properly to have been. The subject of the salaries of schoolmasters had, on several occasions, come under the notice of their Lordships, and, indeed, a Committee had been appointed to inquire into the facts of the case. That Committee had not made any report; but he believed that it was their unanimous opinion that the sum of money paid to the schoolmasters ought not, on any account, to be reduced, and that the inhabitants should be empowered, if they thought fit, to make a legal assessment for this purpose for a limited amount. As this was the last year in which the salaries of the schoolmasters would be paid according to the existing scale, he was anxious to know what plan the Government would be likely to adopt. It had been his intention, at one time, to have had a Bill introduced to continue the present salaries until Parliament should otherwise determine; but he had relinquished that intention, in consequence of understanding that a Bill would be introduced by the Government for that purpose, or, at all events, to continue the present saleries for one year. He had some weeks back had an opportunity of seeing some of the Scotch schoolmasters, and they certainly at that time believed that such was the intention of the Government; and the general impression now that such a belief was not well founded tended to place the schoolmasters in a condition of great doubt and apprehension as to what their position would be after next Martinmas, for between this and then, if the present system continued, it would be necessary to strike the average from the prices of oatmeal according to the returns made to the Court of Exchequer in Scotland. For these reasons he wished to inquire from his noble Friend whether it was intended to propose a continuance Bill this Session, as originally understood by the schoolmasters, or what other steps were intended to be taken on the subject?

The EARL of ABERDEEN hoped that his noble Friend would give him credit for taking an interest in the welfare of the schoolmasters of Scotland as great as he himself did, and he quite agreed that they were a most meritorious body of men; but at the same time he did not think that his noble Friend had quite accurately described their condition. At an early period of the present Session a deputation of schoolmasters had waited upon him, and had represented to him that the payment of their salaries in November was doubtful, and that they were not certain whether they were legally entitled to it under the present system. Under those circumstances he had promised that a Bill should be introduced to secure for one year the payment of their present stipend. He had, however, since that time, discovered that the payment of their salaries was perfectly unquestionable; and he therefore had deemed it unnecessary to introduce a Bill to accomplish an object which could be obtained without. During the next Session of Parliament he hoped that some change would be made in their condition by the measure on education which the Government then intended to introduce, and which they had hoped to have been able to carry this Session, but which they had been compelled to postpone. If that measure should not be proceeded with next Session, of course the first care of the Government would be to supply a separate Act to apply to that subject. He had not thought it desirable to introduce an an Act during the present Session for the purpose of giving the Scotch schoolmasters salaries this year, when no doubt whatever existed as to their legal right to exact them.

The EARL of HADDINGTON expressed a hope that the statement of the noble Earl, with regard to the intentions of the Government, would have the effect of allaying any alarm or apprehension that might have existed in the minds of the schoolmasters.

The DUKE of BUCCLEUCH wished to know if he understood his noble Friend to say that the present salaries were secure until June next?

The EARL of ABERDEEN: That the present salaries would continue until June was quite certain, but whether into the month of June was, he believed, doubtful.

The DUKE of BUCCLEUCH thought it would be much more satisfactory to the schoolmasters and the public generally, if there were any doubt on the subject—and there appeared to be very great doubt—that should be at once set at rest. That could be done now more easily than if they waited for the chance of carrying a contested Bill upon the general question of education in another Session of Parliament.

ELECTIONS BILL.

LORD BROUGHAM moved the Second Reading of the Elections Bill, which had been sent up from the Commons. It was introduced by Mr. Butt, of the Western Circuit, and contained provisions which were most fit to be adopted for shortening the period between the Writs and the Election, reducing the time from sixteen and ten days, for counties, to ten and six days; and in boroughs, from eight and three days, to six and three — the present period being manifestly longer than was necessary, and the shortening both tending to lessen the expense, and somewhat to diminish illegal practices. Power was also given to the Queen in Council, subject to the course of proceeding there, to change the polling places on application of the magistrates at quarter-sessions. The time of polling at elections for the Universities was also most properly restricted to five days, instead of fifteen, as it at present was—and the Vice Chancellor was authorised to appoint polling places, and deputy Vice Chancellors to take the poll. Thus far the Bill went, and no one could object to its provisions. But he had been urged by persons of respectability to make a material addition, by introducing clauses extending the University franchise to those having the degree of B.A. and B.C.L., from those having the degrees of M.A. and D.C.L., and also to enable Graduates, whose names had ceased to be on the boards, and who had thus lost the right of voting, to be registered upon payment of a moderate fee, instead of the annual sum now required to continue their right of voting. He inclined to think that these provisions would be very fit to be introduced, but not into a Bill like the present, confined to the time and mode of taking the poll—the rather as the Bill had come up from the House of Commons without any such extension of the franchise having been there considered. He entirely denied the exclusive privileges of that House to deal with the subject of Elections. Indeed he had once and again urged on their Lordships the duty of even originating measures on that subject; and shown remarkable instances in which the Lords had propounded and carried changes in the Election Law, as in some of the statutory provisions respecting bribery. But this was a course fit to be pursued rarely and with much discretion; and when an Election Bill had been passed on wholly different matters, it would be inadvisable for their Lordships to deal with the franchise in such a manner that their enactments must be rejected by the Commons, or passed by a vote agreeing to those amendments, without going through the usual stages of three readings and commitment. He took leave, in connexion with this subject, to urge upon the Government the necessity of most carefully and deliberately applying themselves to the important subject of revising the existing electoral Laws, as they had announced was their intention. The measures which they would have to frame must be directed both to rendering elections pure, by extirpating the corruption so widely complained of in all its branches, and to amending the possession of the franchise, as well as its distribution locally. The subject was of incalculable moment, and unfortunately its difficulty was equal to its importance. The consideration of one circumstance, however, gave him great comfort. We were happily no longer under the conflicting influence of extreme opinions and feelings among adverse classes. There was not now as heretofore, on the one hand, an unreasoning, unbending resistance to all change in our elective system; nor, on the other hand, a desire of change as unreflecting, a love of mere change as such without regard to improvement. Opinions on the whole subject were much more moderate, feelings far more temperate than in the days of the last controversy upon reform; and this he regarded as most fortunate for both the Government and Parliament in applying themselves to the consideration of the subject. He had great confidence in the discretion as well as the firmness of his noble Friends, who were about to grapple with it. He ventured to hope that they would not lose sight of one, in his view a cardinal point, the improvement of the representative body as well as of the elective body; for both effects would be produced, by giving the franchise to classes well qualified to vote with discrimination, and thus securing the representation of those classes by Members well qualified to act with intelligence.

Bill read 2^a.

SHERIFF COURTS (SCOTLAND) BILL.

Order of the Day for the Second Reading read.

The EARL of ABERDEEN, in moving the Second Reading of this Bill, said it was a measure of law reform from which he anticipated the greatest advantages to the people of Scotland. His noble and learned Friend (Lord Brougham) was, he believed, of opinion that the Bill did not go far enough, and, in his ardour for legal reform, would have been willing to attempt a much more extensive alteration in the law. But he trusted that he would be ready to accept the improvements in the law proposed by this Bill, and that the noble and learned Lord would also do him the justice to admit that the Government were desirous of adopting, with due caution, every species of reform in the law which could be required. The present Bill was so completely technical in its character that it was neither necessary nor desirable for him to explain its provisions in detail. The Bill had two objects—namely, to expedite the proceedings, and to render the administration of justice in the sheriff courts both cheap and speedy; and in both respects he thought it promised to effect a most beneficial change in the present law of Scotland. The Bill, as amended, had received the almost unanimous support of the Scotch Members, and he trusted that it would meet with the assent of their Lordships. The noble Earl moved that the Bill be now read 2^a.

LORD BROUGHAM said, that his noble Friend (the Earl of Aberdeen) had correctly stated that he had, in bringing forward the County Courts measure, referred to the Scotch Sheriff Courts as an example of local judicature. But he had distinctly, at that time (1830), objected to the non-resident Sheriff, and maintained that he ought always to reside. His objection to the present Bill was, that it was extremely inadequate to remedy the evils so generally complained of; but he by no means considered it as without merit, and even considerable merit. The step made was in the right direction, though very small as regarded the extension of the Small Debt Jurisdiction, from *8l. 6s. 8d.* to *12l.*; and this he had lately taken leave to call a homœopathic remedy. But he admitted that other provisions of the Bill did not deserve that name, especially the abolition of written pleadings, arguments and proofs, and the substitution of oral procedure. He also approved of taking away the appeal from the Sheriff in causes of *25l.* and under, and of giving the option in all causes of appeal to the Court, and of making the decision final by consent of both parties. The optional clause had likewise been adopted in substance from the English system, so as to extend indefinitely the Small Debt Jurisdiction by consent of parties. For these reasons he should not oppose the second reading of the Bill, from which he hoped some good might arise, and especially the great good of its laying the foundation for a more ample and satisfactory measure hereafter. As to the fitting structure of that larger measure, there might be doubts entertained, and on one point he had never disguised from himself the great difficulties that surrounded it—he meant abolishing the double sheriffship, and having only one constantly resident Sheriff. But on one subject, he really could see no doubt or difficulty whatever. Mr. Craufurd's Bill, including the matter he had just mentioned, had been very ably and carefully prepared; and he believed it gave great satisfaction to a great part of the community in Scotland. It had, however, met with a formidable opposition, both in the country and in the Commons. As far as it meant to extend the Small Debt Jurisdiction, and to place Scotland on the footing on which England stood since the new system was established, he could not understand the ground of objection. By all means let the same causes be tried in Scotland with the facilities, the cheapness, and the despatch of the English County Courts, and the appeal confined to matter of law. We used to envy Scotland for her local judicature—Scotland now envies, and justly envies England. This was one of the instances in which the assimilation of the laws in the two countries would be of perfect safety and of indisputable advantage. His noble Friend (the Earl of Aberdeen) spoke of his ardour as a reformer; but he was anything rather than a rash one, and was often complained of as not going far enough.

The Duke of BUCCLEUCH said, he thought the Bill would prove of very great benefit to Scotland in the administration of justice. He was especially glad to observe that the arrangement as to the double sheriff, the sheriff-depute and the sheriff-substitute, was still maintained. He knew there was a strong feeling in different localities in Scotland against the double judicature; but, so far as his experience and knowledge on the subject enabled him to judge, he had seen nothing to alter his opinion that at present the existing system was the best that could be maintained.

Bill read 2ª.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, July 29, 1853.

Minutes.] Public Bills.—1° Missionary Bishops; Customs Acts Consolidation; Insurance on Lives.
2° Transportation.
3° Stamp Duties (No. 2); Government of India; Incumbered Estates (Ireland) Act Continuance.

SOUTH SEA ANNUITIES DISSENTIENTS.

Order for Committee read.

Sir FITZROY KELLY said, he wished to put two questions to the right hon. Gentleman the Chancellor of the Exchequer with respect to the Resolutions now on the table of the House. The first was this—supposing the Resolutions received the sanction of Parliament, and any number of persons should elect to commute their stock into the 3¼ per cent stock 1844, was it the intention of the Government to make purchase of that description of stock to supply the demand so created, or to create stock, on the same terms of course as that created under the Act of 1844? And if the latter course were intended, then he desired to know whether the creation of the stock would be attended with any condition as to the increase of the capital amount of the National Debt. He also begged to ask what was the description of persons who would be the subject of these Resolutions whose stock stood in the names of the Accountants General in Chancery, or the Accountant in Bankruptcy, and in what relation they stood to the South Sea Company whose stock was to be dealt with by these Resolutions?

The CHANCELLOR of the EXCHEQUER: Sir, I may answer those questions without any difficulty. With respect to the first question, our intention is, in case any commutation on the part of these trustees should be effected, that the means for that commutation shall be provided by the creation of new stock. With regard to the question of the increase of the capital of the national debt, my expectation is that this arrangement will be effected with some diminution of the capital of the national debt. It is a very small amount—scarcely worth mentioning—but I have no doubt that, instead of an increase, it will occasion a diminution of the capital of the debt. With regard to the third question, who the persons are that stand upon the Accountant Generals' accounts in Bankruptcy and in Chancery, I shall give an answer which will probably be the most intelligible to the hon. and learned Gentleman, with his professional knowledge. I believe that they will be the same miscellaneous description of persons as those who stand upon the Accountant Generals' accounts in other larger stocks. With respect to their relation to the South Sea Company, that, I apprehend, is a question of law, which I am not well able to answer at the present moment. I presume, however, but I speak under correction, that the Accountants General must be partners in the South Sea Company, just like any other partners in respect of those stocks, and that the persons to whom those stocks really belong can have no legal rights as partners in the South Sea Company. I will not go into the question of how they are to be protected, or whether they are likely to be damnified; but I think I am right in stating that that is their legal position.

House in Committee.

Resolution 2.

Motion made, and Question proposed, [July 28]—Debate *resumed.*

The CHANCELLOR OF THE EXCHEQUER : Sir, in introducing these Resolutions yesterday to the notice of the Committee, for two reasons I confined myself very strictly to a brief and dry comment upon the text of the Resolutions. One of those reasons was, that at the present period of the Session, and in the present state of the business of the House, I was not willing, without necessity, to occupy the time of the Committee, and thereby contribute to the prolongation of a Session which has been unusually long and laborious. And the other reason was, that in my judgment the time for a full discussion of this question had not yet arrived. But the speeches which were subsequently made gave a much larger range to the subject, and have imposed upon me the necessity, which for the reasons I have stated I much regret, of troubling the Committee at greater length than I should otherwise have done, and of bringing before them matters to which I did not advert in my opening address. In point of fact, three subjects of a character in a great measure distinct have been so far introduced to the notice of the Committee as to make it necessary for me to remark upon them, two of them being subjects which undoubtedly demand, or will demand, a fuller consideration than any that they can now receive, and the third being the subject of the Resolutions upon the table of the House, which I conceive, with great respect to the Committee, to be a matter of minor range and scope. The other two subjects are the merits or demerits, as it may be, of the Act of Parliament passed at an early period of the present Session, and the subject of the unfunded debt. Both of these are matters of great consequence. Both of them are matters which we can at present discuss with only a partial and limited knowledge, the circumstances not being ripe for the Committee to form an opinion upon them. I have to apologise, therefore, for the necessity of touching upon them. It is a necessity, however, which has been occasioned by the speeches that have been made. Now, as regards the present Resolution, to which I will first address myself, an objection has been taken in the Committee, to which I must refer. It was countenanced by the vague and indefinite language of the right hon. Member for Buckinghamshire (Mr. Disraeli), and it assumed the form of a full-blown misunderstanding in the speech of my hon. Friend the Member for Stockport (Mr. J. B. Smith). It was, that we ought not to revive or to resuscitate a plan which was really defunct, by offering new terms of commutation to parties, who, having already had the option of commuting, have not thought fit to avail themselves of it. Sir, there is no attempt to revive or to resuscitate that proposal. There is no intention, and there is no proposition on the table which would have the effect, with the insignificant exception of the small sum contained in the third Resolution, which we are not discussing, of offering to the holders of stock, who had the power of commutation under the Act of the present Session, and declined to avail themselves of it, any new power, or reopening of the option, whatever. I am very desirous that this should be clearly understood both by the Committee and by the public out of doors. It was not for my own sake, or for the sake of the Government, which is comparatively a matter of trifling importance, that I am so anxious, since any misunderstanding which affects them will be cleared up by the lapse of a few months; but it is because impressions of an erroneous kind, propagated by the speeches of Members of this House, immediately fly abroad, and their injurious influence on the very moment is felt in the state and condition of the public credit. For that reason I am most anxious that this misapprehension, at all events, should be entirely put out of the way, and that it should be distinctly understood that there is no individual who had the option offered to him by the Act of the present Session, and who declined that option, to whom any offer is now proposed to be made. I confess I was surprised at some statements which I heard yesterday, and which it appears to me need not to have been made, even after a most superficial inspection of the terms of these Resolutions. It was stated that it was proposed to take the power of making an arrangement with those parties for an unlimited time. Why, the language of the Resolution is, that that power shall be taken for a time to be limited. In the Resolutions, in accordance with all form and precedent, are included the general outlines of what we propose to do, while the filling up of those outlines is necessarily reserved for the Bill to be founded upon them. The only question is, whether a custom has not grown up, from which certainly I have not derogated, owing to the desire to give as much information as possible, of rather overloading Resolutions of this character with a formality of statement, and in that manner making them much less easily intelligible than they would otherwise be? In point of fact, the meaning of the second Resolution, which would have run to a very great length indeed, if all the particulars had been included, and which at present is rather formidable, is simply this—that certain parties being holders of South Sea Stock, and having been disqualified by law from taking advantage of the late Act of Parliament, should now have an offer made to them, analogous, as far as it can be, after the change of circumstances, to that which at a former period was made to their fellow holders. That is really the meaning of the second Resolution. Then the hon. and learned Member for Suffolk (Sir F. Kelly) makes an objection to this Resolution that the power which it gives of commuting stocks is given to the South Sea Company as a body, and not to the particular holders, whom I have already declared, and whom the Resulution declares, to be the exclusive objects of this proposition. Well, Sir, I should have hoped that the hon. and learned Gentleman's professional experience would have brought him to the same conclusion as the professional experience of my advisers brings them; and would have told him that in the case of an incorporated Company it would be very difficult for this House to establish direct relations with individuals who are the members of that Company. The form of the Resolution in that respect, empowering the South Sea Company to act, in lieu of empowering certain individuals who are holders in it to act, is simply founded upon considerations of convenience, and on the fact that if we endeavour to establish those relations with individual holders, a great deal of enactment will be necessary to render that process practicable, which is much better spared. But when the hon. and learned Gentleman says that those parties may be damnified by giving this power to the South Sea Company, there again he falls into the same error of assuming that every provision which a Bill of this nature is to contain, ought to be set forth in the Resolutions. There are certain things so absurd upon the face of them that it is not always deemed necessary to specify in a document that they are not to be done. I should have thought it was perfectly manifest that no one gifted with the use of his five senses could possibly have contemplated anything so ridiculous and so tyrannical and unjust as it would be to put into the hands of the South Sea Company, as a body, the power of dealing arbitrarily with the interests of certain of its partners. Of course, it is intended that the South Sea Company shall merely act on behalf of those parties, and that its so acting shall be with their consent, at their instance, at their desire, and, of course, exclusively for their benefit. I have looked at the Resolution to see whether I might not in some way satisfy the squeamish apprehensions of the hon. and learned Gentleman, by inserting in it something to convey that what is done must be with the consent of those parties. I do not say that it may not be done, but it will add a great deal to the length, while it will not at all add to the clearness of the Resolution. I am an advocate for brevity and clearness, and I hope that the Committee, therefore, will be content to rest satisfied with the assurance I have given, and that they will look at the Bill to see that that which is the intention of the plan shall be so secure that there can be no deviation from it in carrying the plan into execution. We heard yesterday that the power which is asked in this Resolution on behalf of the Treasury, was an unlimited and unprecedented power. I confess I listened with very great surprise to that objection. It is perfectly obvious that certain powers of discretion must be reposed in the Treasury, or in any department, or in any Minister, that has the management of the public money. In my opinion you do not go wrong in reposing that discretion, but you do go wrong if you do not call the Minister to a strict account when it has been misused. I had neither the intention nor the desire to call for any extension of such powers beyond the limit that usage and the law prescribe. What have I asked for in the present instance? I have asked for a power to exchange certain portions of the South Sea Stock for $3\frac{1}{4}$ per cents; and the total amount contemplated by the present Resolution which could possibly come under that exchange would be about 2,000,000*l.* Parliament, perhaps, may wish to limit that power. If it be so desired, I really do not entertain any deci ded objection to it, but I do not think that it would be advantageous to the public interest. I think it would be much better for the public interest, when you want your agent to deal with certain parties, that you should send him without minute instructions, which must be given in the face of the world, and which, in fact, only aids and assists those with whom you are going to make a bargain. That, I think, is a left-handed mode of proceeding. The proper mode is—first, to choose a proper agent, and if he is not a proper agent whom you have in your Chancellor of the Exchequer, put him out and get a proper one. Then, having got a proper one, give him discretion that may be used for the advantage of the public, and when it has been used then call him to account. But, only to satisfy the Committee that the power which I am asking is perfectly trivial in comparison with the statutory powers already in the hands of the Minister of Finance, I will just make two references. At the present moment you give by Statute to the Treasury, or to the Chancellor of the Exchequer, the power of disposing of 30,000,000*l.* of the public obligations under the name of Exchequer bonds, which it is in the power of the Treasury, by an enactment which you have passed, to bring into the market and to sell at any terms they please. It is likewise in their power to saddle the public with the payment, at the option of the holder, of those Exchequer bonds. Perhaps you will say that that was done by a recent Statute; but I ask, is it out of keeping with the power which you have given the Chancellor of the Exchequer by other Statutes? There is a Statute, which you renew from year to year, with respect to Exchequer bills. What was the power given in the Act of the present year? You have authorised the issue of 17,800,000*l.* in Exchequer bills. The present rate of interest upon these bills in round numbers is 1½ per cent; but you have placed unlimited and uncontrolled pewer in the hands of the Chancellor of the Exchequer, without any notice to anybody, to raise that interest threefold. The total sum of interest due from the public at this moment, at the existing rate, on the present amount of Exchequer bills, which is something more than 14,000,000*l.*, would be about 210,000*l.* But it is in his power, by a stroke of the pen, to saddle on the country, instead of 210,000*l.* for the current year, the payment of 630,000*l.* by raising the rate of interest on Exchequer bills. I merely quote that in answer to what was stated yesterday; but, after all, this House has been accustomed to proceed upon the assumption, not that men who are placed in public offices are only fit inmates for lunatic asylums, but upon the assumption that the system of Parliamentary responsibility is worth something, and imposed limits to abuses which could not well be transgressed. All I wish to impress upon the Committee at this moment is, that if there be a jealousy and a desire to restrain the exercise of that discretion, I will not say that I should think it my duty absolutely to resist it; but I am quite sure that it would be a very left-handed method of proceeding, and one which would operate exclusively against the public. Taking the subject, however, as it now stands, upon the Resolution as I have proposed it, which I think is the best and most proper form, it is altogether insignificant as compared with the powers which you absolutely, from year to year, and I shall say of necessity, confer upon the Minister who fills the department of Minister of Finance. It was stated last night that this was no party question, and an intimation was given by an hon. Gentleman behind me, that upon that account he would exercise his own option, and would vote, I think he said, against the Resolution which I have brought forward. The hon. Gentleman gave that intimation, I am aware, under a misapprehension which was probably due to the hurry with which he had been obliged to read the Resolution. I have now, however, distinctly explained to him, I hope, that this Resolution does nothing of the kind that he anticipated, and that it does not reopen the option to parties to whom it has already been given by the Act of the present Session, and by whom it has been refused. With respect to this, I must beg to remind the hon. Member, that, in the exercise of his undoubted discretion, the right hon. Member for Buckinghamshire has given an entirely different character to this discussion. The right hon. Gentleman stated that it was necessary that the House should pause before it passed these Resolutions; and he based his objection to the measure distinctly on the ground of the incapacity of the Government, and their failure in dealing with financial questions. That challenge the right hon. Gentleman has fairly given.

That is the issue which he has raised. By that issue I am perfectly content to be judged; and if that is the point at which we have arrived, no man is less disposed to flinch from trying that issue, and no man is more desirous, if that is the view of the House of Commons, that they should proceed to make better arrangements than can be made while I am Chancellor of the Exchequer in managing the finances of the country. Having noticed the objections which have been taken to the second Resolution, I will now state in a very few words the positive reasons which appear to me to render it a matter of good policy—and not of good policy only, but of justice—that the Committee should adopt a measure of this nature. The main proposition to which I ask your assent is, that certain options should now be given to parties who were intended to have the benefit of the former Act of Parliament, but who were disqualified by law from availing themselves of that benefit at the time the Act passed. I say that justice to those parties demands it. I distinctly place the claim for passing this Resolution upon the ground of justice. I place it upon the ground of justice, because it has always been the habit of Parliament, and because it is the dictate of natural equity, that when you are dealing with the holders of stock of a particular description you have no right to draw a distinction between them, but should observe substantially the same line of conduct with regard to them all. On proposing myself that persons holding stock in the names of the Accountants General in Chancery and in Bankruptcy should be precluded from taking the benefit of the Act, what was the effect of that proposition, and who was the first person to notice the injustice of that decision? The Lord Chancellor of the late Government. That noble and learned Lord it was who raised that point fully in the House of Lords, and who at once obtained from my Colleagues in that House the assurance that an enactment should be proposed which should substantially place parties in a position as good as that of those to whom the options were given by the Act. It is that pledge, given in answer to the Lord Chancellor of the late Government—a noble Lord whose power to form a judgment of what equity requires in such a case no man will dispute—it is that pledge that I now propose to redeem. But it would be absurd to propose to redeem it by merely giving the options which were offered in April last. The change of circumstances which has taken place since that time makes those options appear valueless now which appeared valuable then. I propose, therefore, that you should make an offer to them which should be as good to them during the time which has to elapse before the 5th of next January, as the options which you offered in April were at that period to the parties who were in a condition to take advantage of them. The Resolution relates to persons who hold stock in the names of the Accountants General in Chancery and Bankruptcy; but the persons principally contemplated by it are in a different predicament. Their case had not been brought before me at the time when I made the original proposal to the House. I had no idea either that the proportion of stock of the South Sea Company held in trust was so considerable, or that there were no means by which the voice of the persons holding that stock could be made available in determining the course that was to be taken by the Company. But the case as it is now before us is perfectly clear. Those parties are absolutely disqualified by law—not by our Statute, but by a law wholly independent of our Statute—from voting on the question whether the Company should commute its stock, or whether it should not. That being so, I say that you are bound, in common justice, to make some offer to those parties. It is a very hard case upon the holders of trust stock, when individuals have had the option of commuting, with regard to whom the fact of being paid off would generally be no great hardship, that trustees to whom it almost always is a great hardship, and with whom it is generally worth while to take any commutation that Parliament offers, should be entirely shut out from the possibility of availing themselves of such commutation. Therefore, not having interfered with South Sea Stock as a whole, and having given to persons the opportunity to commute, I say, do not allow these other parties who are trustees to suffer so serious an injustice as that they shall be compelled, without any option being given to them whatever, and when you have taken a different course with regard to other partners in the Company, to receive certain moneys on the 6th of January next, irrespective of what changes might accrue between the interval yet to elapse, with the obligation which they are pretty certain to be under of being compelled to reinvest them forthwith in the public securities. I think, then, that justice to those parties demands the adoption of a proposition of this kind. I must also point out to the Committee that the convenience of trade requires this measure; because, as I stated yesterday, nothing can be more adverse to the convenience of trade than the sudden issue of money. And this particularly applies in the present case, for the sudden issue, amounting to 2,000,000*l.*, and coming, as it must, at a time which coincides with the payment of the dividends, will necessarily have the effect of producing an artificial abundance of money. If it were a *bonâ fide* liquidation of debt, you might say that it was an inconvenience which could not be avoided. No doubt; but this is not a *bonâ fide* liquidation, because the very creditors whom you pay off would again become your creditors by forthwith buying into the public funds. Having had the money unlocked on the 5th of January, it would be locked up again upon the 7th. That is a very inconvenient course of things, and it is one which it is not necessary to incur. I do not say that it is an inconvenience which could not be borne, but it is one which may be spared, and therefore it is the duty of the Committee to obviate it. I do not hesitate to say that, besides being demanded by justice—besides being a means of obviating inconvenience to those who are engaged in trade and commerce, it is likewise for the advantage of the State that there should be no unnecessary issue of public money upon the 5th of January. As matters stand at the present moment, I do not anticipate any difficulty in meeting the *maximum* demand that may be made upon the Treasury; but I will state at once that I cannot consistently with my duty, and I say it with all respect—I will not enter into any defence of myself which involves a statement of any expectations and views with respect to that amount. No amount of debate, no amount of attack from the right hon. Gentleman opposite, shall induce me to deviate from that resolution, because I am convinced that were I to do so, it would be injurious to the public interests. All I can say is, that I anticipate no difficulty whatever—and, as far as one may presume upon no extraordinary circumstances happening in the interval, I am confident that I shall have no difficulty whatever—in meeting the demands which may be made in January and April under this operation. But I am no prophet. I never pretended to be master of the elements. I never professed to be gifted with more sense than other people, or boasted of the possession of faculties beyond the range of other men, or that I could strike out a course entirely independent of the course of former times. I am quite content to walk in the way of tradition and precedent, and when I cannot do a great thing for the public, I am perfectly ready to do a small one. I really cannot tell you now, though it may appear a somewhat humiliating confession, what the harvest may be, or what quantity of corn may come from abroad. I know that there is 4,000,000*l.* less bullion in the Bank of England now than there was twelve months ago; but I cannot say how much of that bullion may be required for paying for corn. I think it for the convenience of the public, however, to narrow the margin as far as other circumstances permit, and render it convenient and just. If, then, it is for the convenience of the public, nothing is more absurd than to say, because I have misconducted myself that therefore the public shall suffer. Pass any censure you please upon me, I am perfectly ready to meet it; but do not refuse to the public that which is a convenience and an advantage to them on account of any feeling which you may entertain of the adroitness or mal-adroitness of the way in which the finances of the country are conducted. That is all I think it necessary to say at present with respect to the substance of the second Resolution. But, as I have said, I am under the necessity of adverting to other matters, because the right hon. Member for Buckinghamshire, followed by his *alter ego* in finance, the hon. and learned Member for East Suffolk (Sir F. Kelly), entered into a discussion of the merits of the whole measure of last spring. I have not the least disposition to check the liberty of the right hon. Gentleman to discuss any measure at any time he thinks fit; but if he says that this is the time at which the merits of that measure ought to be discussed, I beg leave most respectfully to differ from him; and my reason is this, that you cannot form a view of the operation until the operation is complete. You will have that opportunity next year. It cannot be postponed. It is all written down in the law. Whatever the effect may be, on the 5th of January next and the 5th of April next, that effect must become final and conclusive. You will then have an opportunity of calling the Minister to account, and I shall then be in a condition to exhibit to you what are the actual pecuniary results of the measure. But at the present moment you know nothing, except that about one-fourth of the persons holding minor stocks—stocks other than that of the South Sea Company, have agreed to commute, and that three-fourths have not agreed to commute. The right hon. Gentleman, in his impatience, thought that he might take advantage of the bad weather and the state of stocks, and that he had much better not wait until the proper time for discussing this question. There has been a turn of affairs one way; there may be a turn of affairs another way. The right hon. Gentleman, who is a great master of tactics, thought it well to seize the moment to raise the prejudice when he could, for a little sunshine probably might dissipate a good deal of what he said. I do not wish to check discussion, but I do say that the Committee will not be in a position to form an opinion upon the merits of this measure, until the time shall arrive when the payments shall be actually made, and when you see the state of the public revenue, the state of the public balances, and the state of the unfunded debt, after those payments have been made. That is the time when you will be able to form your judgment, and anything that can now be said, must of necessity be partial and inconclusive. But the right hon. Gentleman complains that the measure of the present spring was hurried through this House; and, in relation to that complaint of his, I think it my duty to speak with great plainness, and to state the opinion which I conscientiously entertain, irrespectively of the question whether it may be agreeable to everybody or not. So far from that measure having been hurried through, I say that that measure was most unfortunately delayed in its passage through this House. I say this, and I wish it to be remembered, not for the present occasion only, not for the present Minister, not for the present Government merely, but I say that it is impossible for this House to undertake the management of the finances of the country in public debate. A Minister may mismanage them. This House, if it so undertakes them, must mismanage them. I defy you to conduct them in public here, watched by the whole world, including those with whom you are going to transact business, without serious injury to the public interests. That injury did result from the delay which occurred in passing the measure in the spring. It is well known, it is perfectly notorious, that if it had passed with greater expedition, it would have effected a great deal more than it did, and the advantage to the public would have been much more considerable, had it not been for that delay. I am not interfering with the freedom of public debate, but I point out the consequence to the public interests. They must be damaged by delay in carrying out these propositions, and either you ought to make up your minds to reject or to accept them at the earliest possible time. As to complaining that a particular stage of a Bill was passed after eleven o'clock at one time, and that it is brought forward at a very inconvenient period at another time, submitting all kinds of crude and impossible theories, and discussing the same thing over and over again, that may be all very good political economy, or it may be the worst that ever was heard of, but altogether the season is very inopportune. But, to return to the Resolution: you must either be content to have these plans marred in their operation, or you must be content to repose a large discretion in the Minister, in which event you can call to account, and to a strict account, the person in whom you repose that discretion. The right hon. Gentleman (Mr. Disraeli) exhibited great compassion for what he called my "disappointment." Yes, Sir; but, if my disappointment is considerable, what must his be? I am disappointed. I did not anticipate in the first week in April all that has since taken place in the political world, or in the natural world. Circumstances, I think it will be admitted, have changed a good deal since that time. Look to the rate of discount at the Bank; look at the rate of interest allowed by the great bill brokers; look at the state of gold in the Bank and the price of funds, and you will see that there has been an essential turn in the state of affairs which it was impossible to anticipate. The hon. and learned Member for East Suffolk says, that during the discussion in the spring, circumstances occurred which ought to have made me hesitate; and he added that when doubts arose I ought to have receded. Now, that affords an exact illustrationn of the mischief which resulted from the protracted nature of the debates upon that measure. But because doubts have arisen one way, *non constat* that doubts may not arise of an exactly opposite description. The doubts which have arisen one week may disappear the next week; and the mere fact that a little cloud appears on the horizon, which may grow into a great one, or which may disappear altogether, is not to justify a change in a measure of an important character, which is announced to Parliament upon the responsibility of the Government. Well, Sir, I am disappointed. I think the doctrine of the ancient mythology was, that there was a fate which proceeded from the mouth and the will of the gods, and against that fate it is said in the ancient poets a valiant man, determined to do his duty, might struggle with success; but there was a higher unwritten fate, against which no man and no god could struggle. I think that I have had that unwritten fate to contend with—a fate against which no man could struggle. I frankly own that it was not in my power to control either politics or the weather. I have suffered the consequences; but if I am disappointed, the right hon. Gentleman must be much more so. What was his charge against the plan of the Government? He refers conveniently to the speech of the hon. Member for Huntingdon (Mr. T. Baring); and I am desirous that the hon. Member for Huntingdon, whose candour and moderation invariably add weight even to his experience and ability, should have the fullest credit for the suspicions and apprehensions which he entertained, and which I rather think my hon. Friend the Member for Stoke-upon-Trent (Mr. Ricardo) also entertained, with respect to the success of the plan. But the right hon. Gentleman objected to it on quite a different ground from that which occurred to those two hon. Members. He objected to it on the ground that the result which I proposed was not at all adequate to what might be expected. He read what he thought the maximum saving might be, and I think he calculated it at 600,000*l.* a year. He quoted Sir Robert Walpole. He referred to all the previous reductions of interest during the last forty years, from 6 per cent down to 3. He showed that I had not held out any such expectations, and he left you to conclude what an insignificant fellow you had now got for Chancellor of the Exchequer. That was the line of the right hon. Gentleman; and what was the tone of the objection of the hon. and learned Gentleman who so faithfully reflects his mind in matters of finance, and who now sits beside him? Did the hon. and learned Member for East Suffok anticipate that that plan would be inoperative? No. He came forward yesterday with his compassion for those persons who, "trusting to the calculations of the Government," had accepted the commuted stocks, and found themselves disappointed with the results. The calculations of the Government! No, they were not the calculations of the Government, but I will tell you whose they were. They were not misled by my calculations, but they were misled by his calculations. Now, I'll contrast the words which were used by myself with regard to that measure with the words that were used by the hon. and learned Gentleman who taunts me with having misled the world. Here is something like a rule-of-three sum of the hon. and learned Gentleman's. He is a master of figures, no doubt. He found that in the last forty years there had been a fall in the rate of interest from 6 per cent to 3 per cent; and, darting forthwith into figures, and making use of his imagination as well as of the rule-of-three, he says, that as it has fallen from 6 per cent to 3 per cent in forty years, so it is probable that it will fall in the next forty years from 3 per cent to 2 per cent. He then says—

> "In the forty years now completed, the interest of money in the funds had fallen 2 per cent. Looking, then, to the increasing commerce and prosperity of this country—to the vast amount of capital at their disposal—at the great influx of capital from foreign States, where the same confidence as to political affairs did not exist—was it extravagant or unreasonable to suppose, trusted as this country was to an indefinite amount by the whole civilised world, that in the next forty years the interest on the money in the funds might fall from 3 to 2 per cent?"

That was the language of the hon. and learned Gentleman—

SIR FITZROY KELLY: And is now.

The CHANCELLOR OF THE EXCHEQUER: Well. if that were his language, surely he has no right to talk now of persons being misled by the calculations of the Government. Did I subscribe to that? On the contrary, I did my best on the instant utterly to protest against it, and to expose the gross futility of such a notion. How did I describe that measure to the House in introducing it? The right hon. Gentleman said, that I seemed to be under the impression that I was going to effect a gigantic operation, and to think that I was destined to bring about some wondrous revolution. Upon the 8th of April of the present year I said—

> "I do not recommend the proposition that is now before the Committee as a proposition which can effect any sweeping or fundamental change; but I venture to recommend it to them as a proposition which is just and prudent in itself, and which will probably lay the foundation for more extended improvements in future."—[3 *Hansard*, cxxv. 810.]

Those were the words, Sir, in which I recommended that measure to the House. I begged the House to moderate its expectations; I referred to what I thought were the inflated expectations out of doors, and I said that the merit of the proposition, if it had any merit in it, was that it was both safe and just, and that it would be good and beneficial for the present, while it would open an opportunity and afford a promise of more extended operations in future. If the hon. and learned Gentleman says that he does not change his language, I think that I may also say I do not change mine. Disappointed as I am, however, I still say that the little that has been done has entailed no loss and no evil on the public, but that it has laid the foundation for more extended operations in the future. Again, I must refer to the right hon. Member for Buckinghamshire, who spoke of the "certain loss" inflicted by that measure. He did not tell me what that loss was. He did not tell me where he had heard it—

MR. DISRAELI: I meant the loss of the 100,000*l.*, which you counted as gain. I did not mean any absolute loss.

The CHANCELLOR OF THE EXCHEQUER: Oh, you mean the disappearance of that which was anticipated as gain, and do not speak of any absolute loss. I am glad I understand that. With respect, then, to the measure generally—I mean the Act of the present Session—what I do say is, that whatever attacks may be made upon me, my defence must necessarily stand over until the time when the dissentient stockholders shall be paid off. I cannot make it now, for two reasons—first, because the saying what I might say would not, perhaps, be altogether for the public interest; and, secondly, because we cannot anticipate, except within certain limits, what will be the precise state of circumstances upon the 5th of January and the 5th of April next. I wish that persons should contemplate the measure, so far as it has gone, upon a knowledge of the exact truth. Upon this point I have already referred to the restraints and the curbs which I endeavoured to impose upon public expectation with regard to the immediate effect of the measure. Besides that, I wish to go so far at least as this, with reference to my own defence and the defence of the Government, and I would not go so far even were it not that, irrespective of party differences in this House, we all have a common interest in the maintenance of public credit, and in preventing the dissemination of rumours and alarms which tend to its depreciation. What I wish to stand upon is this:—I did not enter into the proposition of last April upon the assumption that those minor stocks must necessarily be converted. I think, if I had done so, and had advised the House to propose that commutation with the alternative of paying off, and had not taken into view what must have happened in the event of the commutation not taking place, I should have been very deficient in my duty. It appears to be assumed, however, by those who condemn the measure, that there was in my view but one alternative—that of commutation. That is not the case. As well as circumstances permitted, I endeavoured to try and calculate what would happen to the public in case the commutation should have been rejected. You cannot form a judgment upon the measure by merely asking whether the commutation has been generally accepted or declined. The question is, what will be the fate of the public in either event, and what will be its effect upon the public interests now that three-fourths of the shareholders have declined to commute, and, therefore, that three-fourths of the money must be provided? That question must be answered. Well, suppose that, notwithstanding the failure of the commutation, it appears that the paying off of those stocks can be effected with positive economy to the public, and without rendering the state of the public credit in any degree insecure: is the measure, then, a bad one? Is public saving *per se* a bad thing? It is not my duty, now, to enter largely into the means by which that payment may be effected; but there are three things absolutely essential for you to take into consideration before you can form a judgment upon the measure: first, the state and prospects of the public revenue; second, the state of the balances in the Bank of England; and, third, the state of the unfunded debt. The whole thing turns upon that. If you have ample means of meeting the claims of next year, then I shall stand up for my measure, and shall contend that it has not been, as alleged by hon. Gentlemen opposite, a total failure, for I shall have made out my case before the country irrespectively of those parties accepting the commutation. I had taken into consideration the possibility of their not commuting. I did not expect that they would commute. I was not so outrageously sanguine as the right hon. Gentleman opposite stated to the House, that people were waiting in eagerness to accept the commutation. I beg to state that I said nothing of the kind. [Mr. DISRAELI: I said that the Government said so.] That is a distinction which I did not observe. But certainly I never said so; and those who know my private conversation, know what the state of my mind was. I was very open on the subject, and was very much convinced of the uncertainty of the matter. I was by no means outrageously sanguine with respect to it. But on the state of those three things which I have mentioned will depend entirely the question, whether the measure was a good one or a bad one. A limited one I grant you it was; but I contend that it was not a measure involving danger to the public, but, as far as it went, that it was not only a just but a prudent measure. The right hon. Gentleman opposite has himself adverted to the important subject of the unfounded debt, and I thank him for having introduced it into this discussion. I am quite aware that the state of the unfounded debt is very different from what it was twelve months ago; and I do not feel the slightest inclination either to keep back the fullest investigation as to the extent of that difference, or to avoid any discussion as to the means by which it was brought about. I repeat I am much obliged to the right hon. Gentleman for having introduced this subject to the notice of the Committee, and though here again we are not in a condition to form any final conclusion, yet I say so far as we have as yet gone, I regard with considerable satisfaction the state of the unfunded debt, compared with what it was twelve months ago. It has been reduced by 3,100,000*l.* The present issue of Exchequer bills is 3,500,000*l.* within the statutory limit; and it is quite clear that that 3,500,000*l.* forms a margin of which I may avail myself to meet those payments on account of the uncommuted stocks as they fall in. Now the present state of the unfunded debt is this:—It has been reduced by 3,100,000*l.* The interest also has been reduced. The reduction of the interest is a matter on which no permanent calculation can be founded. It is always subject to variation once in twelve months, and sometimes more than that. Circumstances may at any moment arise which may make it the duty of the Finance Minister to alter the rate of interest on Exchequer bills. Now what was the charge upon the public for Exchequer bills last year, and what will be the charge during the present year? The Exchequer bills of 1852 fell due in March and June, 1853, and the rate of interest has been fixed in 1852. The amount of interest payable on the bills due in March was 192,000*l.*, and the amount payable on the bills due in June was 174,000*l.* That, of course, has been liquidated, and new Exchequer bills have been issued. The amount payable upon the March Exchequer bills of 1854, instead of being 192,000*l.*, will be only 125,000*l.*, and the amount payable in June, 1854, instead of 174,000*l.*, will be but 89,000*l.* The total amount payable for interest this year was 366,000*l.*; but the total charge to the public, irrespectively of any change in circumstances, upon the Exchequer bills of 1853, which will be payable in 1854, will be only 214,000*l.*, showing a saving of 152,000*l.* on the Exchequer bills of the year. As I have said, I did not expect under present circumstances that either I or any one else could effect any large saving. I am, therefore, very well content to take that small saving, when I can't get anything that is better; but I must confess that, in my view, that question of the annual saving is only a very small part of the question. I most sincerely wish that we were now discussing the subject of Exchequer bills, at a time when we might take a larger range, when a larger portion of the House was here, and when we might bring home to our minds many important considerations in regard to the unfunded debt. One thing, however, I am very desirous to say. There is an impression among the public that the unfunded debt, as it has been habitually managed up to the present time, is a cheap and economical portion of the public obligations. The examination of the subject has convinced me that that is an entire misconception, and that, on the contrary, the unfunded debt, in its practical operation, is the most expensive portion of the public obligations; and I will tell you why. The mode of management has been this:—In easy times Parliament has been content to make the provision from year to year, gratified, perhaps, by the lowness of the rate of interest. In difficult times it has been necessary to raise the rate of interest; but the difficulty has been imminent, and it has been submitted to. But that is not the serious part of the question. The serious part of the question is this, and it is one which you may amend:—The practice has been, in easy times, to keep the amount of the capital of the unfunded debt up to what the state of the market would tolerably well bear. The consequence is, that in difficult times it has been found necessary from time to time to reduce the capital of your unfunded debt by commuting it into funded debt. That has been done not once, but over and over again. It was done in 1819, again in 1821, in 1826, in 1830, and in 1841. Upon every one of those five occasions it was done under difficulties, and when there was a pressure upon the money market. Now, has the Committee the smallest notion of the amount which has been added by these successive operations to the permanent obligations of the country? No less a sum than 48,800,000*l.* has passed since 1819 out of the condition of unfunded debt into the condition of funded debt. The choice which you have is this—will you reduce your unfunded debt in easy times or in difficult times? I have chosen the reduction of the unfunded debt in times comparatively easy. The consequence is this—3,100,000*l.* has been paid out of the public balances without causing any sensible inconvenience to the public. That is the course which I have taken, and that is the course for which the right hon. Gentleman calls me to account. The Exchequer-bill market has been relieved to the extent of that reduction, just the same as it would have been by funding, but with this difference to the public, that I venture to say that it has not cost the public one farthing. What would have been the case if, instead of that, I had let the unfunded debt remain where it was until we came into difficulties? I will show the Committee at what rates the capital of the unfunded debt has been funded in former times; and, remember, that which you call the unfunded debt, and which you look upon as temporary, has been passing from time to time into funded debt, and since 1819 has added 48,800,000*l.* to the public obligations. In 1819 you funded 27,000,000*l.*, at the rate of about $5\frac{1}{4}$ per cent. In 1821 you funded 7,000,000*l.*; in 1826, 8,000,000*l.*; in 1830, 3,000,000*l.*; and in 1841, 3,800,000*l.*, altogether the amount I have before mentioned, namely, 48,800,000*l.*; and the average rate of interest which the country is now paying for that 48,00,000*l.* is, as nearly as possible 5 per cent. There is, then, a permanent obligation entailed on the country of 5 per cent on 48,800,000*l.*, which previously to 1819 was unfunded debt, but is now funded, and which arises from the practice of not funding till difficult times. It is fair to admit that the case is not quite so bad as it looks, because the funding of 1819 must be regarded as retrospective—it was effecting a transition from a war state to a peace state of finance. Deduct, therefore, the operations of 1819, and take the operation of the subsequent periods from 1821 to 1841, and it will be seen that the rates of interest at which the unfunded debt was funded from that time, after all, were not so much more favourable. The average rate was 4*l.* 6*s.* 8*d.* per cent, which is the permanent burden inflicted on the public in respect of each 100*l.* which was the capital of the unfunded debt. That is entailed for ever. I think I am justified, then, in the assertion that that unfunded debt is not the cheap and economical portion of the public obligations which it seems to be, but that, in point of fact, in the long run, where you watch its working, you will find that it is a very expensive portion of the public burdens. Even the rate of interest upon Exchequer bills, although we may be much gratified that it is 1*d.* or $1\frac{1}{4}$*d.* or $1\frac{1}{2}$*d.* a day, which are very moderate rates, are not quite so favourable as may be supposed, for if we take the average rate of Exchequer bills since 1816, it will be found to be 3*l.* 8*s.* per cent from 1816 to 1834; and during the last eighteen years, from 1835 to 1852, we have not been able to get it down to 3*l.*, the average rate having been 3*l.* 2*s.* per cent. If the 3,100,000*l.* which has now been discharged from the unfunded debt, without costing the public any appreciable sum at the time, had been funded at the average rate at which funding has taken place since 1821, it would have entailed upon the country a permanent charge of 134,000*l.* a year. Had it been funded on terms more favourable than any funding that has heretofore taken place—that is, at the rate indicated by the average rate of Exchequer bills since 1834, at nearly $3\frac{1}{4}$ per cent, it would then have entailed a permanent charge on the country amounting to 96,000*l.* a year. I am glad that I have been led to go thus far, by way of opening to the Committee considerations which I think of the utmost importance with regard to the unfunded debt; and which I trust will lead the Committee and persons out of doors to suspect and to watch more closely and jealously those popular notions which are abroad on the subject. This is going beyond the mere defence of myself or the Government, and beyond the attack of the right hon. Gentleman; but, even as a matter of defence, I think that I am justified in tendering him the acknowledgments with which I set out, for having led the Committee into the discussion of the state of the unfunded debt. I do not advance this as a final statement. I have said distinctly that those different elements, the conversion of South Sea Stock, the state of the revenue, the state of the public balances, and the state of the unfunded debt, are all at present in essential relation with one another, and that you cannot form a final judgment on these operations until you have seen the liquidation which is to take place at the commencement of next year completed. You will then be in a condition to form a judgment. I do not ask you to form a judgment now. I think if you do so, that it must necessarily be immature, but, judging from the results of the operations on the unfunded debt hitherto, I say that they have been eminently favourable, and that they will be attended, in all probability, not only with temporarily, but with permanently, beneficial results to the public. I am sorry to have led the Committee so far into these subjects, and so far away from the question immediately before us; but, having entered into these explanations, I sincerely trust that the Committee will arrive at a favourable decision upon them, and will assent to the Resolutions which are now upon the table.

SIR FITZROY KELLY said, that when he had before addressed the Committee upon these Resolutions, he had done so in almost total ignorance of what the effect of them would be upon the public and the persons interested, supposing them to receive the sanction of Parliament. Even after the lengthened statement of the right hon. Gentleman, the objection which he entertained to this measure had not been obviated—that objection being that it gave a power to trustees to effect a commutation of the South Sea Stock without the full consent of all the persons who were directly or indirectly interested. It was impossible to conceal the fact that every person who had accepted these commutations had inflicted a very considerable loss upon himself; and when they found that the property of infants and of others was liable to be dealt with in the same fashion, he trusted that the Committee would be induced to reject these Resolutions. He regretted that there was no law officer of the Crown present, because he was convinced that the right hon. Gentleman was not aware of the legal effect of that which he was doing. The Resolution permitted the South Sea Company to commute all or any part of their stocks standing in the name of the Accountants General. He had acquired some knowledge of the nature of this corporate body, and of the fund with which they had to deal, but not from any information given by the Government. It appeared to have escaped the attention of the framers of the Resolution that the stock of the Company was indivisible as regarded their shareholders; and if twenty, or any other number, of the shareholders were desirous of commuting, no Resolution of that House could empower them to do it. The impression seemed to be that every holder of South Sea Stock possessed an integral and distinct share, than which nothing could be more erroneous. Supposing an Act were to pass in accordance with the terms of this Resolution, it would be entirely inoperative. The Resolution assumed that every shareholder in the South Sea Company was entitled to a certain specific portion of the capital stock of the Company. But that was not so. The gross capital was 2,662,784*l.* 8*s.* 6*d.*, a sum which was not divisible into specific portions. There was no part of their stock "payable in respect of shares," and the Resolution was framed for a state of things which did not exist. So much for the form of the Resolution. As to the scope of it, if it were fair and equitable that there should be another alternative of commuting the stock into $3\frac{1}{4}$ per cent stock, 1844, why was it not proposed with the original alternatives which had been embodied in Act of Parliament? It was a great injustice and wrong to make the proposal now that persons had accepted some of the new stocks, and lost 7 per cent of their capital by the representations of the Government. He challenged the Chancellor of the Exchequer to deny that every one of those persons who had commuted their stock into the 2½ per cent stock, or into the 3½ per cent stock, or into Exchequer bonds, had lost at least 7 per cent of their capital. They had not the advantage of the experience of daily sales; but if by bankruptcy, or any other event, holders were compelled to sell, it was the opinion of persons accustomed to deal with public securities, that the prices would be for the 110*l.* 2½ per cent stock, 93*l.*; for the 100*l.* Exchequer bonds, 91*l.*; and for the 82*l.* 10*s.*, 3½ per cent stock 90*l.* Thus the loss varied from 7 to 10 per cent; and it was most unjust, when parties had, by the representations of the Government, incurred that loss, to offer a more favourable alternative to those who were actually in the same position with them. Looking to the calculations of the Government, he did not feel inclined to trust them unnecessarily with terms of a new bargain; and, therefore, he could not consent to this Resolution. He ventured to tell the right hon. Gentleman at the time his first proposition was before the House, it was most unwise, improvident, and injudicious, to tie the hands of the Government for forty years with a guarantee of any given degree of interest, whether small or large, and nothing had occurred since to make him retract that opinion. The right hon. Gentleman, in introducing the scheme, said one great object was, to extinguish and do away with these small stocks, which disturbed the ordinary course of financial operations. He then ventured to ask whether the effect of the Bill might not be to bring into existence three stocks still smaller than those it was proposed to extinguish? Events had shown the accuracy of his anticipations. It did not require a gentleman of the transcendent abilities of the Chancellor of the Exchequer to discover that the giving three alternatives was a great blot and blemish on the Bill. It was palpable to any one having an ordinary acquaintance with arithmetic; though he ventured to say the creation of three smaller stocks, to last for forty years, was a result which the right hon. Gentleman did not anticipate. He thought it was a fallacy to assert that the depression of the new funds could be attributed to the unfavourableness of the season, or any of the causes which had been assigned, as there had been no cause mentioned which should not have produced an equal depression in 3 per cents and other previously-existing securities. He believed that the holders had suffered solely from their blind and unwarranted confidence in the assurances of Ministers; and he hoped the right hon. Gentleman, instead of endeavouring to spread the evil, would apply his time and abilities to remedying the mischief which he had already done. He had directed the right hon. Gentleman's attention to the consideration of the possibility of giving effect to this Resolution by dealing with the holders of South Sea shares as if they had rights to integral portions of the capital stock of the Company; and he submitted that until these points were more satisfactorily settled, the Resolutions ought not to receive the sanction of the Committee.

Mr. J. B. SMITH said, the right hon. Gentleman proposed by this Resolution to give to certain persons, who could not under the present Act avail themselves of the offers therein made, the same terms that were offered to the South Sea Company itself; but the right hon. Gentleman went further, and proposed that these persons should now have the advantage of a fresh arrangement — a new offer, much more advantageous than that which was offered to the South Sea Company. If this was carried into effect, they would see two distinct parties holding South Sea Stock—those who had made a bad bargain, and those who had made a good bargain; and who could doubt that the former of these would be highly dissatisfied with their position? He thought it was pretty evident that those who had not accepted the former proposition of the Government, had not lost anything by their holding back. The injustice done, was to those who had placed confidence in the right hon. Gentleman. He objected to this arrangement as wrong in principle, and must therefore oppose the Resolution.

Sir HENRY WILLOUGHBY would not enter upon the question of the general policy of the Government; but with reference to the Resolution before the Committee his objections were very strong. The Chancellor of the Exchequer said there was a class of parties who were unable to take advantage of the present Act; but instead of confining himself to the terms of the Act, he introduced into the Resolution a fresh option—that of taking the 3¼ per cent stock of 1844. He must complain of the large powers conferred on the Treasury by this Resolution. He did not know a more dangerous licence than that of placing in the hands of the Treasury the power of dealing with persons as to the precise amount of stock they were to receive for their 100*l.* It would make them the greatest stockjobbers in the country. Then there could be no doubt that the fresh offer now made by the Government was an act of injustice to the holders of the new stock, and he believed nothing would eradicate from the minds of these parties a strong sense of that injustice.

Mr. GLYN said, he should certainly agree with what had fallen from the hon. Member for Stockport (Mr. J. B. Smith) if he thought with him that this could be regarded as a new offer; but the words of the Resolution explicitly conveyed the meaning to be, that the parties now to be benefited were those parties who by some oversight, or some imperfect comprehension of their position when the previous Act was passed, had not the power of receiving any offer, or exercising any option whatever. The real question was, whether, in point of fact, it was more convenient for Her Majesty's Treasury to make arrangements with bodies like these, and with trustees, or with large classes of individuals? and, speaking practically, he thought there could be no question on the point. Everybody knew that the Chancellor of the Exchequer always went into the market to negotiate at a disadvantage; and the only way in which he could possibly be expected to negotiate with advantage in this instance was to be empowered to make over to the South Sea Company, in lieu of stock they now held, a certain portion of the stock of the national debt. He thought that a more economical, and in every respect a better, mode of dealing with the question than any that he had yet heard suggested. There was only one part of the statement of the Chancellor of the Exchequer which he disagreed with—he alluded to the announcement that it was not his intention to proceed with a Bill for the purpose of settling the question with regard to the funds in the hands of the Accountants General. He knew of no class of persons who were in a more hopeless or helpless position than those unfortunate people whose funds were in the Court of Chancery. They were so placed that every contingency operated against them, and nothing for them; and therefore he did hope that the right hon. Gentleman would give his attention to the subject, and not omit the very first occasion that presented itself of settling this very important question. With regard to the unfounded debt, he quite agreed with the Chancellor of the Exchequer as to the points at issue on that subject. He was willing to admit that the course he had taken—and which was forced upon him at the time—had been a beneficial one, for by it he was enabled to reduce the interest on the floating debt; and he was satisfied that the employment of the public balances in the way stated had done a positive good, even if there was no other merit attaching to it. The accumulation of these balances in the hands of the Bank every quarter had been a great evil; and if there was no other reason for applying them to the payment of the interest of the unfunded debt than to prevent this, he thought the reason would be a good one.

Mr. SPOONER said, he wished to know what was the amount they would have to deal with, provided the second Resolution was agreed to? He wished to call the attention of the Committee to a Bill which he held in his hand, which contained exactly the same provisions that were embodied in the Resolutions now before the Committee. All the arrangements in favour of the South Sea Company were in this Bill, just as he found them in the Resolutions, and he hoped some explanation of the connexion between the two would be given.

Mr. J. WILSON said, the hon. Gentleman was quite right in saying there appeared to be an intimate connexion between the Resolutions and the object of the Bill he spoke of; but, nevertheless, the connexion was as wide as possible. The reason why these persons were unable to accept either of the options contained in the former Act was, that by the constitution of the South Sea Company they were unable to express any option whatever; and this Bill was introduced to enable them to avail themselves of the opportunity of converting their stock, should they choose so to do. They asked Parliament to enable them to avail themselves of that commutation if they thought it necessary, but it was a Bill with which the Government had nothing to do. It was, in fact, a private Bill for the convenience of the stockholders.

Mr. WILKINSON said, he understood the right hon. Gentleman the Chancellor of the Exchequer to say that he would object to any new offer being made; but, were these new terms or were they not? They were made in favour of persons who were formerly disabled from accepting the offers they made; but still, to him they appeared to be new offers.

MR. SPOONER said, he wished to know whether the South Sea Company, as a Company, had not refused the terms offered, and whether the effect of this measure would not be to introduce a power of voting by persons that would override the vote of the corporation?

The CHANCELLOR OF THE EXCHEQUER said, he would answer, No; and in reply to a previous question of the hon. Gentleman, as to the amount of stock to be dealt with, he had to repeat what he had stated yesterday, that it would be something over 2,000,000*l.*

MR. DISRAELI said, as he knew that important business was to come before the House, he would detain them but a very short time; but he could not overlook one or two observations of the right hon. Gentleman. In the first place, he entirely protested against the new view taken by the Government that the failure of their great financial scheme was to be attributed to the state of the weather or of the Continent. The state of the weather or the Continent had nothing whatever to do with it. It was condemned at the first by all practical men, and he knew numerous instances in which funds were held by corporations and individuals who went for consultation to those whose opinions carried the greatest weight on this subject, and by whom the scheme was universally condemned. There was one society he recollected particularly —of which, he believed, the right hon. Gentleman was a member—the Society for the Propagation of the Gospel, which held 15,000*l.* in these small stocks, and they immediately consulted gentlemen well known to the Treasury, and of the highest reputation, who recommended them to have nothing to do with a proposition of so illusive a character. The only other observation he was bound to notice was that made by the right hon. Gentleman as to his manner of dealing with the unfunded debt of the country. The right hon. Gentleman had endeavoured to convey to the Committee and the country the impression that he had systematically and successfully dealt with the unfunded debt of the country. Now, the right hon. Gentleman had already received on this point a friendly reminder and reproof from the hon. Gentleman behind him, and generally a supporter of his. He reminded him that the Chancellor of the Exchequer was forced to take the course which he had taken in this matter. Now, he (Mr. Disraeli) entirely reprobated the principle of keeping up extravagant balances in the Exchequer; nor was he averse, when the proper opportunity occurred, to dealing with the unfunded debt of the country. But then he held that they should deal with the unfunded debt in such a manner that those securities should not be at a discount in the market. This was a feature in the right hon. Gentleman's career to which he had not adverted. He should like also to hear from the right hon. Gentleman what was the amount of those deficiency bills to which he so slightly alluded. He suspected they were larger than he seemed to think, and involved a greater amount than he had spoken of. He was certain that the amount of interest to be paid for these deficiency bills must be greater than the few hundreds of which he spoke, unless, indeed, the Bank of England had been giving him accommodation much below the rate of interest they were charging to the merchants of this country. If, instead of charging 2½ and 3 per cent, as they did to the bankers and merchants of this metropolis for accommodation, they were charging only 1 or 1½ per cent to the Government, then he thought they were dealing with the stock of the Bank in such a manner as to incur great responsibility, and for which it was not unlikely the holders of Bank stock would think it their duty to call them to account. He would not longer detain the Committee, but merely state that it was his intention to vote against the Resolution.

The Committee *divided*:—Ayes 117; Noes 67: Majority 50.

The Third Resolution was then read, as follows:—

"That the South Sea Company shall also be permitted, upon signifying their assent within such time as may be limited by the Commissioners of the Treasury for this purpose, to commute, upon the same terms, and subject to the same conditions, all or any part of the Annuity or Interest payable in respect of such further amount of their said Capital or Trading Stock as may be authorised or required by Parliament to be invested as a guarantee fund for their administration of private trusts, in case they should be authorised to undertake such administration by any Act to be passed in the present Session of Parliament."

The CHANCELLOR OF THE EXCHEQUER said, the last Resolution was one required by justice. It was unnecessary to make any remarks respecting it; but he wished to make one observation with reference to what had fallen from the hon. Member for North Warwickshire (Mr. Spooner). The hon. Gentleman seemed to think there was an occult relation between the private Bill to which he had referred, and this Resolution. Now, he would assure him that there was no design to ask the Committee, by agreeing to this Resolution, to prejudge the Bill in question. That Bill was to be considered on its own merits. The effect of this Resolution was, in case the House should see fit to confirm the Bill, to enable the South Sea Company, if it chose to arrange it amongst its proprietors, to continue public creditors without going through the form of liquidation and subsequent reinvestment; then that the Government should have power under the Resolution to deal with the Company in that way. It was merely an empowering Resolution, founded on the possibility that the House would adopt the Bill.

Mr. NEWDEGATE said, the Committee had, in fact, prejudged the private Bill, as the whole scheme involved in the Resolutions went on the assumption that the South Sea Company would obtain the powers provided for by the Bill.

Sir FITZROY KELLY said, he would not divide the Committee upon this Resolution, but would reserve to himself the power of taking the sense of the House upon the principle involved at some other opportunity. In the meantime, he wished to know when the Bill to be founded on these Resolutions would be brought in?

The CHANCELLOR of the EXCHEQUER said, the Bill would be in the hands of hon. Members on Tuesday.

Resolution *agreed to;* House resumed.

GOVERNMENT OF INDIA BILL.

Order for Third Reading read.

Mr. BRIGHT said, that last night, in his absence, the right hon. Gentleman the President of the Board of Control had inserted an additional clause in the Bill, reintroducing, as a qualification to all seats in the Court of Directors, the possession of a certain amount of the Company's stock. He (Mr. Bright) thought that it had been agreed that that clause should be left out, and there was reason to complain that the right hon. Gentleman had given no notice of his intention to bring it forward.

Sir CHARLES WOOD said, that he had stated on a former occasion how desirable it was that there should be no distinction between the Directors, and he had accordingly reduced the qualification of the elected Directors from 2,000*l.* to 1,000*l.*, and had substituted the latter amount as a qualification for all the Directors.

Bill read 3°.

On the Motion that the Bill do pass,

Mr. HEYWORTH rose to move the clause of which he had given notice. It was his opinion that no form of government could materially improve the condition of India while the present tenure of land existed, and that if the system of freeholds were introduced, the same beneficial result would follow that had taken place in this country and the United States.

Mr. HADFIELD seconded the Resolution. He believed India had not derived that advantage from her connexion with this country which she had a right to expect, and that the Government had been guilty of neglecting the interests of that part of Her Majesty's dominions.

Clause *offered:—*

"And be it further Enacted, That the Government now established in India, shall forthwith institute a survey of all the jungle, uninclosed and unoccupied lands, and shall cause the same to be mapped out, for the purpose of selling the said lands as freeholds, at prices not exceeding *5s.* per acre."

Lord JOHN RUSSELL said, the clause did not seem to him to be framed in such a manner as to be added to the Bill; and he doubted whether, if it were properly framed, the proposal was one that would be at all adapted to the situation of India. He thought it was utterly unsuited to the present situation of India; and he did not see how, under these words, anything could be done by the Government of India to give effect to it. Therefore, he did not see that it ought to be adopted.

Mr. HUME said, there was only one part of India which was adapted for settlement; but he had heard of no difficulty of obtaining land in any part of India. The great evil was, as proved by two able witnesses, that it was no use cultivating any district in the interior, because the produce would not bear the expense of its conveyance to the coast. The means of transit was, therefore, the first consideration. Lord Dalhousie had directed his attention to this question; and it was to be hoped that improved means of conveyance would soon be provided. He believed it was possible to purchase any quantity of land; and no doubt the Indian Government would have an eye to that, for the sake of their revenue. The object of his hon. Friend was a benevolent one, but he did not think it could be accomplished by a Resolution of that House.

Mr. EWART said, he thought the hon. Member for Honiton would be conferring a great benefit upon the House if he would inform them upon what tenure land was held at the present day in India.

Sir JAMES W. HOGG said, that the Resolution only expressed the opinion and wishes of himself and his Colleagues. Twenty years ago, an application was made to the Government of India for a large tract of uncultivated land, and 1,000,000 acres were granted for forty years; but it turned out that the land was only taken by the applicants for purposes of jobbing, and the result was a total failure. Any system of freehold in India would not be practicable or desirable, for the revenue of that country was derived almost exclusively from land, and it would be extremely unwise to anticipate the revenue by selling great districts of land. But at present any person might have a grant of any uncultivated lands for forty years, on the following terms: the whole of the ground to be entirely free for three years, and one-fourth entirely free for the whole forty years; on the other three-fourths, after three years, one-twentieth part of the revenue would be charged each year, until, by degrees, a maximum was attained of 1*s.* 6*d.* an acre. He might add, that, at the end of forty years, the Indian Government, by the custom of India, had no power to dispossess the tenant, so long as he chose to remain on the land and pay the rent.

Sir JOHN FITZGERALD said, that the great want of internal improvements in India was owing to the fact, that the money accumulated there by Europeans was taken away from the country, instead of being expended in it; and persons who had been twenty years absent from India found the country on their return in precisely the same state as they had left it, without the least perceptible advance. He had travelled through India and other parts of the world, and he could declare that he never saw a population in a greater state of misery than that under which the natives of India laboured. He believed it would be impossible for the House to obtain correct information of the real state of the country until the evidence of native witnesses was taken. He considered that the condition of the people of India was so bad, that any change that could be made in it must be for the better; and he should, therefore, support the clause before the House, as being a step in the right direction.

Motion made, and Question, "That the said clause be brought up" put, and *negatived.*

Mr. J. G. PHILLIMORE said, he would beg to propose a clause providing that any person suffering under alleged wrongs at the hands of the Indian Government should be enabled to lay his case before the Lords Justices, and if they allowed a further prosecution of the case, that it should be referred to the decision of the Privy Council. Having already explained his motives for making this Motion when he brought it forward on a previous occasion in another shape, he should not trouble the House at any length now. He had first intended to propose that those cases should be laid before the President of the Board of Control, but on consideration he had thought it better to substitute for that Minister the Lords Justices as the tribunal, because he believed that their position excluded them from all political influence. The grievances suffered by our Indian fellow-subjects were flagrant and notorious, and for them to remain any longer without a mode of obtaining redress was inconsistent with the character of a civilised country. On a former occasion the hon. Member for Kidderminster (Mr. Lowe) had objected to the tribunal which he (Mr. Phillimore) proposed to establish, that it would have to be administered by the subjects of a State which was a party to the suit. But it was an inseparable characteristic of international law that it should be administered in that manner; and Lord Mansfield had laid it down that any other mode of trial in the case of an international dispute would be manifestly unjust, absurd, and impracticable. Now, the fact was unquestionable that the Native Princes of India were loud in their complaints, and it was equally undoubted that there was no tribunal to try these cases. These princes complained that their territories had been absorbed, and themselves condemned upon *ex parte* statements which they had no opportunity of answering. Sir Henry Russell, a distinguished servant of the East India Company, had declared that the Court of Directors "had contracted engagements as if they were never to be fulfilled, and had fulfilled them as if they had never been contracted." The misfortune was that the interest of the East India Directors was, as Lord William Bentinck had stated, directly at variance with the interests of the people of this country and of India. The interest of the Directors was to increase the amount of their own patronage, and every new State we annexed, as a general rule, increased the patronage of the Directors. Then there came a loss to the revenue, and that loss had to be borne by the people of India. Why, the recent annexation of Pegu was followed by a long list of appointments, and he believed the possession of that country would be attended with financial loss to its new rulers. There was another point to which he felt it his duty to direct the attention of the House. Lord Dalhousie had sanctioned, or at least had not disavowed, the alarming doctrine of the denial to the Native Princes of India of the right of adoption—a right to which the rajpoots were deeply attached. The course pursued by the Government of India towards the Native Princes could only be compared to the conduct of a foreign conquerer, who, after overrunning this country, should wrest such seats as Blenheim and Strathfieldsaye from their lawful proprietors. The case of the Rajah of Sattara, involving, as it did, a gross violation of the law of nations, was bad enough, yet he would not now further allude to it; but the case of the Rajah of Coorg was harder still. The Rajah of Coorg was a person to whom England owed a great deal for the assistance he rendered in the war with Tippoo Saib; but the Government of India deposed him, and gave him 6,000*l.* a year; and besides this his father and his other relations had put by a sum of about 90,000*l.* or 100,000*l.*, which they invested in the East India Company's funds. The Company had actually refused to allow him this 6,000*l.* a year, which they contracted to pay when they stripped him of his dominions. For fifteen years the Rajah of Coorg had been trying to get some acknowledgment for the 90,000*l.* which his father had deposited with the East India Company; but he had been bandied about from the Court of Directors to the local governments, and had never received an answer to his claim. He (Mr. Phillimore) was not contending that his claim was a just one; but he said that it ought to be investigated, and the Rajah of Coorg ought not to be allowed to have the solid ground of complaint against them, that they denied him that trial to which he was entitled upon those common principles of probity which united mankind together in society. The fact was patent that the East India Company had refused to allow him to stay any longer in this country, where he came to prosecute his claim, and they basely tore him from his daughter, who had become a Christian, by withholding from him his annual allowance. He (Mr. Phillimore) said that to tear a father from his daughter in such a violent manner as they had done, was an outrageous and abominable proceeding, which the East India Directors, upon no code of law or morality, could justify. For the investigation of this case, as well as others which he need not enumerate, he thought the House ought to agree to the establishment of some such tribunal as he had suggested, and he hoped they would not refuse to throw a shield of protection around those of their fellow-subjects who were the victims of absolute power.

Clause—

> "Whereas it is essential for the good government of British India, and highly conducive to the contentment of the people, that no case of real misgovernment or of well-grounded grievance, should be without all real means of redress, Be it Enacted, That persons suffering under alleged wrong may lay their case before the Lords Justices, and that if they shall allow the farther prosecution of the case, it shall be referred to the Judicial Committee of the Privy Council, and the decision of the Judicial Committee upon such case shall be final."

Brought up, and read the First Time.

MR. LOWE said, he should not attempt to follow the hon. and learned Gentleman into all the topics he had gone into; in the first place, because the question had already been partially decided by the House when in Committee on the Bill; and, in the second place, because the remarks of the hon. and learned Gentleman were entirely irrelevant to the new proposition, such as it was. The proposition before the House was this:—

> "That persons suffering under alleged wrong may lay their case before the Lords Justices, and that if they shall allow the further prosecution of the case, it shall be referred to the Judicial Committee of the Privy Coucil, and the decision of the Judicial Committee upon such case shall be final."

Now, he (Mr. Lowe) would ask the House whether the hon. and learned Gentleman had shown any reason whatever for this proposition? His former proposition was that the Judges of the Supreme Court in India should have power to decide cases of dispute between the Indian Government and the Native Princes; and in the present Motion he proposed the Lords Justices. Now, there might be some good reason why the Lords Justices, who knew nothing generally about India, should be constituted a Court of Appeal in Indian cases;

but he confessed he did not know of any, and he should certainly like to have heard some assigned. He should also like to have heard some reason given why, if one Court of Justice was to have cognisance of such cases, they should afterwards be sent to another Court of Justice for decision; in other words, he wished to know why the Lords Justices should be made a sort of grand jury in order to see whether or not the cases should be sent to the Privy Council? But the fact was, as he had said, that this question had been already decided, and he did not think it right to waste the time of the House by discussing it again, especially as the hon. and learned Gentleman had not brought forward a single new argument in its support. Instead of supporting his Motion by argument, the hon. and learned Gentleman had treated them to a detail of the grievances of certain Indian princes, of whom they had all previously heard a great deal in that House, and he had imputed the blame of those grievances to the Court of Directors. Now, the fact was, as the hon. and learned Gentleman must be aware, that nothing could have been done by the Court of Directors in those cases without the consent of Her Majesty, as expressed through the President of the Board of Control. He hoped the House would adhere to its previous decision, and reject this Motion.

Mr. MALINS said, that at present the time of the Lords Justices was fully occupied with the business of the Court of Chancery, and if they were compelled to take up all the cases that might be brought before them by the "Young India" party, he should wish to know what would become of the suitors in the Court of Chancery?

Mr. BLACKETT said, he could assure the House that he had no wish to intrude unnecessarily or presumptuously on their time. But he could not help observing that the hon. Member for Kidderminster (Mr. Lowe) was not an older Member of that House than himself, and he should add that as regarded public opinion, and he might almost add as regarded decency, he could conceive nothing more impolitic than that the cases of persons of high rank in India, whose grievances had been brought under the notice of that House, should be passed over in the tone which had been assumed on that occasion by the hon. Member. He would support the proposal of his hon. and learned Friend, on the simple ground that no wrong should exist without a remedy. The hon. Member for North Staffordshire (Mr. Adderley), last night, said that, whether the salt tax was a good or a bad tax, that House was not a fit place to legislate upon the subject; and certainly the same remark applied still more strongly as to the unfitness of that House to deal with personal cases of alleged wrong. If they did not create such a tribunal as that proposed by his hon. and learned Friend, they would be driven to the disagreeable, and even mischievous, necessity of discussing in that House the cases of Indian Princes who alleged that they had been exposed under our rule to grievous injustice. That was the very ground upon which the late Sir Robert Peel, the most distinguished and the most respected statesman of our time, had pronounced in the year 1832 an opinion in favour of the identical proposition which had been submitted to the House that evening by his hon. and learned Friend. Sir Robert Peel, on the 14th of June, 1832, said in the course of that year that—

> "he hoped the Charter of the Company would not be renewed without their consenting to the appointment of some body, whether members of the Privy Council or of a Special Committee, who would relieve the House of Commons from the odium of resisting the just applications of individuals, through a sense of the inconvenience of the precedent, or from a conviction of their own incompetency."

He should certainly vote in favour of a proposal which was thus supported by the high authority of Sir Robert Peel.

Mr. MURROUGH: Mr. Speaker, I believe that it is utterly impossible to overestimate the importance of the clause which has been moved by my hon. and learned Friend the Member for Leominster, and met with such contumelious flippancy by the hon. Gentleman the Member for Kidderminster, not merely in reference to the fortunes and vicissitudes of individuals, but also in its relation to that vast and momentous question of Indian government, which has so lately attracted the attention and engrossed the discussion of the House. I conceive that the intelligence of this country may be more forcibly addressed to the real condition of India through the medium of those cases which have just been mentioned, than by any generality of statement, however well such statement may be authenticated. When it is desirable to attract the understanding of one people to a consideration of the sufferings of another, you must illustrate rather than declaim; in order that the result may be aught than an amount of unappropriated, and perchance morbid, sympathy, you must exemplify rather than describe. Thus the Rohilla massacre, the plunder of the Holy City, and the spoliation of the Begums realise to the mind the rapine, the cruelty and oppression by which our power was first established in Hindostan; and who, let me ask, who is in anywise conversant with the details of perfidy and fraud connected with the cases of the Rajah of Coorg and the Carnatic stipendiaries, which have been mentioned to the House, can be so perversely foolish as to suppose that those cases are solitary or isolated in their character, or aught but the reflection of the sufferings of Indian millions? Sir, the simple story of the Carnatic stipendiaries, betrays an amount of treachery and ingratitude unsurpassed even on the dark and sickening record of crime which forms the polluted and disgraceful history of our Eastern Government. To the common ancestor of these men, the East India Company were bound by every tie which good men hold sacred, and even bad men hesitate to sever. Hospitality in a strange land—loans under circumstances of pressing emergency—personal service on the battle field—and the destruction of a rival Power at a crisis when their very existence hung trembling in the balance; but no sooner had Mahomed Ali died than their whole attention was directed to the spoliation of his descendants; and on the last illness of his son, thirty years after the expulsion of the French, the palace of Chepauk was entered, the monarch insulted, his heir deposed, his territory seized, a usurper seated on his musnud, and the private property of his nobles confiscated by means of a base conspiracy conceived and consummated by the Company, for purposes as infamously sordid as were ever yet held up to public execration. In any European country such measures would have excited a most praiseworthy and justifiable resistance; but the Oriental, accustomed from his cradle to crouch to oppression, submitted, if not without a murmur, at all events without opposition. From a Government infected with the rapacity of Hastings, and tribunals polluted with the corruptions of Impey, he could anticipate no redress; and now, when this disgraceful body, who have governed India not with the dignity of statesmen, but in the marauding fashion of a gang of freebooters, have withheld from the descendants of Ul Omrah the miserable pittance which they affected to bestow in compensation for estates from which they are now deriving an annual revenue of nearly three million rupees, and these unfortunate men have journeyed to this country to seek sympathy and protection from an assembly of English gentlemen—I ask, is it fair, is it decent, that their case should be met by the flippant sneers of the hon. Member for Kidderminster? Sir, it was but a few nights since that I listened with much surprise and dissatisfaction to the panegyric which was passed on the persons entrusted with the government of India by the right hon. Gentleman the Member for Edinburgh. Yielding to no one in my admiration for the brilliant orator before whose powers my humbler genius stands rebuked, I yet regret that such a speech should have emanated from such a source—that that strong current of thought should have been compelled to flow through so circumscribed a channel—and that those vast endowments with which he has been gifted, doubtless for the benefit of a universe, should have been rendered the subservient ministers of party purposes. Far be it from me to utter a single word in depreciation of classic acquirements or the higher attainments of intellectual culture; but I must be permitted to doubt whether some other standard ought not to be required for an Indian Government than quickness in the solution of a problem, or the facile composition of sapphics and alcaics. The investiture of absolute power and uncontrolled despotism requires some other securities than the enrolment of an individual name among the pages of the *Musæ Cantabrigienses;* and if the right hon. Gentleman will suffer his imagination to wander in such obscure and unworthy companionship, I would direct his attention to that schoolroom of ancient Corinth, and recall to his mind its former occupant who was at once the best scholar and the worst ruler of his age. For the government of a people amongst whom public opinion is unknown, I should have thought that inflexible integrity would have been the strongest recommendation, and that an English Parliament, instead of limiting its choice of selection by that close system of which the right hon. Gentleman appears as the champion, would have been desirous of discovering in a more extended sphere, men who would—

"Rather coin their hearts
And drop their blood in drachmas, than to wring
From the hard hands of natives their vile trash
By any indirection."

I know there are those behind the Government who are accustomed to regard with a most callous indifference the suffering of our Indian millions, and who ignore the existence of Asiatic possessions for every purpose, save that of swelling the importance of Leadenhall-street. Such wretched infatuation, though marvellous, believe me, is not unparalleled. When the city of Benares was in danger, we are told that the safety of the sacred Apes engrossed the solicitude of the people; so upon this occasion, when the interests of justice—aye, of humanity—demand investigation, the whole solicitude of these men is directed to break the fall of the Directory. But without the House is determined to regard the Indian Peninsula as fulfilling no higher purpose than that of a vast hive in order to extract the sweets from which it is both lawful and justifiable to destroy the inhabitants, I charge them to pass this clause, to discard all party feeling on the question before us—a question which in some future, but perchance not far distant, hour of peril, may exercise a paramount influence upon our Eastern destinies; for I stand here impressed with a profound conviction that if from these walls you suffer these men to depart with their prayers rejected and their petitions discarded, their appeal will not be in vain to that Providence which is at once the protector and avenger of Princes.

Sir ROBERT H. INGLIS was inclined to agree with the hon. and learned Member for Newcastle-on-Tyne (Mr. Blackett), who with so much moderation and tact had brought back the House to the real difficulties of the case. The question was, whether that House was a fit tribunal for the investigation of wrongs occurring even at home, and still more whether it was a fit tribunal for wrongs inflicted upon a people differing from us in race, language, and religion? If it was not, then there was great force in the argument that a tribunal should be constituted, to relieve this House from the difficulty, not to say the impossibility, of redressing wrongs which yet it professed to do. But the proper tribunal was, he feared, not that which the hon. and learned Member for Leominster proposed. He wished to know, however, if an award was made by the Lords Justices, or by the Privy Council, in what manner the President of the Board of Control proposed to enforce the decree, for he believed the East India Company had already, on more than one occasion, resisted the payment of sums which the decisions of legal tribunals had declared to be due from them? He would not enter into the cases of the Rajah of Sattara and the Rajah of Coorg; he doubted, indeed, the accuracy of the statements made by the hon. and learned Member, but he took up the subject upon this ground, that there must be wrongs occasionally occurring in India, agreeing with the hon. Member for Newcastle-on-Tyne, that where there were wrongs there ought to be remedies, and that the remedy was to be found in some such direction as was indicated by the hon. and learned Member for Leominster.

Mr. HUME said, no one had submitted more grievances of the inhabitants of India to that House than he had done, and he was sorry to say with very little success. He did not say that the fault always lay with the Court of Directors; but this he must say that one great cause of discontent among the natives of India was, that that House so frequently rejected claims of which there could be no dispute. Whether the proper tribunal for hearing such claims should be the Lords Justices or the Judicial Committee of the Privy Council, he was not prepared to say; but this he knew, that the question was of such grave importance as to deserve a better answer than that given by the hon. Member for Kidderminster (Mr. Lowe). He hoped the noble Lord the Member for London would not say that it was too late to discuss the question. Believing that there were wrongs inflicted, and that there were at present no means of remedying them, he felt himself bound to support the clause proposed by the hon. and learned Member for Leominster.

Lord JOHN RUSSELL: My hon. Friend who has just sat down seems to have omitted one consideration—and really the most important consideration in this question—whether the clause proposed will give a useful and efficient remedy for the wrongs complained of. That is really the most important question of the whole. My hon. Friend the Member for the University of Oxford (Sir R. H. Inglis) says that there are grievances—that there are cases in which the Government of India is in the wrong, and the complainants are in the right; and then he says that there ought to be a remedy for these wrongs. But it appears to me, Sir, that there is still another step—whether the remedy is a good remedy or not. My hon. Friend (Mr. Hume) says that is a matter of indifference; that, provided something is enacted which is called a remedy, he does not care whether that remedy does good or does harm—whether it makes things better or makes them worse. [Mr. HUME; No, no!] Now let us consider what is the present state of things. The present state of things is, that in all questions where the law is said to be infringed, the natives of India can go to the Courts of Justice, and in cases of importance they can make their ultimate appeal to the Judicial Committee of the Privy Council, which is appointed to decide such cases. No one complains of the Judicial Committee; on the contrary, it is found that in all cases of law it is learned and impartial. But then, it is said, there are cases respecting the Native Princes of India, though subjects of the Crown, who have been wronged, and in whose cases the decisions come to by the Government of India have been unfair and unjust towards them. One case has been mentioned—one is certainly as good as many—but one into which I need not enter—the case of the Rajah of Sattara. But I ask the House to consider what it is we have been doing with regard to this whole Bill. The argument has been—and in its general terms the hon. Member agrees as much as any one—fully as much as any Member of this House—the argument has all along been, that the first step you must take is to create a despotism. Nobody denies that proposition. Next it is endeavoured to temper that despotism as far as possible, and to prevent as far as possible acts of caprice and injustice being committed under that despotism. To do this you have created a Government, which a great authority, Lord Ellenborough, has said is complicated, dilatory, and expensive. I do not deny that there is a good deal of truth in all these charges. It is complicated, dilatory, and expensive. And why so? Because you wish to have some remedy against the caprices and violent acts of despotism, which cannot be had without creating various checks—long processes of examination which cause delay, conducted by officers requiring large salaries, and therefore expensive. Here are evils which you submit to in order to obtain that which you seek—a check upon despotic authority—a remedy against injustice and wrong. If you have this—if you have obtained a process which tempers despotism—then it is not necessary, with regard to acts which concern the policy of the Empire—acts which naturally and inevitably go beyond the scope of the law—it is not necessary for such that you should have recourse to specific tribunals. Now, take the case of the Rajah of Sattara, which was a case of disputed succession. [An Hon. MEMBER; No, a case of deposition.] In the first instance, it was a case of deposition; but it afterwards became a case of disputed succession—involved various questions of the law, customs, and policy of India. You had men of the highest ability who applied their minds to that case. You had, first, men of the highest authority in Bombay; then it was considered by the Governor General of India; and, I think, no one will dispute that the Governors General of India have usually been men of the highest eminence in this country. You then have questions of this kind referred repeatedly to the Government at home—to the consideration of the Court of Directors—ultimately to the consideration of the President of the Board of Control—and in the last case it was referred to this House. I admit the hon. Gentleman has attempted to show that this House is a bad tribunal before which to carry any case of justice; but I say that the great, the only, the essential tribunal in regard to great acts of policy, is the British Parliament. For my part, I do not think it possible, notwithstanding all that has been said, when cases of this kind go, in the first place, before the authorities of India, next before the Governor General, next when they are considered by the Court of Directors at home, and next by the President of the Board of Control—I do not think it possible, after all, that flagrant acts of injustice can be committed. I do not say that in deciding a complicated case, some hon. Gentleman may not be on one side, and others on another. That occurs even in questions of law; much more may it be expected to occur in questions of policy. But I say you have here a remedy for flagrant acts of injustice. If you have not, the whole defence of this Bill falls to the ground. Unless there is provision made by this Bill for tempering the gross acts of injustice, so natural to despotism, it would be far better that the Governor General should be left altogether uncontrolled. It is the great object of this Bill to provide for the benefit of the people of India by interposing between them and the Government a series of checks; and I believe it will be efficient for that purpose. I hope we shall not again see what has been once seen in this country, an impeachment by the House of Commons of a Governor General, which lasted through a long series of years, and was distinguished for the eloquence of those who carried on the prosecution against him. But that must ever be considered as the ultimate remedy of the State [" No, no!"] It is the ultimate remedy of the State, but I say, I hope never to see it again called into exercise, because I believe that this is a measure which will render that remedy unnecessary. I say that the wrongs which existed in former times, but do not exist now, have been prevented by the great power which exists in the Parliament of this country. I believe that that power exists in Parliament and nowhere else. I do not believe that the grievances complained of by Native Princes of India, who govern from 1,000,000 to 2,000,000 of subjects, and who had reason to complain of the conduct of our authorities in India —I do not believe that if you were to place their complaints before the Lords Justices, that their charges would obtain due attention. I have a great respect for the Lords Justices—I believe, as was said by the hon. and learned Gentleman opposite (Mr. Malins), that they attend diligently to questions of equity, and decide them with great learning—that they have not now a single case in arrear, and that all are well and ably decided. But if you put the Lords Justices from day to day to hear every complaint that may arise in India, and ask them whether each case is fit to go before the Privy Council, then I say you will produce inextricable confusion. Amongst the various and conflicting statements of the natives of India, they will be unable to say which is right and which is wrong. With regard, again, to the Committee of Privy Council, it will be impossible to give them the authority asked for without entrusting to them powers which they not now possess—powers which will override the Court of Directors, which will override the Governor General, and which will override the great powers of Parliament itself. In fact, the remedy which the hon. and learned Gentleman proposes, is a remedy which runs all through this Bill. Unless that remedy is contained in all the clauses of this Bill, the Bill is good for nothing, and we ought to seek the remedy not in this clause, but in some other mode of legislation altogether.

MR. BRIGHT said, he took a different view of this subject from that of the noble Lord, who seemed to think that no evil could now be done in India, and that what had occurred under Warren Hastings could not occur under Lord Dalhousie. Now he (Mr. Bright) was of opinion that in the last fifteen years, as in the cases of the Rajah of Sattara and the Ameers of Scinde, there had been committed crimes of as great magnitude as there ever were in the earliest and worst times in India. With regard to this clause, it was really intended to meet two sorts of cases. Firstly, cases like that of the Rajah of Sattara and the Rajah of Coorg, and Native Princes, who, because they were not deposed, were said to be independent; and, secondly, cases in which subjects of the Queen had claims which could not be decided in a court of law. The noble Lord had not touched on this last class of cases; he had dealt only with the first category of grievances, and on that point perhaps he could understand the weight of the agreements adduced. There might be a difficulty in establishing a tribunal for the case of Native Princes who, being deposed and imprisoned or sent to other countries, died prematurely; but with regard to the case of the claims of British subjects, there could be no difficulty. Since he had referred a short time ago to the case of Colonel Frith, he had seen the opinions of two eminent counsel, Mr. Serjeant Spankie and Sir Herbert Compton, which confirmed what he had stated, namely, that there was undoubtedly a great moral claim on the part of Colonel Frith against the East India Company, but there was no legal tribunal in which it could be prosecuted. He would read an extract from the opinion of Mr. Serjeant Spankie, to the effect—

> "That referring to another case, Colonel Frith's was a stronger one, as the money he claimed had been applied to the purposes of the Company; but the courts of law and equity had no power to enforce contracts made with the Company in their political capacity."

What could be more rational than to have a tribunal like that proposed in this clause, such as the Judicial Committee of the Privy Council? He could say, on behalf of Colonel Frith, that if he could go before the Judicial Committee and produce his evidence, he would leave his case to their adjudication; and if even their decision was against him, he would spend the rest of his days in tranquillity, because he would at least feel that justice had been done to him, and that he was not shut out from a hearing of his case. Sir Herbert Compton, speaking of the case of Colonel Frith, said, that "he had a just and moral right to what he claimed, but there was no legal remedy for his case." There was no established tribunal that could deal with such a case as this, which had stood over in the name of the present Colonel Frith for more than twenty years, and it was the case brought forward by Sir John Malcolm in 1832, and with regard to which Sir Robert Peel and Lord Althorp had expressed an opinion favourable to the establishment of tribunals such as this. The noble Lord could not rest satisfied, he thought, with his speech, which referred to only one branch of the subject, and excluded that which the clause embodied—namely, the establishment of a tribunal for the trial of the cases of subjects of the Queen, without reference to the Native Princes; and he hoped the noble Lord would not let this Bill pass without a clause establishing such a tribunal. He hoped, even if this clause was not admitted, that some similar clause would be introduced in the other House.

SIR HERBERT MADDOCK said, he knew there were cases occurring in India for which there was no proper tribunal. With respect to the case of the Rajah of Sattara, to which the noble Lord alluded, it divided itself into two parts. There was, indeed, a question of disputed succession, but there was a previous question of deposition, and when that occurred, he (Sir H. Maddock) happened to be chief secretary to Lord Auckland, the Governor General, who was then at Simla. It happened that the Governor of Bombay, under whom Sattara was placed, had lately arrived from England, and from being a Director of the East India Company, had been appointed directly to the Government of Bombay. He had also recently been Chairman of the Company. Immediately on his arrival, the question, which had been going on long before, came before him for his decision, and he intimated to the Governor General that he proposed to go to Sattara himself, and have an interview with the Rajah. He went, and the consequence was the deposition of that prince, which was reported to the Governor General for his confirmation. Now, he (Sir H. Maddock) was in a position to inform the House, that, in confirming this deposition, Lord Auckland was precluded from the exercise of his own unbiassed judgment, because a despatch came out with the Bombay Governor, addressed to the Governor General, informing him that the Governor of Bombay was in possession of the sentiments of the Court of Directors with regard to the Rajah of Sattara, and that he would be able to settle it. It was entirely in consequence of that despatch that Lord Auckland, who disapproved entirely of the proceedings, felt himself compelled to confirm the deposition.

SIR JAMES W. HOGG begged to supply an inadvertent omission in the account of the dethronement of the Rajah of Sattara, given by the hon. Member. The Governor of Bombay to whom he had alluded was Sir James Carnac, who, in the Court of Directors, was one of a very small minority opposed to the general opinions of the Court against the Rajah. But he had no sooner investigated the case in India, which he did immediately after his arrival in Bombay, than he found ample reason for changing his opinion, and agreeing with the majority of the Court of Directors. The House must see, then, with what fairness the Court of Directors and the Board of Control had acted in sending to Sattara to adjudicate upon the case the very man who had formerly held an opinion adverse to their own, and had recorded that opinion in very strong language. Respect for the House induced him to abstain from referring to the language used by the hon. and learned Member for Leominster in introducing this clause; but he had been sufficiently long in that House to be aware that, when an hon. Member ventured to indulge in such language, it proved injurious to no one but himself. The clause was in itself most objectionable, because it referred to matters of public policy, and he thought the House was scarcely prepared to sanction the establishment of a tribunal which should sit in judgment upon the acts of the Government of the country. To govern India well they must send out good and competent men; but to say that the acts of the Government should be criticised and overruled by any tribunal, however well constituted, would certainly not advance the object they had in view. The jurisdiction of the Admiralty Court had been cited; but surely there was no analogy between that tribunal and the one which this clause proposed to establish, for, though on the breaking out of a war, that Court, by international usage and a long unbroken series of precedents, had power to decide what the effects of the state of war would be in certain cases, it had no authority whatever to decide whether or not war should be declared, or to pronounce an opinion on its justice or propriety. Those were questions of public policy, upon which no tribunal had a right to decide authoritatively. This distinction had evidently forced itself on the mind of the hon. Member for Manchester, who had confined his observations to the claims of individuals upon the East India Company. With regard to questions of private right, he contended those were already provided for by the existing tribunals. The Rajah of Coorg might bring his action against the Company in the local courts; and, if he failed, he had a right of appeal to the Judicial Committee of the Privy Council—the very tribunal which the hon. and learned Member proposed. The claims of Princes could scarcely ever be divided from the question of public policy. In the case of the Rajah of Sattara, it was a question whether or not the Rajah was a traitor to the State. The hon. and learned Member for Leominster had confounded questions of public policy and political morality with questions of law, which could be decided by tribunals conversant with the laws by which such matters must be determined. The claims of Colonel Frith and Mr. Hutchinson, to which allusion had been made in the course of the debate, were claims upon Native Princes, and it was scarcely possible, he thought, to constitute a tribunal in this country which should decide how far the East India Company were bound to coerce a Native Prince to pay money which he maintained he did not owe. He scarcely knew a case for which they could constitute a tribunal but that of some person, being a British subject, who had a claim upon the East India Company, which was so connected with matters of public policy as to be removed from the jurisdiction of the local tribunals; and even such a case was already met by an appeal to that House, which, if it thought fit, could always appoint a Committee to inquire into the circumstances. These cases were always more or less mixed up with questions of public policy, and he certainly should not advise the House to abdicate its privilege of investigating and deciding on such matters in favour of any tribunal, however well constituted.

Sir J. W. Hogg

Mr. J. G. PHILLIMORE said, that he would withdraw that part of the clause which gave an appeal to the Lords Justices, which was, indeed, only inserted as a security against frivolous complaints. He would, indeed, withdraw the whole clause, if the noble Lord (Lord J. Russell) would say that it was the intention of the Government to give effect to the suggestion of Sir Robert Peel, which met the approbation of Lord Althorp.

Lord JOHN RUSSELL said, that Sir Robert Peel never brought forward any measure on this subject. He only suggested the point to Lord Althorp as one well worthy of consideration. His Lordship promised that it should be, and no doubt it was, considered. He supposed, however, that it was then found that there were, as it certainly seemed to him to be the case, practical objections to any such tribunal being constituted. He did not see any reason why the subject should not be again considered, with a view to the introduction of some measure, if it were practicable; but he could not pledge himself to the erection of such a tribunal, to which at present he did not see his way.

Motion made, and Question put, "That the Clause be now read a Second Time."

The Committee *divided*:—Ayes 48; Noes 99: Majority 51.

Mr. AYSHFORD WISE then moved the Clause of which he had given notice:—

> "And be it Enacted, with regard to admissions into the Military College at Addiscombe, that the nominations shall be made by the Chairman of the Board of Directors, the President of the Board of Control, the Lord Lieutenant of Ireland, and the Governor General of India, respectively, for the time being, in equal proportions of one-fourth of such nominations."

Brought up, and read the First Time.

Mr. HUME said, that he certainly did not see what the Lord Lieutenant of Ireland had to do with this matter.

Sir CHARLES WOOD said, that the Government had originally introduced a provision with respect to the admissions to the military college at Addiscombe, but had since withdrawn it in consequence of the general opinion which was expressed by the House on a former evening in favour of retaining the present system. The question had been already discussed by the House, and he hoped that they would now adhere to the decision which they had most distinctly pronounced.

Motion made, and Question, "That the

said Clause be now read a Second Time," put, and *negatived.*

MR. BRIGHT said, he now would move a clause providing that suitable offices shall be provided for the East India Company and for the Board of Control, if possible, under the same roof. Having already proposed this clause in the Committee on the Bill, he should not now repeat the arguments which he then brought forward. He thought it was impossible to doubt that great delay in the transaction of business was caused by the fact of the two departments being separated by a distance of between two and three miles. The right hon. Gentleman the President of the Board of Control had on a former occasion opposed this proposition, on the ground that it would be highly inconvenient for Directors of the East India Company, who were engaged on business in the City, to attend meetings of the Board in the neighbourhood of Downing-street. But it could not be expected that the President of the Board of Control should go to the other side of Temple-bar. The noble Lord (Lord J. Russell) had said that evening, that the Government of India was complicated and dilatory; and this was a plan to diminish those evils. The right hon. Gentleman (Sir C. Wood) did very quickly what he had to do; but he did not always do it very well, and he would have more time, and probably do things better, if his communication with the India House was more direct. He (Mr. Bright) proposed that the building for the combined departments should be in Downing-street, and, therefore, as that was a favourite locality, the right hon. Gentleman would probably offer, on this occasion, less stringent objections than he had urged when this suggestion was last before the House. A proposition had been carried the other night, for increasing the salary of the President of the Board of Control to 5,000*l.* a year, for making that a first-class office, and Mr. Marshman had characterised this as "the penal station" of the Cabinet. Now, he did not want the President of the Board of Control to be in such a position that an influential writer in favour of the East India Company could characterise his office as "the penal station" of the Cabinet, and therefore he did not oppose that increase of salary. But if the office was to be made a first-class office with a first-class salary, the right hon. Gentleman should not shrink from attaching to it duties of a first-class character. The right hon. Gentleman was now about to bring up a clause to increase the salaries of the Directors to triple their present amount, and double the amount originally proposed by this Bill. If, then, the dignity and emoluments of both the President of the Board and of the Directors were to be increased, he (Mr. Bright) said, that both should have allotted to them duties more responsible and intelligible than they discharged at present. He proposed, then, that within two years, or, if that was too short a time, within three or four years, they should be provided with offices in the same building, in order that their communications with each other might be carried on to some extent by oral discussions, instead of entirely by the incessant note writing which took place at present. He believed that the change would tend to the better working both of the Home Government and of the Government in India. The expense of one department amounted to 187,650*l.*, and the expense of the other amounted to 29,140*l.*, making the whole sum for the two departments 216,790*l.* He would suggest that they might sell the India House, and as it would bring a large sum, they might expect, after defraying the expense of building offices for the two departments in a fitter locality, to have a balance of 200,000*l.* applicable to purposes connected with India. The salaries of the Directors were to be increased, and they ought not to think it too much trouble to come to the West End to discharge their duties. The cab fare was only 1*s.* 6*d.*, or they might come for 2*d.* by the boat, or travel by the omnibus.

Clause—

"Whereas it would tend to a more speedy and effective administration of Indian Affairs in England, and would materially diminish the expenditure of such administration, if the business of the two departments of the Board of Commissioners for the Affairs of India, and the Court of Directors of the East India Company, were transacted in one and the same building, it shall be lawful for the said Board of Commissioners to provide, and the said Board shall, within two years from the 30th day of April 1854, provide, in some suitable situation, sufficient offices for the transaction of the business of the two Departments as aforesaid; and the said Board is hereby empowered to sell the buildings and premises now occupied by the Court of Directors in Leadenhall Street, in the City of London, and to apply the proceeds thereof to defray any expense which may be incurred in providing convenient offices, in one building, for the use of the said Board of Commissioners, and the said Court of Directors."

Brought up, and read the First Time.

SIR CHARLES WOOD would not follow the hon. Member into the various topics he had introduced into his remarks in moving the clause, but would be prepared to state his reasons for proposing an increase of salary to the Directors when he came to move the clause for that purpose. He did not see what the hon. Member's allusion to the salary which the House had been pleased to attach to the office he held, had to do with the subject under discussion. It seemed to be the intention of Parliament to throw more responsible duties on the office, and all he could say was, that no exertion should be wanting on his part to discharge them to the best of his ability. As to the clause now introduced, he could only say, the question it raised had already been discussed and decided by the House; it had been pressed on them by the same arguments before as they had heard just that moment, and he would not trouble the House by repeating the replies which those arguments had already received. The hon. Member seemed to think it absurd in him (Sir C. Wood) to suppose, that it would be more convenient for gentlemen engaged in the City to attend in Leadenhall-street than at this end of the town; but he could not agree with the hon. Member on that point. He could not see that the plan would save any considerable sum of money. In the first place, they could not sell the whole of the buildings of the East India House, as they were not all the property of the Company, and it would cost an enormous sum to build new offices near Whitehall. He had been informed by the Chancellor of the Exchequer, that when the Government wanted to buy some ground near Downing-street, they were asked 300,000*l.* for it. He did not think that there would be such economy of time or money, or such a gain in the despatch of business, as would authorise them to undertake a great outlay of that sort; nor could he admit that so much delay now took place as the hon. Member asserted. He must oppose the clause.

Mr. HUME said, he would be very glad if his hon. Friend the Member for Manchester would go to the India House, examine the different departments, and see what was done; and if he should do so, he did not think he would return from the City with the opinions he then entertained. The hon. Gentleman seemed to think that nothing was done in Leadenhall-street; the fact, however, was, that the supervision of the entire affairs of India came under the charge of the various departments of the India House. He could not support the proposition, and hoped his hon. Friend would not press it.

Lord STANLEY said, the President of the Board of Control had not assigned a single reason for not acceding to the proposition of the hon. Member for Manchester. It was admitted by the right hon. Gentleman (Sir C. Wood), that whenever a single government should be established, it would no doubt be more convenient to unite the offices as was now proposed; and that disposed of every other objection the right hon. Gentleman had made, because he merely made it a question of time. With regard to the expense, any temporary expense that could be incurred was altogether inconsiderable when compared with the expenses of the Indian Government. As to the inconvenience that might be caused to Directors, if they referred to the Court of Directors as at present constituted, it would be seen that the great majority of the Directors were not at the present moment engaged in other business. Any measure was rather desirable than otherwise that would tend to confine the Directors to the duties of their office as Directors. They sometimes heard that the double staff was a security for the business of detail being more efficiently transacted, but he thought the fact was exactly the reverse. When they had two sets of permanent officials employed to go over the same business, the chances were much greater that the business would be neglected than if it were placed in the hands of a single staff of officers. He cordially supported the Amendment.

Mr. VERNON SMITH said, he should also support it. The argument of the right hon. Gentleman, that as the Directors were to be an independent body they ought to sit in a separate building, was trivial. As to the argument about expense, it was utterly worthless. He considered that a superfluous speech at that time of the Session was mischievous, and should say no more.

Sir ROBERT H. INGLIS said, the next best thing to making no speech was to make a short one. So he should simply say that, as a double Government was to be kept up, it would be wise to retain the establishment at Leadenhall-street.

Mr. NEWDEGATE said, he felt the importance of maintaining the Court of Directors as a control over the despotic power of the Board of Control. To secure their independent exercise of this control, it was necessary that they should have separate eyes and ears, and an independent establishment. He should, therefore, oppose the clause.

Motion made, and Question put, "That the Clause be now read a Second Time."

The Committee *divided*:—Ayes 72; Noes 100: Majority 28.

SIR CHARLES WOOD then brought forward the clause of which he had given notice, for fixing the salaries of the Directors. In Committee he would propose to fill up the blanks in the clause with the sums of 1,500*l.* as the salaries of the Chairman and Deputy Chairman, and 1,000*l.* as the salary of each Director. The proposed increase was made in conformity with the desire of the House, generally expressed.

Clause—

"Instead of the yearly sums allowed under the By-laws of the said Company to the Chairman, Deputy Chairman, and other Directors, for their attendance upon the business of the said Company, there shall be allowed to the Chairman, Deputy Chairman, and Directors, under this Act, the yearly sums following (that is to say): To the Chairman Fifteen Hundred Pounds a year, to the Deputy Chairman Fifteen Hundred Pounds a year, and to every other Director One Thousand Pounds a year."

Brought up, and read 1° & 2°.

House in Committee.

MR. HADFIELD said, he objected to the statement of the right hon. Gentleman (Sir C. Wood) which cast the responsibility of this increase of salary upon the House. Certainly nothing which he (Mr. Hadfield) had said could have led the President of the Board of Control to entertain an idea that the salary was too small. He thought that the amount originally named was ample. There had never been any difficulty in obtaining Directors when the salary was only 300*l.* a year. A thousand pounds, in his judgment, was altogether unnecessary, wasteful, and improper. There was another reason to be urged, that this state of things could not last long, that House having reserved to itself annually the power of discussing this question, and it would very soon therefore make an alteration. It seemed that so far from suffering by the alteration in the patronage, they had benefited by it. The increase to 500*l.* was a moderate thing, but an increase to 1,000*l.* seemed inconsistent. He moved, therefore, that the salary of the Chairman be as at first proposed 1,000*l.* instead of 1,500*l.*

MR. HUME said, he would second the Amendment, although not upon the same grounds as the hon. Gentleman who moved it. He remembered some time back that a proposition had been made to increase the salaries of the Directors, and after a long discussion at the India House, which lasted two days, the proposal was rejected, not on account of the sum of money involved, but because it was considered that the increased salary would bring forward a different class of men to the present Directors; and he believed that such was the feeling of the great body of the Proprietors. He wished also to correct a misapprehension which existed as to the salaries of the Directors. They did not receive 300*l.* a year as a payment for their services, but merely to pay for the expenses of carriage incidental to their position and their duties. With regard to the patronage of the Directors, although it was true, no doubt, that persons were desirous of providing for their sons and other relatives, still, it was to be remembered that, as far as the civil service went, that patronage would no longer exist, for, although Directors might nominate their relatives, if they were unable to pass the examination they would not receive the appointment. When the Government originally proposed to increase the salary of the Directors to 500*l.*, it was also proposed to take away the Addiscombe patronage; but it was now determined that that patronage should be left in their hands, so that it seemed to him that there was less reason than ever for increasing the salary. He should be sorry to see the proposed increase of salary, for it would, in his opinion, be dangerous to the independence of that House. The first thing persons coming home from India would strive to obtain would be a seat in that House, with the view of obtaining a Directorship, and he much feared that such a desire would lead to great corruption. Not very long ago the House of Commons would have started at the proposition to add a single placeman to their number; but now they were asked to admit not only one but six. He must protest against such a proceeding, and he hoped that the Committee would adhere to the original proposal of only raising the salary to 500*l.* a year. With regard to the increase of the salary of the Chairman, he had not the same strong objections, for that position involved a considerable employment of time and labour; but he thought that the proposed increase in the salaries of the Directors was quite gratuitous.

Amendment moved, "That the blank be filled with one thousand pounds."

MR. VANSITTART said, he would remind the Committee that there was greater necessity for caution in dealing with this subject than with any other, for it was not the money of this country which they were voting away, but that of the unrepresented people of India. He would venture to suggest that the division should be taken, not upon the Amendment proposed, but upon the question that this clause stand part of the Bill.

SIR ROBERT H. INGLIS said, that the hon. Member who moved the Amendment had introduced for about the thirtieth time into the discussion the argument that the Directors were paid by patronage, and he must therefore either believe that such was the case or that it was not; and if he believed that such was the case he believed necessarily that the Directors had exercised that patronage in an unworthy, base, and perjured manner; but he was sure that the hon. Member did not believe that such was the case. If the Directors were called upon to make a return of the distribution of their patronage to the House of Commons, it would be equally reasonable to call upon the First Lord of the Treasury or any Minister of the Crown to make a similar return. He was convinced that, on the whole, the patronage of the Dihau been exercised in the most worthy manner. He remembered no very long time ago visiting a school in the neighbourhood of London, where one of the Directors of the East India Company had given away no less than seven cadetships as prizes for industry and merit, and he really did not believe that it was an extreme case. But with the declaration upon oath, and after an experience of many years, during which not more than three instances of corrupt practices had been suspected, he should have thought that the allegation which had been brought forward and the arguments founded upon it might well have been spared.

MR. MALINS said, he should support the clause, for he would, if he had taken any part in the discussion of this subject, have moved a clause to the same effect as the one now brought forward by the Government. When the number of Directors was decreased, and consequently the duties of the remaining Directors proportionately increased, and when they were expected to devote the whole of their time and attention to the consideration of affairs connected with the government of a mighty Empire, he saw no reason why such persons should not receive a salary adequate to their employment. He had heard the subject discussed, and he could name gentlemen who, he had no doubt, the Government would consider qualified from their practical experience to fill the position of Director who had made the objection, that there were gentlemen whose means enabled them to live in the country in comfort; but if such persons were made Directors, they would be obliged to live in London, and 500*l.* a year would hardly cover the difference of the expense to which they would be put in London to that which they incurred in the country. The question was one concerning the payment of men employed in conducting the government of an Empire containing 150,000,000 of inhabitants, and yielding a revenue of 30,000,000*l.*, and he thought that it was beneath the dignity of this country to be too particular about the amount of their salaries. Would any hon. Member say that 1,000*l.* a year was an undue payment for a gentleman who gave his whole time and attention to his duties? With regard to the corruption which the hon. Member for Montrose (Mr. Hume) seemed to apprehend, he did not think that gentlemen would be so anxious as he thought to obtain a salary of 1,000*l.* a year for such service. A person well qualified for the position ought to receive a proper salary, and, if anything, he thought that 1,000*l.* a year was too little. He would just say one word with regard to the subject of patronage. He quite agreed with the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis) that the patronage of the Directors had, on the whole, been most fairly distributed. It was not unnatural that persons having relatives should wish to provide for them; indeed, it was the rule of nature, and as long as those relatives who received appointments were qualified for them, he saw no cause whatever for complaint. If he thought that appointments were ever made the subject of a money bargain, he should be prepared to vote for the total abolition of the Court of Directors; but, believing that such was not the case, and also thinking that a properly-qualified person should be fairly paid for his labour, he should vote against the Amendment.

MR. APSLEY PELLATT said, he believed the office was loooked to more as one of patronage and honour than of direct emolument; and there were hundreds of merchants in the City having a knowledge of Indian affairs, who would accept a position with such honour and patronage, however small the emolument might be. Men were willing enough to accept the office of directors of railway companies and such like undertakings, and give their time and attention for a comparatively small emolument. They had their patronage and various incidental advantages, and were satisfied with them. For these reasons he should vote for the Amendment.

MR. BLACKETT said, he had always guarded himself against making a charge of a corrupt exercise of patronage by the Directors; but he must remind the Committee that this phrase of paying in patronage had been a common phrase, and was well understood, and until this year no one had thought of taking exception to it; and, indeed, the noble Lord the Member for the City of London (Lord J. Russell) last night said, that the possession of patronage—without supposing an improper use of it—gave consideration and dignity to a man. He objected altogether to the system of paying in patronage, and he wished the patronage could be exercised in some other mode, but he protested most earnestly against their being paid both by patronage and salary.

MR. BRIGHT said, the right hon. President of the Board of Control wished the Committee to believe that the time and energy of these Directors were exclusively devoted to their labours in the India House. Now, he believed it was quite notorious that several of the Directors, probably a majority of them, attended there very little; and, in point of fact, their duties in the actual administration of Indian affairs were much more nominal than real, because they all knew that when persons were elected without much responsibility, the business gradually got into the hands of heads of departments. They had themselves seen Members in that House who certainly had not taken any very active part in the management of East India business, and, indeed, he found that nearly the whole of them held various other appointments. Almost the whole body were directors of insurance offices, or railway companies, of banks, or other undertakings. In point of fact, unless the directors of those undertakings were mere shams, they could not attend to the service of the East India Company, for he defied anybody to do it unless they possessed greater powers than any individual he was acquainted with. Besides, it must be remembered that some of these gentlemen were Members of that House, where they were frequently present from four o'clock in the afternoon till one or two the next morning. Being Members of Parliament, of course they had correspondence with constituents, and duties of that description, the weight of which many hon. Gentlemen well knew. Now, he would ask, how much time could Gentlemen so situated possibly have to devote to the affairs of India, and whether it was absolutely necessary that they should receive 1,000*l.* a year for such services? He did not object to 1,000*l.* a year being paid if real duties were performed, and if they actually gave their whole time and attention to the affairs of India; but it was obvious that they did not, and could not, under the circumstances he had described. In his opinion, it would have been wiser if the Government had condensed the whole of the Court of Directors into a council of some half dozen, to assist and advise the President of the Board of Control. The President of the Board of Control knew nothing of India. He did not mean the right hon. Baronet the Member for Halifax, for he had been studying India very much for the last three months, but other Gentlemen who might be holding the same office. To such he would give the advantage of such a council. Having thus obtained the best men, they might give them 1,500*l.*, or even 2,000*l.* a year. They knew, however, that at present the Directors had little to do, and that all the business was done by their clever clerks. They were allowed, moreover, to sit in that House, and to have occupations of every kind besides; and it was well known that the office of Director itself was a stepping-stone to almost every good thing to be had in the City. It was because he thought the Government was proposing to increase the salaries of the Directors without securing any benefit for India or for this country, that he should vote against the proposition of the right hon. Gentleman.

LORD JOHN MANNERS said, he felt that the right hon. Gentleman opposite was not justified in saying that the clause was agreeable to the majority of that House, as that was a conclusion which could only be determined by the result of the approaching division. In the meantime, however, he must remind the Committee that they had as yet heard no reasons to determine them to accept the proposal. And as the salaries were to be paid out of the revenue of India, it was the more incumbent on Her Majesty's Government to furnish the House of Commons with valid and substantial grounds for the deviation from their original proposal. He could not consent, under these circumstances, to the increase of salary, and he believed that the opinion of the majority of that House was not so favourable to it either.

SIR CHARLES WOOD said, he would take that opportunity of stating that upon this subject he had had no communication whatever with the Directors. The reason which he gave for his proposition might be a good one or it might be a bad one, but surely the noble Lord had not listened to what he said in introducing the clause, otherwise he would hardly have stated that he gave no reason. What he stated was that he had been told by Members of that House, as well as by other persons, that a salary of 500*l.* a year was not sufficient to ensure the services of the best men in the Indian services, and that it would, therefore, be advisable to increase the amount of remuneration.

MR. VERNON SMITH said, that although he could not compliment his right hon. Friend (Sir C. Wood) upon having made many concessions in the course of the discussions upon this Bill, yet he thought that what had occurred that evening was a sufficient justification of his conduct. This was a question of some interest. Their object was to procure the best men. In ordinary cases a competent salary was one means of securing good men; but this was not an ordinary case. He confessed he was one of those who thought that 500*l.* a year was a contemptible sum to give a man who was to hold a high office; but then his opinion had always been that the number of Directors ought to have been reduced at least to twelve, in which case they would have been justified in giving them a competent salary, requiring them to give their whole time to the services of India. There was another way of dealing with the question. Hitherto the Directors had been a very independent body, receiving an annual sum of 300*l.* each—he supposed to defray their carriage expenses—and he was sorry that his right hon. Friend, having refused to adopt the first mode of settling the question, should have proposed any increase at all. A great deal had been said of the patronage enjoyed by the Directors. Nobody supposed that there was a sale of patronage; but it was a mistake to imagine that patronage was not an advantage. Patronage was

Lord J. Manners

power, and it might be a sufficient advantage to induce gentlemen to take office as Directors. It was also to be remembered that if the Directors enjoyed sufficient leisure to engage in the pursuits enumerated by the hon. Member for Manchester (Mr. Bright), they must be in the receipt of other salaries. As regarded, then, the gentlemen who were resident in London, who were engaged in other occupations, and to whom patronage might be a sufficient inducement, he thought the case was perfectly clear; but there was a difficulty with respect to persons returning from India. There were numbers of meritorious public servants who had returned from India almost without adequate means, and to such persons it might be necessary to offer an increased salary in order to induce them to take office. But by this plan they would make a distinction between the nominees of the Crown and the other Directors; and, upon the whole, seeing that the feeling of the Committee seemed to be against any increase of salary, he would advise his right hon. Friend to adhere to his original proposition.

LORD JOHN RUSSELL said, he would wish to make a few remarks in reference to the question put by the noble Lord opposite (Lord J. Manners) before the Committee came to a division. The noble Lord had said that no reasons had been given for nominating this particular sum of 1,000*l.* a year as the salary of a Director. Now really, the fact was, it was exceedingly difficult to assign reasons for any particular sum—be it 500*l.* or 1,000*l.*, or to say why one was sufficient and the other not. That was a question for each hon. Gentleman to decide for himself according to his estimate of the duties and the services of a Director. And when the hon. Member for Manchester said that each Director ought to be allowed a salary of 2,000*l.* a year, there was, perhaps, quite as little of reason in his proposal as in that of the Government. But these gentlemen, whether they were appointed by the Crown or elected by the Proprietors, were only appointed after evidence had been given of the necessity before the Committee. That distinguished person, Lord Hardinge, had stated that many gentlemen came home after long service with small fortunes, and were, therefore, unable to take the trouble and expense of a canvass. The men of competent fortune in the Direction cared little or nothing for the 300*l.* a year; but if one of these returned gentlemen was offered 300*l.* or even 500*l.*, although patronage might be combined with it, he would refuse it, because he could not afford to keep a house in London and attend to the duties of the office. Hon. Gentlemen said when 500*l.* was proposed that it was too little; now, however, they said anything more—even 1*l.*—would be too much. That was not a satisfactory state of things for those who had to make propositions. He (Lord J. Russell) was indifferent as to whether the sum was 500*l.* or 1,000*l.*; but he thought the latter was the better proposal, and he was of opinion that the Committee should adopt it.

Question put, "That the blank be filled with fifteen hundred pounds."

The Committee *divided*:—Ayes 83; Noes 99: Majority 16.

Blank filled with "one thousand pounds."

House resumed.

Clause read 3°, and *added*.

MR. BRIGHT said, he wished to propose a clause, declaring that if a Member of that House should be nominated a Director by the Crown, he should not continue to sit in the House unless re-elected.

SIR CHARLES WOOD believed that there was not the slightest doubt that a Member of the House being nominated a Director by the Crown, must vacate his seat under the Act of *Anne*, as he would be appointed by the Crown to an office of emolument.

MR. AYSHFORD WISE moved that Clause 29 be disagreed to. He would not press his proposal to a division, as his only object was to elicit from the Minister for India an explanation, and to ascertain the exact meaning and intention of the Government with regard to this clause, which had been passed at an early hour in a thin House without a single remark. The 29th clause enacted that the limit of the European troops of the Company and of their troops in training should be extended, and permitted the Company to increase their force composed of British subjects from 14,000 to 24,000. Some years ago Parliament fixed the limit at 12,200 men, and also authorised the Company to employ 8,000 Imperial troops on paying the cost of the same. In 1813 Parliament authorised the Company to call for any number of the national forces, and they required at that time 20,000. The force now in India amounted to about 30,000 men, and under this Act the East India Company might ask for 50,000 men on paying the necessary charges. Now he wanted the House to consider whether this ancient policy should be continued or not. He doubted the wisdom of the proposed change, and he would state as shortly as possible the objection he felt to this augmentation of the Company's force in India. He thought it extremely objectionable in a constitutional point of view to have an English army of 20,000 men in India, and of 4,000 recruits in England, entirely free from the control of Parliament, and in the pay and under the orders of an irresposible mysterious Company in Leadenhall-street. The double military system was a greater absurdity and more to be condemned than the double civil system which had been so much discussed during this India debate. A great reform of the Indian army was requisite, and he was surprised that such a clause as this was introduced, which would render any future improvement still more difficult. He objected, secondly, because indirectly it would tend to impair the efficiency of the British army. India was the chief field on which the English army could take part in extensive military operations, and he concluded that the Queen's troops would not be required to the same extent if the Anglo-Indian army was to be increased by 9,800 men. Was it expedient by diminishing the contingent of the Royal army for those dominions, to render the number still less of commanders of brigades and divisions, exercised and organised by the vicissitudes and duties of our great military provinces? He was a lover of peace, and hoped there would be no more wars, especially in India, where our territories were inconveniently extensive; but if an army were necessary and regiments were to be raised, he thought the present proposal the least desirable mode of doing it, being as prejudicial to imperial interests, as it was unjust to our national army. He thought, too, that the system of English troops permanently stationed in India was disadvantageous in a military point of view. The native troops, amounting to about 300,000 men, were bold and intrepid soldiers; but they looked to the example and support of the British troops. The English regiments in the service of the Company, from a long residence in a hot climate, suffered in health, and discipline was not maintained. The mainspring, therefore, of our success, was the system of frequent relief among the Queen's corps. Was there ever any great establishment, civil or military, altogether removed from the central Government—from the action of home opinion, which did not degrade in character, lose vigour, and sometimes become comparatively useless? The armies of India had been preserved from the mere provincial character by the relief system. The substitution of a permanent provincial for a Royal army, tended to the destruction of that unity and military link which ought to exist between India, our beloved Queen, and our country. He, and he believed a large majority of that House, felt that the time was come when it was fitting that the Government of India should be carried on in the name of the Sovereign, and not, as the hon. Baronet the Member for Rochester had observed, "in the name of the Company, which the illiterate people of India imagined to be an old woman." It would be found too that the services required of troops could not be performed by men long stationed in India so well as by the imperial troops sent out from time to time. He did not doubt the courage of the European troops in the Company's service, but the constitutions of the men could not be of the same character, and it was notorious that the discipline was materially relaxed. With reference to the inevitable consequences, physical and moral, which experience had proved to result from existence in tropical climates, he would read to the House a statement made by Colonel Mansfield, of the 53rd foot, within the last few days:—"However cheerfully we may pass our lives and serve our country in those climates, we must admit, practically, that such existence is a long disease to an Englishman. He may battle against it for years, but still it is a disease—a long protracted disease. What it is to a man, so it is to a regiment of Englishmen. We must not shrink from contemplating the results of the change which is now sought to be initiated. It is no question of rival services—of one seeking paltry advantages at the expense of the other—but it is a question whether, for the sake of a little patronage now and then, we shall consent to relinquish the defence given us, naturally, against the influences of climate and the corruptions of languid habits. The right hon. Baronet (Sir C. Wood) does not know the difficulty of keeping troops up to the mark in an Indian climate, and no one, without regimental experience, can appreciate the gradual creeping langour over a body of men, commencing with the commanding officer." This letter, written by an able and experienced officer with reference to this clause, proved, he thought, that he was justified in preferring the employment of imperial troops, that were relieved from time to time, to the Company's troops, that were stationed in India, perhaps, for twenty years or more. Another objection which he entertained to this clause was, that it increased the patronage of the East India Company, for it would give them this year from 400 to 500 appointments. The Minister for India had promised to decrease the influence of the Directors, and yet he increased their salaries and their patronage, which he feared would be used, as it always had been, as private property, and not as a great and sacred trust. He was aware that he should be told that Lord Dalhousie had recommended this measure, and the Minister would say that there was a war in Burmah. In his opinion there ought to have been no such war. But even if there were any necessity for more troops, it appeared to him more desirable that Her Majesty's troops should be increased and sent to the East, than that the East India Company should be allowed to increase their forces.

Amendment proposed, to leave out Clause 29.

SIR CHARLES WOOD would remind the hon. Gentleman that it was not a very usual course to move the rejection of a clause upon the third reading, when that clause had passed through Committee without any objection being taken to it. The question for the House to decide upon was, not whether the army in India should be the Queen's army, but it was the mere number of the European troops in the Company's service. The Company's forces were now precisely what they were seventy years ago, while the Queen's troops had been considerably increased, and, therefore, what the hon. Gentleman desired had in reality taken place, no increase in the Company's European troops having been effected since the year 1788. During this time it would be remembered that there had been a considerable addition to the territories of the East India Company, and there had been a considerable increase in the Native army. It had been thought desirable by the Government of India, and had been recommended by Lord Dalhousie, that an increase should be made in the East India Company's European forces. The old clause said that the number should not be beyond 12,000 men, and this clause that the number should not be beyond 20,000; but neither of these clauses defined that the number should absolutely be either 12,000 or 20,000. It was desirable when the Government were fixing a limit, to fix it at something beyond what might be wanted. He had asked the opinion of Lord Hardinge upon this point, and his Lordship strongly advised him to concur in the Earl of Dalhousie's recommendation. He would not dwell upon the question of patronage, but all the authorities agreed that an increase of the Company's European forces was desirable; upon that opinion he had acted, and he hoped the House would not reject the clause he had introduced.

Bill *passed.*

The House adjourned at half after Two o'clock, till *Monday* next.

HOUSE OF LORDS,

Monday, August 1, 1853.

Minutes.] Public Bills.—1ª Government of India.

2ª Stamp Duties (No. 2); Turnpike Acts Continuance, &c.; Highway Rates.

Reported. — Resident Magistrates (Ireland); Turnpike Trusts Arrangements; Sheep, &c. Contagious Diseases Prevention; Burgh Harbours (Scotland); Elections.

3ª Registrar of Meetings; Stamp Duties.

SOUTH SEA ANNUITIES—SUITORS IN CHANCERY.

Lord ST. LEONARDS moved for a Return of all Orders made by the Lord Chancellor under the 16th *Vict.*, c. 23, on behalf of the suitors of the Court of Chancery in relation to the South Sea Annuities and other Funds belonging to them. The noble Lord said that upon a recent occasion an objection had been raised to their Lordships discussing in that House any financial measures that might be in progress in the other House of Parliament; and their Lordships were very well aware that when the measures came up to that House, it was said to be too late to make amendments, because it would interfere with public business, and lead perhaps to a division between the two Houses. But it was still open to him to move for returns, and to claim the attention of the noble Earl at the head of the Government to some particulars connected with a financial subject of some importance. Their Lordships were aware that by the late Act for the commutation of certain public securities, by which it was provided that the holders of stocks, representing the great mass of the funded debt of this country, amounting to about 500,000,000*l.*, should be allowed to commute their claims, on certain conditions, 3½ per cents, 2½ per cents, or Exchequer bonds; and it gave the option to the proprietors of South Sea Stock, South Sea Annuities, and other small stocks, to commute their rights for either of those stocks. With respect to the suitors in the Court of Chancery, who were proprietors of those small stocks, the Act gave power to the Accountant General of the Court of Chancery and the Accountant General in Bankruptcy, under direction of the Great Seal, to elect for them whether they would commute their claims, or be paid off; but no such power was given to the suitors whose moneys were invested in the great mass of the public stock. His noble and learned Friend on the woolsack, in pursuance of the power given by that Act of Parliament, did direct that the 2½ per cent stock should be taken by the suitors in the Court of Chancery, in respect of the South Sea Annuities and the smaller stocks which they held; but as it turned out that the commutation would involve a loss of at least 7 per cent, his noble and learned Friend rescinded that order. As regarded the capital debt of 500,000,000*l.*, in which suitors of the Court of Chancery were interested, he made complaint at the time that no option was given to them, though their rights were the same as the rights of other holders of that stock. The Government, as he understood, felt the justice of that appeal, and therefore promised to introduce a Bill to give the suitors generally the same benefit as had been offered to other holders of stock. That promise, he concluded, had not been performed, because the state of the money market was such that no one would accept the options offered. In proposing a measure in the other House of Parliament, the Chancellor of the Exchequer was reported to have said, that nothing was so unjust as to exclude the suitors in Chancery from the same benefit which everybody else had offered them; that inasmuch as the suitors and joint trustees interested in the capital stock of the South Sea Company could not take part in the meetings of the Company, the resolution of the Company was come to without their assent; and that the measure proposed was intended to correct that anomaly, and was introduced in compliance with a pledge given by Her Majesty's Government in this House. If the Chancellor of the Exchequer referred to the pledge given to him (Lord St. Leonards), he could only say he was introducing a measure which he never required, and was not introducing a measure which he did require. The Chancellor of the Exchequer was giving to the suitors of the Court of Chancery, through the instrumentality of the Accountants General, power to convert their share of the capital stock of the South Sea Company. He (Lord St. Leonards) never required any such power, because he considered that, as members of the Company, the suitors would be bound by the resolution of the general body of proprietors, and that as the general body had thought it best to decline the offers of the Government, that was a very good rule for the suitors to go by. He never raised the objection, directly or indirectly, with regard to the capital stock of the South Sea Company, and he could not have raised the objection with regard to the smaller stocks, because the Act expressly gave the suitors, under the authority of the Court of Chancery, power to select any of the three options; and his noble and learned Friend had made that selection, and had since been compelled to rescind the order. But in order to get the suitors' money, the Chancellor of the Exchequer intended to do that which he never required, and intended not to do that which he ought to do, which he (Lord St. Leonards) did require, and which the Government promised —namely, if the options were worth anything, the suitors having moneys in the 500,000,000*l.* of debt should have precisely the same rights as the other holders of similar stock. The options were of no value, and therefore he did not ask for that which justice required, and the Government had promised. But with respect to this measure of the Chancellor of the Exchequer, it did not actually put the suitors on the same footing as ordinary trustees. Trustees could not consent if the persons beneficially interested were competent to consent, and withheld that consent; whereas the whole power with relation to the suitors was placed in the hands of the Accountants General, to make what election they thought proper. There was another thing in connexion with this subject, which he considered of the utmost importance, and to which he begged to draw the special attention of their Lordships. When the Succession Duty Bill was under discussion, he pointed out the difficulties which would ensue to trustees, and stated that his advice to anybody was, not to become trustees, to be made liable to the same penalties and the same expenses which would be found to attach under the Succession Bill to existing trustees. It was somewhat remarkable that the South Sea Company were now to be authorised, by the authority of the Government, to become general trustees of the kingdom, with a guarantee fund of 300,000*l.* invested in Government stock. If it were possible to introduce in any single Bill a general mischief, this was that mischief; to make a great public company trustees for all parts of the empire. If one company had that power, other companies would come and ask for the same power; and, they might depend upon it, if a company once got hold of trust money they would never part with a shilling of it whilst there was a single question of law unsettled. The litigation and expense would be greater than had ever taken place with regard to all the trust property ever vested in trustees. The office of solicitors to a company transacting the business of trustees of thousands of people, would be worth thousands a year, and the extent of litigation would be incalculable. He hoped, considering what had passed, he should be excused for directing their Lordships' attention to this subject, and, looking to the importance of the questions involved, he thought some explanation was due from Her Majesty's Government.

The EARL of ABERDEEN said, he was not quite certain as to the facts, but he would communicate with the Chancellor of the Exchequer on the subject, and endeavour to satisfy the noble and learned Lord. He begged to observe, that, it might have been as well, if the noble and learned Lord believed it right to make such representations, if he had given some notice of his intention; and, also, if the noble and learned Lord thought it necessary to discuss the merits of a Bill now before the other House of Parliament, if he had signified his intention of doing so. The noble and learned Lord seemed to imagine some new practice had been adopted in reference to Bills of this sort; but he should wish the noble and learned Lord to point out when, since the Revolution, the House of Commons had entertained any alterations in Taxing Bills by this House. He must deny that any new practice or any new principle had been laid down in dealing with subjects of this nature. As he had already said, he would endeavour to obtain from his right hon. Friend the Chancellor of the Exchequer an explanation upon the points to which the noble and learned Lord had more particularly adverted.

Lord ST. LEONARDS explained that he had referred to the opposition of Her Majesty's Government to the Motion of a noble Friend of his for a Select Committee on the Succession Duties, before which the whole subject might have been maturely considered, and suggestions conveyed to another quarter, without damaging the principle of the measure.

The LORD CHANCELLOR said, with regard to the Motion of the noble and learned Lord, he had already stated more than once to their Lordships, and he was sorry to trouble them again by repeating it, that when the Bill passed for the conversion of these smaller stocks, he was obliged to take measures to ascertain whether the suitors should take the 2½ per cents or the money. He felt he was placed in a very embarrassing position, because the expediency of taking the new stock must depend upon its probable value in January or April, when the notices of payment expired. He consulted the other Judges, and there being a difference of opinion, he proceeded upon the case, almost precisely analogous, when the 5 per cents were converted into 4½ per cents, and the 4½ per cents into 4 per cents, and made an order, unless the parties applied to take a contrary course, to take the 2½ per cent stock. Before, however, the time had expired at the end of which assent or dissent must be signified, political events, the prospect of a bad harvest, or other causes, had made such a sensible alteration in the price of the funds that the order would have been ruinous to the suitors. Of course, it would have been most improper in him if he had hesitated for a moment to revoke his former order; and, therefore, all the suitors would receive, when the proper time came, the full amount of their money. Those two orders were the only orders he had made, and there could be no objection to laying them upon the table of the House. He did not desire to keep up the discussion upon the two Bills to which the noble and learned Lord had referred; but he would merely observe that although one was a Money Bill, which, according to understood principles, could not be altered, the other had nothing to do with the subject of taxation—it could be discussed in that House like any other Bill, and no doubt would receive full consideration whenever it came before their Lordships.

Lord ST. LEONARDS said, he intended no attack upon the noble and learned Lord, nor did he in any way impeach his judgment when he signed the order to which reference had been made.

Return ordered to be laid on the table.

CASE OF THE BARON DE BODE.

Lord LYNDHURST rose to call the attention of the House to the case of the Baron de Bode, and to submit the following Motion:—

> "That this House, after considering the Petition of the Baron de Bode, and hearing a discussion thereon, having unanimously referred 'the allegations of the said Petition to a Select Committee,' and the Committee having reported it as their opinion that 'the following facts had been fully established—namely, that the claimant was a British subject within the meaning of the treaty and conventions; that he was the *bonâ fide* possessor of a valuable property in Alsace; that the property was unduly confiscated by the French revolutionary authorities; that the late Baron presented his claim for compensation within the time limited by the convention; that after the payment of all other claims presented within the time limited there remained a surplus more than sufficient to satisfy the Baron's claim; that the rejection of this claim originated principally in a mistake of the Commissioners, which caused them prematurely to close the inquiry upon a ground altogether invalid, whereby they excluded the full proof of the claimant's case, the subsequent production of which proof at the inquisition and on the trial at bar led to the successive verdicts delivered in the claimant's favour; and, further, that the Committee considered the Petitioner's case to be one of great hardship and injustice;' earnestly recommends the Petitioner's claim to the favourable consideration of Her Majesty's Government."

The noble and learned Lord said that some communication had taken place between himself and his noble Friend opposite (the Earl of Aberdeen) on the part of Her Majesty's Government, which he had hoped might have relieved him from the necessity of addressing their Lordships again on this subject; but, unfortunately, the result had not confirmed his expectations, and therefore he was obliged to trouble the House with as brief a statement as the facts of the case would warrant. He would endeavour to confine what he had to state within the smallest possible compass, and would therefore proceed at once in *medias res*. It had been his lot to have some experience in courts of justice and of the profession of the law; but he might venture to say that he had never seen a plain case so involved, and—if he might so express himself—so mystified by the dexterity of gentlemen of the long robe as this of the Baron de Bode. It would be his task to attempt to unravel the Gordian knot and set the case before their Lordships in a plain form—that was to say, in a form corresponding with the convention or treaty out of which it had arisen. The case was nothing more than this: The French Government agreed to pay a large sum of money to the Government of this country, to be applied in compensation of losses sustained by the subjects of His Britannic Majesty, in consequence of the confiscation of their property during the French Revolution. The complainant's case, he ventured to say, came completely within the terms of the convention. It was not his intention to trouble their Lordships with the law of the case. His application was founded solely on facts, which were so clear that it was impossible to entertain a doubt on the question. When he stated the case to their Lordships last Session, he confined himself strictly to a narrative of the facts stated in the petition of the Baron de Bode. Nothing in that statement was exaggerated, and yet it made such an impression on their Lordships' minds that they consented to refer the Baron's petition to a Committee for the purpose of ascertaining whether the facts alleged were true. It was, he recollected, then stated by a noble Earl—a distinguished Member of that assembly, who had held the office of Colonial Secretary for many years, and who was not very likely to take anything for granted—that if the facts stated in the petition should be verified by the reference to the Committee, it was a case in which their Lordships were bound to see justice done to the complainant. How was the Committee composed? It was composed of Members of the House as intelligent as any to be found among a body distinguished for their ability. In addition to what he might call the lay Members, the Committee had the valuable assistance of his noble and learned Friend, distinguished for his constant attention to the judicial business of the House, as well as for his labours in the cause of law reform (Lord Brougham), and also of his noble and learned Friend on the cross-benches, who presided in the House when the case came officially before their Lordships, and was cognisant of all the particulars. Such being the composition of the Committee, he thought he might undertake to say that it was impossible to find a body of men better qualified to come to a correct decision on the subject. It was unnecessary to say that the Members of the Committee were assiduous and unremitting in prosecuting the inquiry referred to them. Every portion of the evidence was scanned and sifted, and the Committee at last came to a unanimous Report, which had been for a long period upon the table, and he sincerely hoped most of their Lordships had read it. It was not his intention to go through this Report in detail, but merely to direct attention to the concluding paragraph, which, indeed, formed part of the notice of Motion he had placed upon the paper. The Committee reported that—

> "The folowing facts had been fully established, namely, that the claimant was a British subject within the meaning of the treaty and conventions; that he was the *bonâ fide* possessor of a valuable property in Alsace; that the property was unduly confiscated by the French revolutionary authorities; that the late Baron presented his claim for compensation within the time limited by the convention; that after the payment of all other claims presented within the time limited, there remained a surplus more than sufficient to satisfy the Baron's claim; that the rejection of this claim originated principally in a mistake of the Commissioners, which caused them prematurely to close the inquiry upon a ground altogether invalid, whereby they excluded the full proof of the claimant's case, the subsequent production of which proof at the inquisition and on the trial at the bar led to the successive verdicts delivered in the claimant's favour; and further, that the Committee considered the petitioner's case to be one of great hardship and injustice."

That was the opinion expressed by the Committee to whom their Lordships had referred the complainant's petition, for the sole purpose of ascertaining how far its allegations could be established by evidence. They found that it had been established, and he now called on their Lordships as an act of justice to pronounce in his favour. Was the inquiry to have no result? For what purpose, then, was it instituted? His noble Friend at the head of the Government was present when he made the Motion last Session, and did not object to it; and, therefore, it was only reasonable to assume that he was of opinion that, if the facts stated in the petition could be established, the petitioner would be entitled to redress. It was impossible to suppose that any noble Lord on that occasion could have communed with himself after this fashion:—"Let us take the chance of seeing whether the facts can be established; if they cannot there is an end of the case, and if they can we shall be just in the situation we stand in at present, and can oppose further proceedings." It was impossible to believe that his noble Friend at the head of the Government, or his noble and learned Friend on the woolsack, would condescend to such a course as that. However that might be, it was evident that their Lordships would stultify themselves if they should adopt it. The case was strong enough in the first instance to make a great impression upon the minds of their Lordships; and when they consented to refer it to a Committee, they bound themselves to abide by the result. It was his intention now to refer to the correspondence which had passed between himself and his noble Friend at the head of the Government. In his first letter to his noble Friend, he merely referred to the Report of the Committee, and asked what course the Government intended to pursue. His noble Friend returned an answer, stating that the Government did not intend to adopt any measures in consequence of that Report. On receiving this answer he wrote again to his noble Friend, calling his attention more particularly to the case, and this letter he would read for the purpose of introducing his noble Friend's answer to it; because that answer was obviously the whole case on which the Government intended to rely in opposing the present Motion. The letter he addressed to his noble Friend was as follows:—

"May 26, 1853.

"My Lord—I have delayed replying to your Lordship's letter respecting the case of the Baron de Bode in consequence of the absence of Lord Truro, who has been suffering for some time under severe indisposition. Your Lordship is aware that he presided as Chancellor upon the appeal to the House of Lords. He is strongly impressed with the justice of the claim, and has taken a deep interest in the question. Your Lordship appears to doubt whether the facts stated by the Committee have been sufficiently established. It is true they were not followed by any judicial decision in favour of the claimant, not from any failure of evidence as to those facts, but in consequence of the Act of Parliament to which you allude, and which operated, however unjustly, as a bar to the claim. The facts were put in issue upon two different occasions, once under the commission, and afterwards upon the trial at bar. Upon the latter occasion they were established, after a trial of four days, in opposition to the strenuous exertions of the law officers of the Crown, by the verdict of a special jury, and in accordance with the previous finding under the commission. This verdict, if incorrect in any particular, might have been reviewed, but it was acquiesced in, and has never been questioned. The facts found were in substance as follows—namely, that the claimant was a British subject, within the meaning of the Convention; that he was the *bonâ fide* possessor of a valuable property in Alsace; that this property was confiscated by the revolutionary Government of France; that the late Baron presented his claim within the limited time; and that, after payment of all the other claims presented within the proper time a surplus remained more than sufficient to satisfy the Baron's claim. It is upon these facts, so found, that the petitioner relies; they bring his case completely within the terms of the Convention, and give him a right, in common justice, to receive payment out of the fund advanced by the Government of France to satisfy such claims; and I submit to your Lordship that to apply any part of this fund to other purposes, whether by Act of Parliament or otherwise, while this claim remains unsatisfied, is at variance with every principle of justice and of national honour.—I remain, my Lord, very respectfully yours, "LYNDHURST.

"To the Right Hon. the Earl of Aberdeen."

To the reply of his noble Friend he must call their Lordships' attention in detail. It was obviously not the sole production of his noble Friend; but was probably drawn up in conjunction with the law officers of the Crown. It might be described as a triumvirate production, combining law, equity, and diplomacy. The odds, it must be confessed, were against him; but yet, so confident was he of the justice of his cause, that he did not despair of success. The first paragraph of his noble Friend's answer was couched in these terms:—

"Downing-street, June 14.

"My Lord—I have duly received your further letter, dated the 4th inst., respecting the case of the Baron de Bode, in which you state that certain facts have been found by two verdicts of a jury which have not been disputed, and establish a claim on the part of the Baron de Bode which, on every principle of justice and national honour, the country is bound to satisfy. The proceedings upon which the first of these verdicts was founded were entirely *ex parte*, no person attending the inquisition on the part of the Crown, and they cannot therefore be considered as any authoritative finding of the facts relied upon in support of the Baron's claim."

His noble Friend had not quite accurately described what he (Lord Lyndhurst) had stated. He had not for a moment meant to say that this proceeding was not *ex parte*. What he said was, that the finding of the trial at bar was in accordance with the previous finding of the inquisition. The inquisition was under a petition of right. The Lord Chancellor followed the usual course, and directed a Commission to issue to five experienced members of the bar, and twenty-four special jurymen were directed to inquire into the allegations of the petition. The jury found the facts stated in the inquisition, and these facts he had already stated. The law officers of the Crown did not attend this proceeding. Why? They had notice to attend, and they might have attended if they thought proper; but they sent a shorthand writer to take notes of all the arguments and the evidence, for the purpose of putting themselves completely in possession of the claimant's case, with a view to ulterior proceedings. The next step was a trial at bar, and he must inform their Lordships that in that proceeding the Crown possessed considerable advantages, inasmuch as they had at command the shorthand writer's notes of the arguments and evidence adduced, and were therefore in possession of the whole of the claimant's case. Their Lordships would perceive how great an advantage that circumstance would be in such a case. The trial, when the four Judges (the Lord Chief Justice and three other Judges) presided, with a spécial jury, lasted four days. The case was fought inch by inch, and argued at considerable length, and the result was, the unanimous finding of a verdict which confirmed the previous finding of the Commission in every particular. The law officers of the Crown, upon the termination of that trial, must not be assumed to have considered that verdict incontrovertible; but whether they did so or not, it was, of course, their duty not to be satisfied with it. But whatever might have been their opinion, no steps were taken to impugn that verdict, for it was considered that notwithstanding that decision, there were good grounds to rely upon for a judgment adverse to the Baron's claim. The law officers of the Crown did not choose to contest the facts and move for a new trial, but thought it safer to apply themselves to an Act of Parliament, to which he was about to refer, which declared the money to be held as a trust fund by the Government, and placed it in the Treasury, in order that the money should only be applied to discharge the claims of persons in whose favour an adjudication had been made by the Commissioners. The case was carried on those grounds into the Court of Exchequer Chamber, and Mr. Baron Parke delivered a most elaborate judgment, in the course of which he said—

> "If no Act of Parliament had passed for the application of this money, it might have been a question whether the British Sovereign could have applied it to any purpose that he chose. It might have been contended, that as it was received by him expressly as the price of a release of the French Government from its obligations to compensate his subjects for their losses, he took the money with a similar obligation to distribute it among his subjects by way of compensation, and that if he had been a private individual who had received money under the like circumstances, such a trust would have been implied, and might have been enforced in some way, according to the circumstances, either in a court of law or one of equity; and, if so, that such subject had a remedy by a petition of right. But it is unnecessary for us to give any opinion upon this supposed case; for Parliament, which was unquestionably competent to dispose of all the money as it thought fit, and might have applied it to the public services of the year, or given it for any other purpose, and so disappointed the just expectations of the claimants, has provided for the application of the fund by the statute 59th of *Geo.* III. c. 31; and the case turns entirely on the construction and effect of that statute."

Lord Lyndhurst

But really these funds were taken contrary to the spirit of the treaty and placed at the disposal of the Treasury, instead of being applied in compensation to the individual whose case had been proved to be within the Convention. He need not say that when the case was brought before their Lordships' House, the judgment concurred exactly with that of the Court of Exchequer Chamber, and that it was founded not upon the facts of the case upon both sides, but upon the appropriation of the money by the Act of Parliament to which he had referred. Such was the answer given to the facts of the case. But, after all, it was not a question of law that he brought before their Lordships—it was a question of fact. As far as the law was concerned, he admitted that the claimant had no right to recover in a court of justice, because the Act of Parliament was a bar. It would be observed that the law officers of the Crown did not condescend to state what particular facts they disputed; but in a conversation which he had had casually with a noble Lord, a Member of Her Majesty's Government, it was incidentally dropped that the Baron de Bode might not have been a British subject. This was a point then upon which he must call attention. The claimant had been found to be a British subject both at the trial at bar and by the Committee of their Lordships' House. It was found that the father of Baron de Bode came to this country and resided for a long period in Staffordshire, where he married an English lady who resided on her own estate in that county. The present claimant was born in Staffordshire and christened in Gloucester, and was, therefore, most clearly a subject of this country, entitled to enjoy all the privileges of British citizenship, and unable to throw off its obligations and liabilities. He was competent, if elected, to take his seat in the Commons House, as a representative; to be a Member of their Lordships' House, and of the Privy Council; or indeed to occupy the seat so ably filled upon the woolsack by his noble and learned Friend, or the high position equally ably filled by the noble Earl opposite (the Earl of Aberdeen). He was to all intents and purposes a British subject, and liable to all the obligations which that position would impose, as he was entitled to all the privileges which it might also confer. If he had entered into the army of a foreign Power, and served against this country, he would most certainly, if taken in arms, be liable to the punishment of high treason, although it was not probable that in such a case that extreme punishment would be inflicted. When first the claim was set up, the Duc de Richelieu, who was then at the head of affairs in France, had stated that the claim was inadmissible, for it was impossible that he could be a British subject, inasmuch as his father was a German. Mr. Mackenzie, who was Chief Commissioner, on the representation of Sir Charles Stuart, who was at that time the English Ambassador, placed the name of the Baron de Bode on the list of claimants. Subsequently an accurate statement of his case was drawn up and sent to Sir Samuel Romilly for his opinion. That distinguished authority returned an answer, which had been laid on the table of their Lordships' House. Sir Samuel Romilly stated that there was no doubt whatever that the petitioner was a British subject; that he had all the rights of a British subject, and was subject to all the liabilities incident to that character; and that, in fact, he could not put off his allegiance to the British Crown; and he stated that opinion in the most distinct and decisive terms. On this opinion of Sir Samuel Romilly, this ground of opposition was abandoned, and during the whole of the subsequent proceedings it had not been alluded to. A surmise had also been thrown out, that the claimant might have some relations with the French Government, and he would just call their Lordships' attention to what were the real facts of the case, and show that there was not the slightest foundation whatever for such a surmise. The father of the claimant was colonel in a German regiment, in the service of Louis XVI., and by the rules and regulations of that regiment no one but Germans could be admitted into it, and therefore it was manifest that his father could not have been a Frenchman. The property was confiscated a long time before the claimant came of age, and therefore it was impossible that he could have taken any steps to become a naturalised French subject. He thought that he had said enough to prove that there was no doubt that the Baron de Bode was a British subject, and he did not think that that fact could be by any possibility controverted, and he should therefore assume that he was a British subject. The father and son were entitled to a large and valuable property situated in Lower Alsace. Now, when Alsace was annexed to the Crown of France, there was a proviso that all the property held by German tenure in that district should remain inviolable. The property of the Baron de Bode was a German male fief, or he might call it an estate tail; the estate tail in the remainderman being incapable of being defeated or barred—thus, the present claimant had a vested estate in the remainder. From various causes, with the narration of which he would not occupy their Lordships' time, the father of the present Baron thought fit to make a surrender to his son, and the property was conveyed to him with livery of seisin, and all the form and ceremony required by the law of that country; so that in point of law he became absolute master of the whole interest and property. Even if no surrender had taken place, the claimant had undoubtedly a vested interest in the property. He had read through all the evidence on the subject, and he had not the slightest doubt that the surrender of the estate was a perfectly proper transaction. All the particulars of the title and the names of the witnesses had been before the inquisition, and the law officers of the Crown were conversant with every part of the case, and had not advanced any proof that the surrender was not genuine; and he should therefore take for granted that it was a *boná fide* transaction. When the claimant applied to the Commission, he received a statement of the kind of evidence which it would be necessary for him to adduce, and he accordingly employed himself in collecting it. He was shortly afterwards asked if he could adduce evidence to prove that the property which had been confiscated, being the property of a British subject, had been confiscated as such, and according to the decree which had been made against British subjects. It was replied on his behalf, that the property had been confiscated in consequence of emigration. Upon that the Commissioners decided that it would be useless to go on with the evidence, and that, unless the Baron were prepared to prove that his estate had been confiscated under the decrees against British subjects, he was not entitled to be included in the Convention. He considered that decision a most extraordinary one. It was opposed to the direct opinion of Sir William Grant and Lord Stowell, both very high authorities on such points. There were cases which might be cited as showing the extraordinary nature of that decision. There was the case of an Irishman, who had settled for many years in France, who had served in the French army, and who, after having so served, thought fit to emigrate. The estates of that person were immediately confiscated by the French Government: he brought his case before the Commissioners, and it ultimately came for decision to the Judicial Committee of the Privy Council, and it was there decided that the individual in question was a British subject, and came within the operation of the law of the Convention. In another case, a person who had settled in France for a considerable number of years had taken the preliminary steps for becoming a naturalised French subject; but before the whole ceremony had been completed, he determined upon emigrating, and the result was the confiscation of his property. He applied to the Commissioners, and it was decided that his case came within the operation of the treaty. He would not weary their Lordships by adducing other instances of a similar character; but the two which he had brought forward would illustrate the extraordinary nature of the decision in the case of the Baron de Bode. By the Convention, all the evidence required was, that the party was an English subject, and that the property to which he was fairly entitled had been confiscated. It was necessary that claims should be sent in to the Commissioners within three months, and the Baron de Bode had sent his in within that period, and his claim had been rejected, and the grounds of rejection were stated on the face of the award. The first ground was that to which he had just referred, and the second, that there was not sufficient proof of the surrender of the property by the father. It was also subsequently urged against his claim that the money had, by Act of Parliament, been placed under the control of the Lords of the Treasury, to be disposed of as they should think fit. That was not, in his opinion, a just answer to the claim, or one to have been confirmed by any tribunal of justice. The noble Earl opposite went further, for he appeared to think that the claim could be rejected on various other grounds, for in another part of his letter the noble Earl stated—

> "And with regard to the verdict of the jury on the trial at bar, it must not be assumed that the law advisers of the Crown considered that verdict incontrovertible. No steps, indeed, were taken to impugn it, because it was considered that, notwithstanding that verdict, there was abundant ground in law for a judgment against the Baron's claim; and such judgment was in fact given by the Queen's Bench, affirmed afterwards by the Court of Exchequer Chamber, and, finally, by the House of Lords. Nor must it be assumed that, had it been necessary for the Courts to determine the different points on which the Baron's claim depends, all, or any of them, would have been adjudicated in his favour. On the contrary, it is believed, and may be inferred from the language of the judgments, that many of these points would have been determined against him."

How that might be he would not express an opinion. The noble Earl continued—

> "It is stated by Lord Denman, in giving the unanimous judgment of the Court of Queen's Bench, 'that there was no one of the propositions which might be called the ingredients of the claim that was not encountered with formidable objections.' On the receipt of the sums of money paid under the conventions with France, certain tribunals were appointed by the Legislature to determine the rights of parties claiming under those conventions. The Baron's case was investigated and determined by those tribunals. Litigation must somewhere end; and there is no more reason for reopening the Baron de Bode's case than for reviewing by an appeal to the country any final judgment of the House of Lords between private parties."

But was it investigated? There was ample proof that the case had not been investigated. The Baron was on the Continent collecting evidence as to the value of his property that had been confiscated. While he was so engaged, a letter was written by the Commissioners of award to the Baron's agent in this country, inquiring whether the Baron's property was confiscated because it was British property, and as such? The agent said it was confiscated in consequence of emigration, and the Commissioners then decided against his claim. This closed the award, and would the noble Earl call this an investigation by a competent tribunal? The Baron's next proceeding was by a petition of right, and that was decided, not upon the merits of the case, but upon the Act of Parliament. When the case was brought before the other House, a noble Lord, whom he did not now see in his place, who was then a Member of the other House, expressed a strong feeling of the justice of the Baron's claim; and his right hon. Friend Sir James Graham, who took part in the discussion, concluded by saying that it was a case of great hardship. He was not endeavouring to treat this as a case of law, because he was fully aware that any attempt to enforce the claim in a court of justice would be at once answered by the production of the Act of Parliament to which he had already alluded. Nothing more was necessary in a case of this kind than to state the facts, and to call upon their Lordships to do justice. Upon a former occasion it had been asked by more than one noble Lord what had become of this money? and it was asserted that all the money had been distributed according to the terms of the Convention. Now, he had such confidence in the love of justice of his noble and learned Friend (the Lord Chancellor) that if he could satisfy him the money had not been appropriated according to the terms of the Convention, he was sure he should have the support of his noble and learned Friend. The jury found that a balance of 482,000*l.* remained after satisfying the claims which had been decided by the Commissioners to come strictly within the terms of the Convention. That sum, with its accumulations, amounted to 566,000*l.*, and that sum had been paid by the Commissioners into the Treasury. In consequence of this large surplus, a large number of applications were made for compensation by parties who had not put forward their claims within the time first specified for so doing, and a sum of 196,000*l.* was ultimately awarded to this class of claimants; but these claimants certainly ought not to have been compensated at the expense of those who were strictly within the terms of the Convention. A large balance was, therefore, still available; but out of this amount a sum of not less than 232,000*l.* was applied by the Government in discharge of debts due by the public on various transactions connected with the cost of maintenance of the French prisoners in this country, and other matters. Including interest, a sum of 68,000*l.* remained, even after this application of the funds, of which no account whatever could be obtained; and all that could be said of it was, that it was not applicable to the discharge of these claims. Under such circumstances, was it not a strict duty, on the part of the country, to pay out of the public funds a sufficient sum to reimburse this gentleman, whose money had been applied for the purpose of relieving the Government from certain liabilities to which they were exposed? He was sorry to find that the claim had not been met in anything like a fair and liberal spirit by successive Governments. The law advisers of the Crown had actually condescended to use such pleas as the Statute of Limitations, and that the money had not been paid over to this country in the reign of Her present Majesty. To set up this statute as a bar to inquiry, was what no honest or honourable man would do. He knew it had been said that corporations possessed no soul nor conscience, and he believed this was true with respect to Governments, for he had seen, sometimes, instances of very conscientious persons who had paid their tribute to the Chancellor of the Exchequer, but he did not remember any instance of reciprocity on the part of that functionary. The footsteps were all one way—*Nulla vestigia retrorsum.* He had had long experience of public life, but he thought he could venture to say that he never knew an instance of money having been paid into the Treasury which could ever be got out again. The Genius of the day, represented by the First Lord or the Chancellor of the Exchequer, stood at the entrance, stern, inflexible, and obdurate—*Quàm si dura silex aut stet Marpesia cautes*—and forbade the passage across the threshold of the Treasury. What, he would ask, would be the reply which he could make to the question of some foreign jurist, why they had not paid this claimant? It would be, "We are so poor, so wretched, and we have so little money, that we have appropriated this amount to our own use for the discharge of our debts." Such would be the answer which he would be obliged to make, though he confessed he should give it with shame, and a feeling of deep humiliation. He was aware that he was entirely at the mercy of the noble Earl at the head of the Government, and possessed no power to compel him to do justice. He could, however, remind the noble Earl, even if he displayed no symptom of justice, that—

> "No sympathy that to great ones 'longs,
> Not the King's crown, nor the deputed sword,
> The Marshal's truncheon, nor the Judge's robe,
> Becomes them with one half so good a grace
> As mercy does."

He entreated the noble Earl and the Government, for the sake of the high reputation, the character, and position of their Lordships, to listen with favour to the appeal now made. The noble and learned Lord then concluded by his Motion.

The LORD CHANCELLOR said, he should certainly feel surprised if, in spite of the able address of the noble and learned Lord, a very short statement of facts would not convince their Lordships that there was no injustice whatever in resisting this claim of the Baron de Bode; that it was founded in error, and that there was not only no legal claim, but no equitable claim, for the satisfaction of these demands. Unlike the noble and learned Lord who had just addressed the House, he should assume that their Lordships were not fully familiar with the facts of this case. The Baron de Bode was the son of a foreign nobleman who was of German origin, but who purchased property in Alsace, and there was established. The father married, it was true, in the year 1775, an English lady. It could not be argued, however, that the circumstance of his wife being an English woman made any difference in the *status* of his children from what it would have been had he married a French or a German woman. His children did not thereby become English subjects at all. He (the Lord Chancellor) did not mean to controvert the position that the Baron de Bode, who was the original claimant, was a British subject. Why was he a British subject? From the accident that he—not the rest of the family—happened to be born while his parents were on a visit to his mother's relatives in England, and every one born in England is by right a British-born subject. The Baron de Bode was certainly, therefore, in point of law, a British-born subject. But, though born in Staffordshire, he went abroad immediately afterwards with his family, resided abroad, and to all intents and purposes was practically a foreigner, as an evidence of which he could not speak a word of English. Though legally a British subject, then, he was for all practical purposes a foreigner. The claimant was born in the year 1777. Between the year 1775 and the period of the French Revolution, his father purchased a large property at Soultz, in Alsace. When the Revolution broke out, what was alleged was this—that the father, thinking it might serve his purpose so to do, made a cesssion of his property to his son. Whether that was a valid transaction or not, was open to doubt. It had been found by a jury that it was; but it had previously been found by a competent tribunal that it was an invalid and a fraudulent transaction. The father contended that the property having been thus ceded in the year 1791, became the property of his son, at that time fourteen years of age. Previously to 1793 the Revolution had broken out, and the father, son, and the rest of the family took the Royalist side of the question, and emigrated, and the property was confiscated as the property of an emigrant—distinctly confiscated, because the French contended that it was the property of the father, and did not recognise its cession to the son as a valid transaction. The then Baron served, he believed, in the Russian army, and died in 1796, when his son, the original claimant, succeeded to the title. At the peace in 1815 the treaties were entered into between the Governments of England and France which gave rise to this discussion, in which treaties the French Government contracted to compensate all British subjects for the loss of their property *induement confisqués* during the Revolution. A treaty had been previously—that is, in the year 1786—made with reference to the property of British subjects resident in France, whereby it was provided that, in case of war, a year's notice should be given to those persons to quit and withdraw their property. The Revolution, however, took place, and the treaty of 1786 was entirely disregarded. There could not be the least doubt in the world that it was to such cases as these that the Convention really pointed, though he did not mean to dispute that when the Convention came to be looked at afterwards its terms were found to go further. The first course taken under that Convention was the appointment of a joint commission, which went on for two or three years, the French Government depositing money, and providing for claims until 1818, when that Government was exceedingly anxious to bring the subject to a termination as far as they were concerned. The amount of claims then put forward had been pretty clearly ascertained, and a convention was entered into to this effect: The French Government said, "We will hand over to you a *rente* producing 3,000,000f." (about 120,000*l.* a year); "you shall settle the claims among yourselves, and we shall be relieved from all further liability on the subject." That was embodied in the form of a Convention, and made the subject of an Act of Parliament, that provided for the appointment of Commissioners to investigate the claims sent in, which claims, if the funds, handed over by the French Government were sufficient, were to be discharged in full; if the money was insufficient, it was to be divided *pro ratâ;* and in case of a surplus, that was to be at the disposal of His Majesty. According to the terms of the original Convention and of the Act of Parliament, the claims were to be sent in before a certain day, and if they were not so sent in they were excluded. Claims to a very large amount were sent in accordingly; they were investigated; the matter was protracted for two or three years, and eventually a final award was made by the Commissioners. Among the claims on which they adjudicated—he did not say whether rightly or wrongly—was that of the Baron de Bode. Perhaps the Commissioners took an erroneous view of the law of that case; perhaps they took a wrong view of the fact. They were, however, the parties who constituted the lawful tribunal for the investigation of the merits of these claims, and they came to this conclusion:—

> "The Board find, that there is no sufficient proof that such public manifestation, according to the laws then in use in Soultz, was to be considered as a cession to the said claimant (he then being only fourteen years of age), or that the same did in any valid or sufficient manner transfer from the said Baron de Bode, the father, a foreign-born subject, all right which he then possessed in the said property to the said Baron de Bode, the son, now claiming to be a British subject. The Board further find, that there is no proof that such cession was admitted and recognised by the French authorities as valid and legal; but, on the contrary thereof, the Board find, from the different statements of the said claimant, and more particularly from his declaration and covenant, that it was the said Baron, the father, and not the son, who was seized, possessed, and otherwise entitled to the said estates; and that shortly after such cession, or intended cession, the said estates were seized under the pretence that the Baron de Bode, the father, was a subject of France, and had emigrated from that country, although (as is elsewhere stated) he was a German."

That was the decision of the competent tribunal upon the Baron's case in the year 1822. The Act of Parliament, seeing that the awards of this tribunal would or might give rise to very nice and difficult questions, did not leave the claimants dependent on the decisions of these Commissioners, but gave them a right of appeal to the Privy Council. Lord Stowell and Sir William Grant were the persons who then took a leading part in the deliberations of the Privy Council, and in 1823 the Baron de Bode appealed to that body, who came to this conclusion:—

> "That this was an appeal brought by an unfortunate nobleman from an award made by the Commissioners for Liquidating British Claims, and that, after the best attention the Lords had been able to give the case, it appeared that the claimant had completely failed in regard to the ownership of the property; that it had been a contrivance originating in the mind of the father, and by no means an improper one, to delude the French Government, and which proved ineffectual; and, therefore, under all circumstances, though hard it might be for the unfortunate nobleman, yet the Lords were bound to affirm the award."

Now, he did not know where these cases where to stop if after the lapse of thirty years after the question had been decided in the first instance by these Commissioners, and then upon appeal to the Privy Council by such eminent men as those whom he had mentioned, the subject of this claim was now to be revived, and an attempt was to be made to show that a wrong decision had been come to. Did their Lordships suppose that the Baron de Bode was the only person whose case could be revived? An infinite number of claims had been rejected, and if the Baron de Bode had now a claim for justice, all the others must be treated in a similar manner. It turned out that the sum which had been provided by the French Government for the liquidation of these claims was considerably more than sufficient to pay those reported upon by the Commissioners, and there was a surplus of 400,000*l.* or 500,000*l.* The Government then took into consideration what would be the fairest and most equitable mode of disposing of this surplus. A Treasury Minute, dated the 2nd of May, 1826, was issued to this effect:—

> "From this paper it appears that, after all the claims which have been received and admitted by the Commissioners, as well as after the disposal of all the claims now in course of adjudication before the Lords of the Privy Council shall have been liquidated and fully discharged, even in case the whole of the sums claimed should be allowed, a considerable surplus will remain undisposed of, and which is placed at the disposal of this Board by the Act of the 59th of *Geo.* III., c. 31, for enabling the Commissioners to carry into effect the several conventions for liquidating the claims of British subjects and others against the Government of France. My Lords advert to the statements in these papers that the time limited by the conventions signed in Paris in November, 1815, for receiving claims was in many cases too short to allow persons, and particularly those residing in distant parts, to receive the notice and to transmit their claims within the period limited by the convention for their reception, in consequence of which, when the subject of these conventions and claims was subsequently under discussion in the House of Commons, an expectation was held out by a statement of Lord Castlereagh

> that the cases of those individuals who had not preferred their claims within due time would be taken into consideration in the event of there being any surplus of this fund after liquidating the claims of those persons who had preferred them within the time limited by the conventions. It now appears that such surplus will arise, although the precise amount cannot at present be ascertained; my Lords are therefore pleased to direct a letter to be written to the said Commissioners, desiring them immediately to receive all the claims which have heretofore been tendered to them, and which were not then received, or, if received, not investigated, in consequence of their having been preferred after the time limited by the convention for their reception, and that they will forthwith proceed to investigate those claims upon the same principle in all respects as they have investigated the claims preferred within due time; and further desire that, after they have ascertained the correct amount of the principal of such claims, they will compute the simple interest due thereon at the rate of 3 per cent from the time of the sequestration to the 24th of June next; and my Lords desire to observe that they cannot direct payment to be made to any of the parties preferring these claims until the total amount of all such claims shall be ascertained. Acquaint them further, that it is not their Lordships' intention that any claims which have been already received and decided upon should be reconsidered; nor is it their intention to waive any other irregularity than that of the claims not having been preferred within the time limited by the Convention."

Under this Minute the Commissioners did proceed to investigate the claims of all persons who had tendered claims to them, or whose claims had not been before investigated, because they had not been made in due time. Those who established their claims were paid, and by this means the surplus of 460,000*l.* was reduced to something like 200,000*l.*—at any rate the sum was very much reduced, but there was still a large surplus. He found by a Treasury Minute of June 8, 1830, that the Commissioners received applications for the unappropriated surplus at the disposal of the Government from the Bordeaux and the general claimants. The Bordeaux claims had gone beyond the full amount specially appropriated to their settlement, and, therefore, when there was a surplus from the fund he had alluded to, these claimants said, naturally enough, that they had an equitable claim upon that surplus. This was noted in the Treasury Minute, which ran thus, and to which he begged their Lordships attention:—

> "My Lords have before them letters addressed to the Duke of Wellington and to this Board, by several agents for certain claimants on the Government of France, under the Convention with that country of the 20th November, 1815 (No. 13), urging the claims which they have to receive out of the unappropriated surplus of the funds provided by Convention No. 7, of the 20th November, 1815, and a supplemental Convention of the 25th of April, 1818, the unsatisfied balance of their admitted claims under Convention No. 13. My Lords also read various applications from other parties, who consider themselves to have claims upon that surplus upon different grounds; and among others a letter addrsesed to their Assistant Secretary by the Secretary to the East India Company, advancing a claim to a sum of 1,009,312*l.* on account of expenses incurred by them during the war in the maintenance of French prisoners of war. From the time which has elapsed since the surplus of the funds was transferred to my Lords, my Lords consider that they have now before them every case in which any claim can, even in the opinion of the parties interested, be urged to favourable consideration. On considering the documents before them, with the exception of the claim of the East India Company, the decision of which rests in some degree on separate grounds, it appears to my Lords that the claimants may be divided into four distinct classes, comprising—
>
> "1. Those whose claims have been regularly presented in the time limited by the 12th article of the Convention No. 7, and have been disallowed by the Commissioners. To these may be added those whose demands, either for principal or an increased rate of interest, have been only partially allowed, and who seek a further payment.
>
> "2. Those whose claims not having been presented within the time limited by such Convention, have been subsequently admitted to adjudication under a Minute of this Board, and have been, on adjudication, either only partially allowed or disallowed altogether.
>
> "3. Those whose claims not having been advanced within the period fixed by the Convention No. 7, nor tendered previously to the date of my Lords' Minute of the 21st of May, 1826, have been excluded from consideration. To these may be added those whose claims under Convention No. 13, were not advanced within the period limited by that Convention.
>
> "4. Those (the Bordeaux claimants) whose claims have been admitted under Convention No. 13, or under the additional article to Convention No. 7, but who, in consequence of a deficiency of the funds allotted under that convention and additional article, have received only a percentage of their admitted claims.
>
> "With respect to the first class of these claimants, my Lords are of opinion that, as their claims have been regularly adjudicated in the manner prescribed by the Convention and the subsequent Act of Parliament, 59 *Geo.* III., c. 31, there is no ground whatever for the reconsideration that has been prayed. With respect to the second class, as their admission to participate in the advantages of the Convention was an Act of pure bounty on the part of His Majesty, they cannot, strictly speaking, have any right to an appeal from the decision of the tribunal to which His Majesty thought fit to assign the task of distributing his bounty. But as, in admitting those parties to share in the benefits of the Convention, it was my Lords' intention to admit the satisfaction of those claims as far as they were found to be just, without any objection as to the time of their presentation, my Lords do not see any inconvenience likely to result from giving to such of them as may wish to prefer an appeal to the Privy Council against the decision of the Commissioners in their

respective cases a power to prefer that appeal, provided that such appeal be lodged within a definite period. My Lords will therefore take measures for submitting to Parliament in this Session a Bill for giving to such of them as may appeal within a definite period the same power of appeal which was granted by the 10th section of the Act 59 *George* III., c. 31, to the first class of claimants referred to in this Minute. With respect to the third class of claimants—namely, those whose claims have not been brought forward either within the time limited by the conventions or tendered previous to the date of my Lords' Minutes of the 2nd of May, 1826, it does not appear to my Lords that they can now be admitted to consideration."

The Minute next referred to the last of these claims, as follows :—

"The fourth class of claimants stand in a different situation from those already enumerated; their claims have been regularly preferred within the period prescribed; they have been adjudged to have been well founded, but a deficiency of the funds allotted to their satisfaction has prevented their receiving more than a certain percentage on the sums pronounced to be respectively due to them. My Lords, therefore, consider that these parties have a claim to favourable consideration, and, should a surplus ultimately remain, my Lords do not think that it can be more properly appropriated than in some further compensation of this class of claimants, to the extent of half of the sum now remaining due to them under the adjudication of the Commissioners. Adverting, however, to the necessity of retaining an adequate fund to satisfy certain appeals now pending, or which may hereafter be brought before the Privy Council, and which, if decided in favour of the appellants, may greatly reduce, if not altogether absorb, the amount of surplus at His Majesty's disposal, my Lords do not feel that they can take measures for compensating these claimants until the period which Parliament may fix for the admission of appeals shall arrive, when the number of appellants and the whole amount of their several claims will be definitively ascertained."

So matters went on, and, there being still a surplus left, another Treasury Minute was made on the 6th of December, 1832, in which it was stated :—

"It appears to my Lords that the first step will be to nominate Commissioners for the purpose of receiving and adjudicating upon the several claims, under whose directions the fund in question shall be distributed; that the claims shall be presented to those Commissioners within a period to be hereafter fixed, and advertised in the *London Gazette* for the purpose, and shall be supported by such evidence as the Commissioners may think necessary to substantiate the claim; that the decision of the Commissioners shall be final and conclusive, the admission of the claims being altogether a matter of grace and favour; and that no claim shall be entertained until the party claiming, or his authorised agent, shall have signed such document as may be considered necessary to mark his acquiescence."

Another Minute followed soon after, appointing the Commissioners, and on the 15th of March, 1833, a Minute was issued giving certain directions for the guidance of the Commissioners, which the Treasury laid down as follows :—

"My Lords proceed to consider what description of claims are inadmissible, and what description it will be proper to submit to the adjudication of the Commissioners. In the first place, my Lords cannot admit that any claim shall be now entertained, which, having been heard before the late Commissioners of French Claims and rejected, had a right of appeal under the Statute to the Privy Council, of which they did not avail themselves, and still less that any claim should be entertained, the disallowance of which by that Commission, was affirmed upon appeal to the Privy Council."

Substantially, those whose claims had not yet been adjudicated upon on account of some mere technicality, as well as those who could show that lapse of time and delay in preferring their claims had not arisen from circumstances over which they had any control, were let in. They then stated :—

"If it shall be found, after deciding upon the claims under Class 1, and after paying the balances ordered by the Minute of the 8th of June, 1830, to the claimants under Class 2, that a surplus remains, that surplus will be applicable to the liquidation of such of the remaining claims now to be admitted, and of the balances still due to claimants under Class 2 in full, if the surplus be sufficient for the purpose, or *pro ratâ*, according to the amount of their several claims, my Lords considering that to be the fairest and most equitable manner of proceeding in this liquidation, under all the circumstances of the case."

As far as these directions went, the claims were adjudicated upon and paid. It was not quite correct to say the surplus had been all paid away, for there were a few thousands remaining which had not been paid, because questions of identity of parties had arisen; but in effect the whole fund had been disposed of in the mode sanctioned by the Act of Parliament, and the surplus, going to the Crown, had been disposed of by the Crown in the mode which appeared to it most equitable. There might be differences of opinion with respect to the best course to be taken on the occasion; but it seemed a most extraordinary proceeding, when every attempt had been made to terminate the matter fairly and justly, and when the principle had been acted on of letting in all whose claims had not been adjudicated upon, to call in question the propriety of that plan which had been actually adopted. The Baron de Bode, however, feeling convinced injustice had been done to him as a British subject, demanded restitution of his property *induement confisqué*, and petitioned the House of Commons to interfere in his behalf, alleging he had a claim on the surplus not disposed of under the original Act. The House of Commons refused to entertain that view, but they intimated to him, that if he had a legal claim on the surplus fund he might take any legal proceeding he thought fit to assert it. In 1837 or 1838 the Baron de Bode was advised to institute a petition of right, which was a very unusual proceeding in modern times, the nature of which he might sufficiently explain to thir Lordships by stating it was a lawsuit against the King, brought with the consent of the Crown. What the Baron de Bode had to establish was partly matter of fact, partly matter of law—first, he had to show that the property was his; next, that the cession had been valid in 1791; that it was within the meaning of the statute, and that he had a legal right to participate in the surplus of this fund. The proceedings went on, till at last there was a trial at bar before the Queen's Bench; and the noble and learned Lord certainly had the benefit of this fact, that a Westminster jury in 1844 found, in opposition to the finding of Lord Stowell and Sir William Grant twenty-two years previously, that the cession was valid and good. The Baron de Bode, however, had not proved that he had any claim of right in the fund, assuming the whole of his facts to be made out. It was quite unimportant that this point was decided in his favour, for he had no right to have any claim in the fund except through the bounty of the Crown, which had a right to appropriate it as it pleased. But the proposition of his noble and learned Friend was, that, whatever might be the law, this finding of the jury in 1844 ought to have led the Government to act on what the jury thought the just claim of the Baron de Bode, independent of the legal right. Now when his noble and learned Friend said that this finding was enough to show his abstract right, without any reference to his legal right, he must remind his noble and learned Friend that he was Lord Chancellor while all this took place. How came it, then, that he slept over this case while he was Lord Chancellor? How was it he had not moved—

Lord LYNDHURST said, the case had never been before him as Chancellor, nor was he then aware of it.

The LORD CHANCELLOR: Well, that so far might account for it. The surplus had been appropriated, though not as the Baron de Bode thought it should have been; and the question was, whether his case was one which called for their Lordships' intervention, and in which the country would go along with them in doing something which had never been done before—in interfering for a person in the situation of this gentleman. It was said he was a British subject, and so he certainly was; but he was a British subject by the merest accident. If he had been born of a Frenchwoman while over on a visit to a friend in this country, he would have been just as much a British subject as he was now. Would he be such a person as their Lordships would think it right to interfere with the bounty of the Crown for? He could not but think the Baron de Bode stood in a position on this ground which disentitled him to all consideration in such a proceeding as this. He quite admitted the argument founded on the fact that the jury found the cession was valid; but he must say that, speaking beyond the case, he doubted very much the competency of any jury, in 1844, to decide whether a transaction which had a great appearance of fraud in 1791 was fraudulent or not; though he admitted, as Lord Stowell said, that the Baron de Bode might not have considered the cession was an act of fraud at all. He must say, when he looked to this Motion, that he believed it was one for which there was no precedent, and that it was one which he trusted their Lordships would never set up. It indicated, on the very face of it, the most entire distrust in the decisions of the tribunals of this country, and—his noble and learned Friend must permit him to say—the most entire ignorance on his own part with respect to the course he (Lord Lyndhurst) wished their Lordships to take. He wished their Lordships "to recommend the case of the Baron de Bode to the favourable consideration of the Government." That was the sort of language which their Lordships were in the habit of seeing appended to begging letters. There was but one thing which their Lordships ought to do. If the Baron de Bode had justice on his side—if the Crown had no right to appropriate the fund to other claimants—if the Baron de Bode had in justice a claim on the fund—he (the Lord Chancellor) would not listen to any demand for "a favourable consideration" of his claims—there was but one thing they should do—they should immediately by Act of Parliament raise 1,500,000*l.*

sterling—charging it on the Consolidated Fund—to liquidate his claim. There was no fund in existence out of which the demand could be paid, and therefore they must, if the Baron de Bode was right, pass an Act for it. He did not know the meaning of the words "favourable consideration of Government." The matter had often before been recommended to the consideration of the Government for the time being; most Governments had had it under their consideration; and every Government had felt it was a claim not founded in justice, and that it would only be listened to on the condition of listening not only to every disappointed suitor standing in the same predicament, but to the claims of every disappointed suitor for the last fifty years. Their Lordships had now pending in their Lordships' House a question involving the right to property worth 60,000*l*, or 70,000*l*. a year. They would be bound to decide that; and if the principle of his noble and learned Friend was to be tolerated, what was to prevent the disappointed parties in that case coming forward some thirty years afterwards and saying that the law had been misunderstood by their Lordships on that occasion—that he had been deprived of a very large property in consequence, and calling on their Lordships to take his case into their favourable consideration. Six or seven years ago their Lordships decided a case against Lord Dungannon, which deprived him of 13,000*l*. a year. There had been very great doubts ever since resting on the minds of many learned lawyers that that decision was wrong—though he (the Lord Chancellor) believed it was right; but suppose thirty years afterwards their Lordships were to be asked to reopen that case, there was no reason why an appeal should not be made to reconsider their decision if their Lordships reopened the case of Baron de Bode. The truth was, that all tribunals were liable to err, both as to matters of law and of fact; and the principle never could be admitted, that after everything had been done, and the adjudication concluded, upon the suggestion of a dissenting party that justice had not been done, the State was to make good to that party what he had lost in consequence of the error to which all human tribunals were subject. Those were the observations he had to make upon this case, and he would sit down with repeating the sound maxim of law which he thought exceedingly apposite to the subject now under the consideration of their Lordships—*Interest reipublicæ ut sit finis litium.*

Lord TRURO:* However confident I may feel in the justice of the case which I am about to press upon your Lordships' attention, the appearance of the House must preclude any sanguine expectation of the success of the Motion of my noble and learned Friend; and I regret to perceive that the injustice and persecution which this unfortunate gentleman has suffered, has excited so little sympathy and attention, that the decision upon this, in all probability, his last appeal for redress, is left in the hands of the Government. Although there is not a single noble Lord now occupying the Treasury bench to whom individually I should not be content to leave the case, with a confident hope that the just claims of the Baron de Bode would receive his award, yet from those noble Lords united as a Government, I cannot entertain the same expectation.

But however much I may regret the failure of the Motion, I rejoice that it has been made; as at least one desirable result will be attained, that of satisfying the public, after the extraordinary misrepresentations and suppressions which have ever attended the discussion of the Baron's claims, the public will at last be satisfied of the reality of the wrong which he has suffered, and of the justice of his claim; and notwithstanding what has been said by my noble and learned Friend on the woolsack, I will venture to affirm that if this appeal be rejected, it will be a disgrace to the country. This case has been brought nine times under the consideration of the House of Commons, and upon every one of those occasions the application failed of success from the most extraordinary statements and contradictions from some member or other of the Government of the time being. Upon one of these occasions a Committee had been granted to investigate the case, when the Government allowed certain individuals, who had no claim whatever within the terms of the Convention—but who hoped to obtain payment of some demands against the French Government out of the surplus which would remain of the funds received by the British Government under the Convention No. 7, if the late Baron's claims should be successfully resisted—to oppose the Baron before the Committee; and after evidence had been brought from various quarters at a great expense, the objections raised by those persons rendered it necessary to send to Germany and other places for documents. This occupied so much time that the House was prorogued before a final report could be made. The Committee, however, reported in August, 1834, that they had made great progress in the inquiry, that very little remained to be done, and that they expected that their report would be completed early in the next Session, if, as they fully anticipated, the House would see fit to reappoint the Committee.

Shortly after the prorogation a change of Ministry took place. Parliament was dissolved, and the Member by whose efforts the Committee had been obtained, lost his seat. Considerable difficulty arose in inducing any other Gentleman to take up the case, which appeared to be surrounded with so many difficulties, and upon the justice of which so much doubt had been thrown. When, however, an hon. Member had been induced to move that the Committee should be revived, it was opposed by four Members—two of them Gentlemen who advocated the claims of those other persons to whom I referred (and who could by no possibility have any pretence of right) their sole ground of opposition being the hardship upon those persons of the delay which would arise from prosecuting the investigation of the Baron's case.

Upon the merits the Motion was opposed as usual by two of the Members of the Government—the then Solicitor General (Lord Cranworth), my noble and learned Friend who is now on the woolsack, and my noble Friend upon the bench (Lord Monteagle) upon my left hand, the then Chancellor of the Exchequer; and as I should not occupy your Lordships' time usefully in recapitulating the several different, and not always consistent statements, made by the Government from time to time, when the case was under discussion, I shall content myself with presenting a fair sample of those statements, by calling your Lordships' attention to what was said by my two noble Friends upon this last occasion; and I shall do so with pain, because I am sure that I shall excite considerable regret and uneasiness in my noble and learned Friend on the woolsack, than whom I do not believe there lives a more honourable and just man. But, acting upon representations and instructions which he then received, he was induced to make allegations more unfounded and less consistent with the real facts, than ever counsel at the Bar had ever the misfortune to make against the adverse party. The case now comes before your Lordships, however, under happier circumstances than any which have hitherto attended the appeals for justice.

The facts are now upon record. They can no longer be denied or evaded; and when I bring forward those statements made by the two noble Lords to whom I have referred, the one now Lord Chancellor (Lord Cranworth), but then Solicitor General, and the other the then Chancellor of the Exchequer (Lord Monteagle), I now pledge myself in their hearing, that they will not attempt to repeat or defend any one of those statements, by which they induced the House of Commons to refuse to revive the Committee which the former House had felt it its duty to grant.

I cannot repress the expression of my surprise at the intimation of the intention of the Government to resist altogether the present application—a course which I think is not consistent with the respect due to the honour and character of the House.

My noble and learned Friend (Lord Lyndhurst) brought forward the case, which was not new, but had floated upon the minds of the Members of both Houses for some years; and, in a House consisting of a more than ordinary number of Members, he made his most able and powerful statement; and, although one or two noble Lords, influenced by the repeated unsuccessful appeals which had been made to the House of Commons, expressed a doubt whether statements showing the case to be one of such glaring injustice could be correct, and expressed an intention of saying, 'Not Content,' yet after further discussion the Committee was granted *nem. con.* My noble Friend brought forward the Motion with the avowed object of asking the House to interfere to obtain redress, if, in the result, the facts should be substantiated; and many of the noble Lords were then present, and forbore to express any dissent to the Motion; and I now ask what did the House authorise to be understood by granting a Committee? Surely the House did not mean to occupy the attention of the noble Lords who formed that Committee in a laborious investigation for their amusement only—that however satisfactorily the facts might be established, no result was to follow from a Report to that effect. Is it consistent with the character of the House—now that the Committee have unanimously reported the case to be established in every point—that such Report is to be treated as amounting to nothing, and as giving no claim whatever to any further consideration of the subject. Surely, my

Lords, this is most unseemly, this mockery of granting a Committee to ascertain facts which when established are to be of no avail, to induce this individual to incur considerable expense in attending that Committee, and bringing his witnesses and documents to prove the allegations of his petition, and then to tell him that the granting of the Committee was an idle, fruitless ceremony, successful only in occasioning expense and trouble, and in exciting hopes which it was never intended should be gratified. I trust the noble Lords on the Treasury bench, with regard to the consistency and credit of the House, will abandon their intended opposition to the Motion; especially after I shall have adverted to the facts of the case now so incontrovertibly established. I say incontrovertibly established, because, whilst never was a case brought forward under circumstances of so great difficulty in regard to the production of evidence, never was case so thoroughly investigated, or so undeniably proved. Notice was given of the claim under the Chancery Commission. It was afterwards proved by *vivâ voce* evidence, to the satisfaction of a special jury, before four learned Commissioners nominated by the Lord Chancellor, who returned a verdict affirmative of every allegation. Notice had been given to the Crown by the statements contained in the Petition of Right of the facts intended to be relied upon.

The execution of the inquisition furnished the detail of the proof in support of those allegations, names and residence of the witnesses, dates and places of every occurrence. The Government possessed a shorthand writer's note of all that detail. The law officers afterwards thought right to put in issue every allegation which had been so proved; and again, before a special jury this unfortunate gentleman had to incur the enormous expense of producing his evidence upon the trial at Bar before the four Judges of the Queen's Bench and a special jury.

The law officers appeared upon that trial; they cross-examined the witnesses, and urged every possible technical objection; and after an elaborate address upon the evidence by the Attorney General, and a summing up by the Lord Chief Justice, the verdict of the special jury was again in favour of the Baron, reaffirming every fact proved before the former jury. Surprise, therefore, as to the evidence, there could not be. Witnesses who had been brought from abroad on the part of the Crown were in court and heard the evidence, and the counsel of the Crown were challenged to call them, but the verdict passed without this being done.

No application was afterwards made for a new trial, nor was any objection whatever made to the verdict.

Now, a Committee of this House sat—a tribunal open to receive explanations of every sort. If any circumstance had been supposed to exist, tending to impeach the justice of the claim, or which furnished any reason why this House should not interfere, such explanation might have been laid before the Committee, either by noble Lords of this House, or by any other person; and an opportunity would have been afforded to the Baron to meet any statement that might be made. But this gentleman has been treated in this extraordinary manner, that no one ever appears before any tribunal to impeach any of the grounds upon which his claim rests when he can be heard in answer; but, upon every occasion when the subject is brought under consideration, and he cannot be heard in answer, opportunity is then taken to insinuate causes of doubt and suspicion as to the truth and reality of his case, accompanied by contradictions, which there are no means at the time of repelling; but the same contradictions are rarely repeated twice. The case is now here, when I defy contradiction or denial. I regret that the leaven deposited in my noble and learned Friend's mind in his official character of Solicitor General, should still continue to operate, though in a very different manner. In the speech he has delivered to-night, he has repeated no one statement by which he induced the House of Commons to refuse to revise the Committee, no one denial which he then uttered. I beg your Lordships' attention to what he then said; and I ask him, which of those statements he will now assert to be correct? He made statements, as to facts, the direct contrary to reality, and insinuated charges of fraud founded upon those statements, without a shadow of ground. He not only impeached the reality of the claim, but imputed a want of integrity and good faith in the conduct of it before the Commissioners. I am sorry that the course he has taken to-night, of inviting your Lordships to refuse the Motion upon the ground that it has been so often heard and adversely decided, renders it necessary that I should show what has caused some of those decisions—namely, misrepresentations the most glaring. He has now admitted, what had been before denied, that the Baron was a British subject in a certain sense, having been accidentally born in England. What my noble and learned Friend meant by the Baron's being a British subject in a certain sense, I do not know. He was a British subject in the same sense of every one of your Lordships who was accidentally born in England. His father and mother were married in England, and, for aught that appears by the evidence, remained in England from that time to the birth of the Baron. He was a British subject entitled to every right, bound to every duty which could attach to the most perfect British subject in the kingdom.

By the French treaty and convention, indemnity was to be given for the spoliations committed by the revolutionary Government upon British subjects, unaccompanied by any words of qualification or exclusion; and, as according to every writer upon the subject, the duty of a Government to protect necessarily follows, and attaches to the duty of allegiance and obedience by the subject, I ask, under the general reference in the treaty and convention to British subjects, upon what pretence of reason or justice can the Crown and Government of England refuse protection to an individual upon whom allegiance, duty, and obedience to that Government have attached in every sense? In regard to national character, he is qualified to sit in either House of Parliament, to be a Privy Councillor, and to fill every office in the State. The "certain sense," therefore, in which he is a British subject, as stated by my noble and learned Friend, is in every sense in which a man can be a British subject. But, my Lords, mark by whom, and under what circumstances, and for what purpose, my noble and learned Friend stated this gentleman was a British subject "in a certain sense," meaning, I suppose, that that "certain sense" was one which did not entitle him to compensation under the treaty.

Upon the presentation of his claim, in the first instance, to the Duke de Richelieu, doubts were expressed as to his national character. The subject was investigated—the opinion of Sir S. Romilly was obtained to the effect that the Baron was a British subject to every intent and purpose, and the objection was withdrawn, and the claim now under consideration was handed over by the French Government to the joint Commissioners appointed to investigate the British claims. Claims for compensation had been presented by persons claiming to be British subjects in respect of confiscation of property in France, and also in respect of property confiscated out of France. The Baron was a claimant in both respects. After the abandonment of the objection to his national character, his claim in respect of confiscation of property in France was handed over by the French Government to the joint Commissioners appointed to investigate British claims. There was also handed over the list of claimants in respect of property confiscated out of France, which included the Baron. It was signed by the British and countersigned by the French Commissioners. It recognised his British nationality, and that he had presented his claim within the time limited by the treaty. A list with the claim of the Baron now under your Lordships' consideration, together with a list of the claimants for the confiscation of property out of France contained in that list, whose national character was disputed, and in which disputed list the Baron's name was not included, were both signed by the French as well as the British Commissioners before the British Government accepted a certain sum to satisfy the claimants under the Convention No. 7, and discharged the French Government from its liability under the treaty and convention. Under these circumstances, upon what just pretence, I ask, when the Baron required payment, could the British Government raise objections in regard to national character? Surely this attempt at evasion was most unfounded and dishonourable in relation to the French Government as well as most unjust towards the Baron.

My noble and learned Friend further stated an objection to the claim, that the Baron had in the first instance presented his claim as arising out of the peculiar character of the property confiscated as a German fief inalienable, and in which, therefore, the Baron, as heir-at-law of his father, had an interest which entitled him to compensation;—but that the claim was unfounded, inasmuch as the French Government had abolished all feudal rights in regard to that property, and therefore when it was confiscated it was the sole property of the late Baron's father, to dispose of as he might think fit. And my noble and learned Friend then stated that the Baron "feeling the irresistible force of this objection, then shifted his ground, and said that his father had made a secret cession of the estate to him;" and then "that in this country we should be inclined to apply a harsher name to such a proceeding." Reviving this statement in my noble and learned Friend's memory, I would ask him upon what authority he was induced to make these statements, and, upon the faith of them, successfully urge the House of Commons to refuse to reappoint this Committee? I would ask him, had he read the claim? had he inspected a single document? had he read the award? or the confirmation of it by the Privy Council?

It is plain he had not: because the original claim, dated 18th February, 1816, gave no colour whatever for this unfounded imputation of a fraudulent shifting of a ground of the claim. But first, in regard to the feudal rights. When Alsace was ceded to France, in 1648, the Treaty of Munster, by which the cession was made, contained an express stipulation that the province ceded should be held by France subject to the feudal rights of the German nobility in Alsace, and particularly to the continuance of the feudal connexion with the German empire, and France expressly renounced all right to disturb these arrangements. Things so remained until the French revolution.

The abolition of those rights, after ineffectual remonstrance, was one of those aggressive breaches of treaty which gave rise to the war between the German empire and France, and was actually stated as one of the grounds of that war, and constituted, therefore, one of the grounds for compensation.

As to the alleged "shifting" of the ground of claim, from a claim as heir-at-law in relation to a German fief to a claim under a secret cession by his father, I will state the facts as they occurred, and I call upon my noble and learned Friend on the woolsack to correct my statement, if he is prepared to state that it is in any respect inaccurate. Should he venture to do so, I will refer to the indisputable proof of everything I shall urge.

The Baron's original claim was a claim as owner of the property confiscated, not containing a syllable about his father, nor anything from which there occurred the slightest variation during the prosecution of the claim. As soon as the Commissioners called for further details as to the nature of his claim and the proof of his title, the claim was stated to be founded upon a cession made to him by his father. This, I again state, was the ground of claim from the first step until the award of rejection. The ground was never shifted, either because an objection was made upon the abrogation of the feudal rights in Alsace, or for any other reason. Surely my noble and learned Friend cannot help feeling that he owes some compensation to the Baron, for having induced the House of Commons to act upon a statement so unfounded, and so calculated to prejudice the minds of English Gentlemen; but, not content with imputing this 'shifting' in the ground of claim, merely as a fact, although he did not charge that this shifting was fraudulently done, he yet, in a delicate manner, took great care that it should be so understood, and followed his statement by the remark that, "in this country we should be inclined to apply a harsher name to such a proceeding."

But the mis-statements do not end here. My noble and learned Friend said, that the claim, when shifted, was put upon the ground of a secret cession by his father.

The LORD CHANCELLOR: What is my noble and learned Friend reading from?

Lord LYNDHURST: From *Hansard*, which, with your friends, you know, is a great authority.

Lord TRURO: Yes, I am reading from *Hansard*, but I heard the speech myself. It was made in answer to me, and it caused me no slight pain, that I had not the opportunity of replying to it, by stating, not only that there was no foundation whatever, for imputing to the Baron that he ever alleged the cession to be secret, by virtue of which he claims, but that the very contrary is the direct truth. The force of his claim consisted in its being an open and notorious cession—upon an occasion, public for the very purpose of witnessing it.

The municipal authorities and inhabitants, to the number of four hundred, were assembled, and the father read a document, stating the cession to the son.

Such is the evidence actually proved before the jury. The object of the cession was to avoid, if possible, the spoliation of the property as belonging to the father. Notoriety was evidently essential to the accomplishment of the purpose. Therefore, there was no ground for this unfounded statement, that the Baron had claimed under a cession alleged to be secret. There could be no object in making such a statement, except to create a prejudice against the claim, by the imputation of a fraud.

Further, my noble and learned Friend

stated, that the property was seized as belonging to the father, the evidence being, that the description of the owner of the property, as inserted in the list of emigrants whose property was to be seized as confiscated, was "De Bode of Soultz" only, with no particular application to either father or son. This also, I presume, was suggested to confirm the idea of the cession being secret, or never having had existence at all; and my noble and learned Friend remarked, that the Baron's father made no objection to the proceeding, on the ground of the alleged cession to the son. The father, because of his being an aristocrat, had been denounced, and would no doubt have been guillotined, if he had not escaped to the Austrian army; and it is urged, as evidence that the allegation of a cession having been made was not true, or that the cession was not *bonâ fide*, because the father did not put his head under the guillotine, by appearing before the revolutionary authorities, and protesting against the seizure, as consequent upon his own emigration, upon the ground that the property belonged to his son—that son having also emigrated. Of what value, as a protection to the property, would have been such a protest, while it would have been death to the individual protesting? Such were the grounds upon which my noble and learned Friend, in his character of Solicitor General, induced the House of Commons in effect to revoke the former vote upon the appointment of the Committee which had been granted after successive debates, although unsuccessfully opposed by the Solicitor General of that day (Sir Charles Pepys), but who was not prepared with those fatal mis-statements which my noble and learned Friend on the woolsack was most unwarily, though innocently, made the instrument of propagating.

He further stated that, upon the hearing of the petition to the Privy Council for a rehearing, the Council, upon consideration, determined that there was no ground for acceding to its prayer. He caused it to be understood that Lord Stowell and Sir William Grant were of that Council; the fact being that neither of those distinguished persons had anything to do with that petition for rehearing; and the only decision was not, as stated, that there was no ground for acceding to the prayer, but that the Privy Council had no jurisdiction to rehear the appeal. Is it not, I ask, more extraordinary that such a series of mis-statements should have been fabricated, than that they should have had the effect of misleading the House of Commons into an impression that the claim was not only unfounded but fraudulent. Coming from the Solicitor General, all doubt of the correctness of the statements was excluded. I have said that all the previous applications to the House of Commons, with the exception of that when the Committee was granted, had been resisted, not by the identically same mis-statements, for they could not be urged upon more than one occasion without being met by a contradiction, but by unfounded allegations of a similar description, having the same effect and producing the same result.

The Attorney General of one day (Sir Charles Wetherell), was instructed to state that there was no ground for the Baron's assuming to be a British subject. At another time, that the claim had not been registered in due time, although no registration was necessary, and the case was known to have been heard, and an award made in relation to it as a registered claim.

Thus time after time, were the applications to the House of Commons repelled, and then it is said that these repeated unsuccessful appeals to the justice of the House of Commons ought to be deemed decisive evidence against any just foundation for the claim.

The ground relied upon by the then Chancellor of the Exchequer, my noble and learned Friend on the bench on my left (Lord Monteagle), was, the great voluntary delay on the part of the Baron in presenting his claim to the House; it being perfectly well known that the Baron de Bode had, from first to last, most indefatigably importuned the Members of the House of Commons to bring forward his claim, and has struggled against the delay to the utmost of his power.

I shall now call your Lordships' attention to the futile grounds upon which the present Motion has been opposed by my noble and learned Friend (the Lord Chancellor). The case now stands before your Lordships too well established to admit of any statements in contradiction of the recorded facts. The House, after hearing the details of the case, and every stage of the proceedings, from my noble and learned Friend who made the Motion, granted the Committee. The award, the confirmation of it by the Privy Council, the petition for rehearing, the Motion for mandamus, the trial at bar, the Motion to arrest the judgment, the writ of error to the Exchequer Chamber, and, finally, the writ of error to this House, were all distinctly stated; most of the noble Lords now present being in attendance when the Motion was made, including my noble Friend upon my left, and my noble and learned Friend upon the woolsack. Not a syllable was then said that those circumstances furnished a reason for refusing further investigation, or that the granting of the Committee would be useless; as, although all the facts stated should be proved to the satisfaction of the Committee, they would furnish no ground for the interference of the House in favour of the Baron. Yet, after the labours of the Committee, some of whom were among the most intelligent Members of the House, and after an unanimous Report as to the facts, and a recommendation of the case to your Lordships' consideration, my noble and learned Friend has no better reason for opposing the application that your Lordships should act upon the recommendation of the Committee, than that the case has been so repeatedly heard and decided. For although the noble and learned Lord addressed the House at some length, the first part of his speech consisted only of an admission that the Baron must be considered in some sense a British subject; but the greater part of his speech consisted of a laborious detail of the manner in which the Lords of the Treasury had disposed of the surplus of 500,000*l.* that remained, after satisfying all the claims awarded to be within the treaty; the question being not how or upon what worthy motives the Lords of the Treasury had disposed of the surplus, but the right and propriety of their disposing of it in any manner, while the Baron was seeking a further investigation of his case. True, my noble and learned Friend did mention the award and the various decisions, and the noble Lords cheered those decisions. ["Hear, hear!" *from the Treasury bench.*]

The noble Lords renew their cheers. What is it they cheer? Is it the patient hearing and full opportunity of proving his case allowed to him by the Commissioners of Liquidation, or the justice of refusing him the opportunity of producing his evidence in proof of the cession, upon the admitted illegal ground that it would be useless to allow an opportunity to prove the cession, unless he would also undertake to prove a fact which they knew did not, and the Baron never pretended did, exist, that is, that the revolutionary Government seized the property as belonging to a British subject, by virtue of the decrees against British subjects, and afterwards in making their award against the Baron upon the ground that he had not satisfactorily proved that cession which they had denied him the opportunity of proving? or the other well-advised ground, that he had not proved the property to be seized as they required? or the great intelligence and fitness for their duties manifested by the Commissioners of Liquidation by construing *biens caducs* to mean property abandoned by the Baron, which in truth meant property which had escheated to him and his predecessors, the Lords of the fief? or perhaps the noble Lords will say, they cheered the sense of justice manifested by their having thought it right to warn the Baron that the certain rejection upon appeal of his claim would be occasioned by any attempt to produce that evidence before the Privy Council upon the appeal in support of the cession, which they had denied him the opportunity of offering to them? or perhaps it was the ingenuity and dexterity which were manifested throughout the proceedings in defeating the claim upon technical objections, always beside the merits of the case? or the no less ingenuity exerted in the various unfounded statements by which the House of Commons had been so often misled and induced to refuse redress? But whatever may have elicited those cheers, it certainly was not any statements which had the slightest tendency to show that justice had been done.

The main point of my noble and learned Friend's opposition is, that the case ought to be considered after what has passed, as *res judicata;* that the Commissioners of Liquidation were the authority appointed by law to decide the claim; and that any step by the House which would operate as a reversal of their decision would form a most dangerous precedent, and furnish grounds for appeals without end from all the tribunals of justice in the country.

I pray your Lordships to attend to a few words upon the merits of the position urged by my noble and learned Friend. What is the tribunal to which he refers? Was it one of the ordinary tribunals of the country, consisting of Judges, whose competency to the duties they were appointed to discharge, had been manifested in any previous situation? Had the tribunals any settled law or rules by which their decisions were to be governed? Was there any form of proceeding which secured the parties a public and fair hearing? Was it a tribunal that can be compared in any respect with any of those to which my learned Friend has sought to assimilate them? The tribunal consisted of gentlemen appointed by the Government, unknown but in their respective limited circles—bound by no rules or restrictions—sitting in private—and who, unfortunately, have manifested very little skill in regulating proceedings of a judicial nature, and as little in their competency to decide upon the principles applicable to the matters intrusted to them. That they committed manifest errors is quite clear. Their personal respectability and integrity is sufficiently vouched, in my judgment, by the Government having appointed them, notwithstanding their failure in the execution of their duties. It has been demonstrated that the ground upon which they refused to allow the Baron time to produce his evidence was illegal, and that, since their award, the Baron has established by irrefragable evidence, affirmed by the verdict of two special juries, the fact of the cession, the evidence of which they refused him the opportunity to produce. Regard being had to these facts, and to the nature and character of the tribunal, I submit that there is no ground whatever for the argument, that should your Lordships endeavour to redress the injustice inflicted by the award, that your doing so will furnish any precedent for irregular appeals against the decisions of the ordinary courts of the country.

If in a litigation between A. and B. a sum of 1,000*l.* is awarded by the regularly constituted tribunals to B., which, in truth and justice belongs to A., A. has no claim upon the Government or the country for redress. They have performed their duty by erecting competent tribunals, and they have no interest in the result. Here the Government does not stand indifferent. It is one of the parties, and is seeking to avail itself of the blunders of its own agents to retain money which is clearly proved to belong to the claimant. There is, therefore, not the slightest analogy between this and the ordinary decision of Courts of Law.

My noble and learned Friend adds, that the numerous other dissatisfied claimants may equally appeal. To which I answer, that if there be claimants whose cases are analogous to the Baron's, in having been refused a proper hearing, I am prepared to say that your Lordship's treatment of the Baron's case ought to be such as to form a just precedent for appeals to your Lordships by those parties. In redressing the injustice inflicted upon this individual, you will only confirm the confidence of the country in your justice, by showing that, wherever else parties may fail in obtaining a fair hearing of their wrongs, in this House they will be sure to obtain it, and be assisted by your Lordships in endeavouring to obtain their rights. But this case does not only affect justice to an individual, but also, in a great degree, the honour of the country. I trust, therefore, that the argument will not be esteemed of any weight by your Lordships.

What, then, my Lords, are the simple facts presented as the ground for acceding to the Motion of my noble and learned Friend?

The Government of this country received a sum of money by virtue of a treaty with France, upon trust to apply it in compensating the British subjects who had suffered spoliation by the revolutionary Government, and who should duly present their claims according to the terms of the treaty. Baron de Bode has established by proof, which has been affirmed by two special juries, that he suffered spoliation under circumstances for which the treaty provided compensation. That after satisfying every other claim established to be within the treaty, there remained a surplus sufficient to satisfy this claim. That as it was represented to Parliament that a surplus might be anticipated, such surplus was placed at the disposition of Government, but it was only the surplus, after satisfying all the claims of the treaty, that was so placed. That when the Commissioners of Liquidation entered upon the investigation of the claim, they gave a notice to the Baron of the facts which would be necessary for him to establish to entitle him to an award. But that notice required evidence of a state of facts which the terms of the treaty did not authorise them to require.

The fact of the alleged cession by his father was properly required to be established. It is evident, not only from the circumstance that the spoliation of property recurred during a most violent revolution, but also from the nature of the tribunal constituted to investigate the claims, that no one expected that the claimants would be enabled to produce either legal or precise evidence in support of their claims. The treaty distinctly indicates that such was not to be expected. And with respect to the particular case of the Baron de Bode, distinct evidence was given that the revolutionary army conducted themselves in the most violent manner in Soultz, the town where the Baron's mansion was; that the municipal archives, papers, and documents were thrown into the streets, burnt, trodden upon by men and horses, and destroyed in every way which outrage could dictate.

The Baron had, therefore, to procure certificates, copies, and authentications of various kinds, all of which will be found detailed in the Report. The Baron, under these circumstances, prayed the Commissioners of Liquidation for time to produce his evidence in support of the cession; and he laid such grounds before them as induced them to grant the time, provided, however, he would undertake also to prove that the property had been confiscated, as a British property—a fact which did not exist, and which of course could not be proved.

The Baron's agents, therefore, avowed their inability. Whereupon the Commissioners made their award, rejecting the claim, and stating two grounds, and two only, for that rejection. One was, that the Baron had not satisfactorily established the alleged cession. The other, that he had not proved that the property had been seized as British property, by virtue of the decrees against British subjects. He appealed; when the Commissioners of Liquidation gave him notice, as I have stated, that his appeal would certainly be dismissed if he attempted to produce any other evidence than that which had been laid before them. And upon the appeal, the Privy Council being limited to the same evidence which had been before the Commissioners of Liquidation, affirmed the award.

The Baron petitioned for a rehearing. He was told, without any examination into the merits, that the decision of the Privy Council upon the appeal, having received the Royal approval, there was no jurisdiction to grant a rehearing.

The Act of Parliament having put the surplus in the disposition of the Lords of the Treasury, application was made for a mandamus to compel the payment of the claim. That application was refused; not upon the merits, but simply upon the ground that the Lords of the Treasury held the funds only as servants of the Crown; and that the Crown could not issue a mandamus against itself.

In consequence of this decision, the Baron was advised, that the only remedy open to him was by Petition of Right, which was accordingly presented. Every opposition was offered to the prosecution of that remedy. Upon the taking of the inquisition under a commission issued under that petition, all the facts necessary to show the claim to be within the treaty, were distinctly proved and affirmed by the verdict.

The Crown afterwards, as I have detailed, traversed every fact; and all the facts were again established and affirmed by the verdict, on the trial at Bar. When application was made for judgment upon that verdict, it was not impeached; but it was said that the Act of Parliament had placed the surplus in the absolute disposition, not of the Crown, but of the Lords of the Treasury; and, therefore, no one could claim an interest in the fund, in opposition to the statute. Upon that ground the Crown succeeded in arresting the judgment.

That decision was affirmed upon writs of error by the Exchequer Chamber and this House.

The result therefore is, that having at last in the most strict and legal manner, proved the case, and shown the existence of a surplus fund adequate to satisfy the claim, yet Parliament having been induced to place whatever surplus might remain of the money received from the French Government, after satisfying all claims on which favourable awards had been made, at the disposition of the Lords of the Treasury, the Baron was told that the 500,000*l.* which proved to be the admitted amount of the surplus, having been so disposed of by Parliament, he could have no claim upon it.

My Lords, this was a sacred trust fund, received for an express particular purpose; and the trust was for the exclusive benefit of a certain class of British subjects who had suffered by the French revolution. The Baron has distinctly proved himself to be one of that class. Why is a second spoliation to be committed upon him, and that by his trustees, those trustees being the Government of England, so constituted by treaty with France? Is not a double fraud committed, the one upon Parliament, the other upon the Baron? The fraud upon Parliament being by the Government taking advantage of the terms of an Act prepared and procured by itself, purporting to give a power over an anticipated surplus, after satisfying all claims within the treaty; and the Government perverting that Act of Parliament to justify an appropriation of the surplus to purposes not at all within the treaty, to the exclusion of an unsatisfied claimant who has proved a claim most distinctly within the treaty. Is not such perversion a fraud upon the Baron? Surely every right-minded man must perceive that the nation was pledged to the French Government to apply the fund intrusted to it, to the specific purpose of the treaty, and especially not to divert any portion of that fund to other purposes than those of the treaty, while a claimant within the treaty remained unsatisfied.

My noble and learned Friend's statement of the meritorious purposes to which the diverted fund has been applied, I submit, is idle and irrelevant as an answer to a complaint on the ground that the Government had no right to divert and apply the money to any purposes whatever while the Baron's claim was unsatisfied. But as to certain parts of that fund, it is clear it has been applied to the payment of a demand or debt due from the English Government, and which debt ought to have been paid out of the public purse, and ought not, by an abuse of trust, to have been paid out of the fund 'ear-marked' for the claimants under the treaty.

The English Government had caused the property of persons represented by M. Ladébat to be unjustly or improperly seized, and they were bound to restore the property or make compensation; and they did accordingly pay a part of the compensation out of the public purse. The amount of 23,700*l.* was actually taken out of this trust fund and paid to M. Ladébat. How can the nation, with any decency, retain that sum?

The disposition of the remainder of the fund was in no respect within the terms of the treaty, and many of them had no relation whatever to the subject of the treaty.

Here is, therefore, a case which, of all others, requires attention to good faith and honour. The British nation, complaining of wrongs committed upon its subjects, receiving a fund, under treaty, in trust, to pay the class of British sufferers who should make their claims within the terms

Lord Truro

of the treaty, and, by force of an Act of Parliament, perverting those funds to other purposes, and denying justice to one clearly of the class for whom the treaty provided compensation.

Parliament is not intentionally a party to this transaction. The Act only dealt with the surplus, upon the understanding that 'surplus' would mean so much of the fund as should remain after satisfying every claim within the treaty. The Government have thought fit to treat this large sum as a surplus, although a just claim remains unsatisfied.

If the country, to redeem its honour and do justice to the Baron, should satisfy his claim, or any part of it, out of the public purse, the evil will have arisen from the mistake of the Government to whom the Parliament had intrusted the administration of the fund.

I do therefore call upon your Lordships to take a just view of this case, and not prefer saving the money of the country, either to the preservation of its honour or of its justice. You have granted a Committee to investigate the case. They were open to hear every objection, legal, moral, or of any other nature which could exist against the claim. No well-founded objection of either character could be stated against it. They have unanimously reported in its favour. Did you mean anything by granting the Committee? or was it a mockery? If anything was meant, it must have meant that, if the case proved to be what the noble Lord who moved the Committee had asserted it to be, it should receive your further consideration. All that was professed has been established, and I therefore earnestly claim of you to redeem your pledge, and, with it, the credit of the nation. The case can furnish no precedent which can be injurious, as it will only establish that a claim upon the nation, clearly founded in justice, will always in the result find redress. I know the difficulties in which the Government are placed in consequence of the largeness of the sum demanded; but I earnestly trust that you will not allow Parliament to be disgraced—that you will not suffer the country to be subjected to this injustice—by rejecting the claim; and I believe, if you take a just course on this question, you will be supported by the general feeling of the country.

Lord MONTEAGLE said, that he doubted whether an assembly like the

House of Lords, however strengthened and guided as it might be by the presence of great lawyers who were amongst its greatest ornaments—Members, yet when not acting judicially and bound by the rules which regulated the proceedings of courts of justice, was competent to deal with a question like this. Indeed, he thought himself entitled, in opposing this claim, to take his stand on this point—that this case had already been heard and decided by competent courts expressly established to dispose of such cases; and that it was, therefore, inexpedient for their Lordships to interfere. His noble and learned Friend who supported the case of the present claimant had argued that the course which the English Government had pursued on this subject, especially with reference to the appropriation of funds received, as it was said, under one convention, but paid to claimants under another, was a breach of faith of which the French Government had a right to complain. He would ask his learned Friend whether the French Government had ever so complained? This was the first time he had heard such a suggestion. He might, however, be permitted to tell their Lordships that the Act authorising the payment of the claimants under one convention out of the surplus, or supposed surplus, remaining over after the payment of the claims under another convention in virtue of which the petition was presented, and Baron de Bode claimed, was passed at the suggestion of the Duke of Wellington, who had himself negotiated these conventions, and who never ceased to pay particular attention to the measures necessary for carrying them out.

Lord LYNDHURST remembered that that Act was passed on the supposition that there was a surplus under the Convention applicable to the case of the Baron de Bode's claim, which was, however, then pending, as it had been during the whole of these proceedings.

Lord MONTEAGLE said, that no doubt, in one sense, the Baron de Bode's case was then, as it still might be said to be, pending; but it had been debated and rejected, and he knew not by what mode of reasoning that which had been rejected could be maintained as a standing claim. His noble and learned Friend said that the misapplication of these funds was a disgrace to the English Parliament, and to those who had administered them. But this was a somewhat unreasonable charge to bring against every House of Commons, from the days of Lord Liverpool to the present Session. Who had been guilty of this alleged injustice? Why, from the days of the negotiation with France to the present, every successive Government—Parliament itself, the Commissioners of French Claims, the Judicial Committee of the Privy Council—had successively determined this question in the same way; yet, nevertheless, this question had been now treated as if a legal right had been refused by a band of conspirators from the days of Lord Liverpool's Administration downwards. The complaint of his noble and learned Friend reminded him of the juryman who denounced the eleven obstinate men who opposed his single view, as being the most stupid and obstinate of men. Was it possible, that, if this claim had been well founded, not one of those Administrations should have been favourable to it? His noble and learned Friend, indeed, suggested that the Government of Lord Derby as having agreed to appoint a Committee, had been favourable to the consideration of this claim; and he, therefore, called upon the House to carry out what appeared to him the logical consequences of the appointment of that Committee to investigate this subject. The appointment of that Committee could not, however, bind those who, like himself, had been opposed to its nomination; nor could it bind the Members of the present Government, who were not then in office; if it involved such a result, which, however, he did not admit, it could only bind the Members of the late Government, who granted it, and their interest in the subject was abundantly shown by the fact of none of them being then present to support the Motion of their noble and learned Friend.

Lord LYNDHURST said, it was not the late Government, but the House, which granted the Committee.

Lord MONTEAGLE replied that, true it was that the House itself technically named the Committee. But when a Government support and carry such a Motion, it was a usual and well-understood term, and one which was perfectly consistent with the fact, to say that "the Government granted a Committee."

Lord LYNDHURST: I had not the slightest communication with any Member of the late Government when I made that Motion for a Committee. I made it as an independent Member of the House, and the Committee was granted by the House without any opposition whatever.

LORD MONTEAGLE, in continuation, said, then the noble Lord's argument in favour of the petitioner was so much the weaker, as he was thus left without the single authority on which he had seemed to rely. But it would be indeed a dangerous result if Governments, or if Parliament, should be held bound to adopt the recommendations of every Committee whose appointment it had sanctioned. It had been said that this fund had been applied to purposes other than those which were contemplated by the French Government when they agreed to pay it; for instance, that it had been applied to the building of Buckingham Palace—

LORD LYNDHURST: I never said so.

LORD MONTEAGLE: Nor had he (Lord Monteagle) said that his noble and learned Friend did say so in direct terms; because he was too good a tactician to advert distinctly to any topics except such as would serve his argument. But it had, nevertheless, been suggested and relied on, that a large part of the funds which were provided by the French Government for the indemnification of British subjects was applied to the building of Buckingham Palace, and that this misapplication was the reason why the claims of the Baron de Bode were not satisfied. Now, it was no doubt true that such a misapplication of those funds did take place under the former Government, that of Lord Liverpool; but it was equally true that Earl Grey and Lord Spencer compelled the repayment of every sixpence (with interest) of the money forming part of the sums granted by the French Government under the treaty for the indemnification of British subjects. The latter fact was suppressed, whereas it was sought to make an impression in favour of this claim. The whole indemnity fund had been applied to its appropriation laid long since before Parliament. It seemed a great inconsistency for the noble and learned Lord to argue alternately that everything should be condemned not strictly according to law, and yet when the case of his clients required it, he objected to the Commissioners for not giving a loose and equitable construction in deciding the cases entrusted to their decision. As officially connected for a time with the administration of these affairs, he took upon himself to say, that, without referring to his own share as Chancellor of the Exchequer in these transactions, never were more pains taken than by all parties concerned in the administration of these funds. He alluded specially to the Duke of Wellington, to successive Boards of Treasury, to the Commissioners for French Claims, and to the Judicial Committee of the Privy Council. And now, what more could be effected? The funds were exhausted; the business was closed. To render the Motion of his noble and learned Friend effectual, a new grant of nearly half a million would be required; and he doubted whether discussion in their Lordships' House was the best way of obtaining a money vote from the Commons for any such purpose as the present.

The EARL of HARROWBY felt bound, as a Member of the Committee, to say a few words with respect to this case. The noble Lord who had just spoken had not touched the main point. What they complained of was, that an Act of Parliament had stepped in to keep parties from a right which but for that Act would not have been refused. It had been clearly established that the property of the Baron de Bode was confiscated, and that his property was one of those in the view of the French Government when they completed the negotiation with this country; and the real question was, would this case, as it was now known and proved, receive attention from the Commissioners, if they were now sitting, and no Act of Parliament barred the claim? He contended that it would; that originally it was only opposed, because there was no proof that the property confiscated was confiscated as the property of a British subject; that it had never been before the Privy Council on its merits; and that in refusing redress, they were taking advantage of an admitted wrong. There was no complaint as to the employment of the surplus by the Treasury. If a surplus existed, it seemed reasonable to apply it to those claims which were next akin to the claims originally contemplated. But the question was, whether there was any surplus at all, until this claim, which had been set aside by technical and legal obstacles at every stage, had been satisfied? He submitted that the facts were fully established; that this gentleman was a British subject; that his property was confiscated; and that the French Commissioners had this large claim in view when they allotted a certain sum of money as compensation. It would be a public scandal to this country if it refused to do justice; and he honestly believed it was the amount of the claim alone which made each successive Government shrink from acknowledging that they were satisfied as to the facts, and that honestly the country was bound to make payment of the debt.

The Earl of ABERDEEN would say but a few words in answer to what had fallen from the noble and learned Lord (Lord Lyndhurst). His Motion was to recommend the case to the favourable consideration of the Government. What did he expect him to do?

Lord LYNDHURST: To assent to the Motion.

The Earl of ABERDEEN: With what result?

Lord LYNDHURST left it to the noble Earl himself to say.

The Earl of ABERDEEN would not assent to the Motion, because he thought it was one with which it was quite incompetent for the Government to deal, and because, notwithstanding the ability of the noble and learned Lord's speech, it was a claim the justice of which had not been established. If this claim were recognised, there would not be a single rejected claimant under the Convention who would not ask for a rehearing; and, as a proof of that, he had already received letters from persons having claims of a precisely similar nature. The Commissioners were a competent tribunal to decide, and the Privy Council were a competent tribunal to review their decisions. If ever there was a *res judicata*, this was it; and it was impossible the Government could lend itself to reopen a case which every preceding Government had considered finally and conclusively determined. The Committee which the noble and learned Lord obtained was, perhaps, acceded to incautiously, but they made their report in the month of last June; and he begged to ask the noble and learned Lord why, instead of writing him a letter on the case of the Baron de Bode, he did not write a letter to his noble Friend who was then at the head of the Government? why he did not take the opportunity of appealing to his noble Friend, whose opinions were known to be favourable to the claimant? He could only say it appeared to him there was not the slightest ground for reversing the decision to which all preceding Governments had come upon this case —to abide by the decision of competent tribunals—and he really thought, when the noble and learned Lord appealed, not to his justice, but to his mercy, it was rather giving up the strong features which he professed distinguished this case. He should be very happy to deal with any case in which he had any discretion, and where mercy would have weight, but he was afraid this was not a case of that kind. Justice must precede mercy, and he saw no ground whatever, after all that had taken place upon this subject, for taking a different course from that which had been adopted by every Government which preceded the present.

Lord LYNDHURST, in reply, said, the Report of the Committee was not made until late in the Session, when political affairs were in such a state of uncertainty that it was almost impossible he could have obtained the attention of their Lordships. The noble Earl seemed to think mercy and justice were not consistent. He could not advise the petitioner to appeal to courts of justice; he was at the mercy of the Government; and therefore he appealed both to the justice and to the mercy of the noble Earl for consideration of a gentleman who had had to struggle against a combination of almost every party against him, and had at last succeeded in satisfactorily establishing his case. He could not force the noble Earl to give his consideration to the case, but it was in his power to do it. The case was unanswerable, and had certainly not been answered either by the noble and learned Lord on the woolsack, or by the noble Lord opposite (Lord Monteagle).

The LORD CHANCELLOR: Do you divide?

Lord LYNDHURST: I shall divide, even if I divide alone.

On Question, their Lordships *divided*:—Content 6; Not Content 16: Majority 10.

Resolved in the *Negative*.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, August 1, 1853.

Minutes.] Public Bills. — 1° South Sea and other Annuities, Provision for Payment, &c. Crown Suits.

2° Sheriffs (Scotland); Smoke Nuisance Abatement (Metropolis); Ecclesiastical Leasing Act Amendment; Customs Acts Consolidation; Insurances on Lives.

3° Landlord and Tenant (Ireland); Tenants Compensation (Ireland); Merchant Shipping; Crime and Outrage (Ireland); Burials (beyond the Metropolis); Lunacy Regulation; Duties on Horses let for Hire.

CLITHEROE ELECTION.

Mr. G. A. HAMILTON brought up the Report from the Select Committee appointed to try the merits of this election.

House informed, that the Committee had determined—

> "That John Thomas Walshman Aspinall, esquire, is not duly elected a Burgess to serve in this present Parliament for the Borough of Clitheroe.
>
> "That the last Election for the Borough of Clitheroe, is a void Election."

And the said Determinations were ordered to be entered in the Journals of this House.

JUVENILE OFFENDERS BILL.

Order for Second Reading read.

MR. ADDERLEY, in moving the Second Reading of this Bill, said, that it was not his intention to press the measure beyond that stage this Session, and he only moved the second reading now in the hope that if the House affirmed the principle of the measure, Government would be induced to take the subject up the very first week in the next Session. The Bill was simply a measure of a permissive character, and it proposed to empower counties and boroughs to establish reformatory schools, to which young criminals should be sent, thus introducing a new treatment to a certain extent for such young criminals, namely, that of industrial training, and applying the principle of parental care and home influence to criminal children, instead of subjecting them to the process of imprisonment in gaols. That was the simple object of the Bill, and it would be seen that the evil which it sought to remedy was a great one. It was no less, indeed, than the existence throughout this country, but more especially in large towns, of a class of children who, being entirely destitute of parental care, were rapidly falling into dissolute habits. This class was not composed of children who had decent homes, nor of children who had parents to keep them in better ways than habits of crime, but was composed of orphan children and the children of infamous parents, or, as was most frequently the case, of children living under the roof of a cruel stepfather or mother; or the children of sailors or miners, who were much absent from their homes. In fact, speaking generally, they were children who had no home but the wide streets, and who were likely to lapse into criminals as they grew up. Nobody could dispute that such a class of children existed, but it was said to be doubtful whether it led to an increase of adult criminals, because these children falling into crime were early disposed of by transportation. That was an objection, however, which, if ever admissible, could not be raised against this Bill, for they were about to abolish transportation. He rejoiced that transportation in such cases was now about to cease; but though he rejoiced at that cessation, it must be remembered that, at all events, now, these children, if not otherwise taken care of and reformed within the precincts of this country, would in the end augment the amount of adult crime. Of 28,000 committals in this country in one year, 13,000, or nearly 50 per cent, were of persons under seventeen years of age. This showed the pressing necessity for a measure of this nature. No one could deny the importance of this question, since it had for years perplexed and obstructed the Government in their attempt to establish a well-defined system of secondary punishment. But in addition to all that, the existence of this class of juvenile criminals was a loss to the country, not only of virtue and honesty but of good citizens also, while it was a reproach to the nation that such a lamentable state of things should be allowed to continue. He, therefore, entertained a confident hope that another Session would not pass without the Government making a strenuous effort to deal with this vast and important question. The evil which he had endeavoured to explain was bad enough of itself, but it was greatly aggravated by the mischievous manner in which this class of offenders was dealt with by the judicial authorities of the country. It was only in this country that guilty children were treated as adult criminals, instead of being looked upon as generally objects of a reformatory system; for, on the Continent, juvenile offenders were treated after the manner of lunatics in this country. They were treated not as criminals, but as irresponsible beings, and instead of being subjected to a vitiating process of imprisonment, they were taken care of and reformed by the State. In this country, however, the magistrates had no power to deal with children in that way; and although it was a recognised principle of our law that the will must go with the deed, which could not be the case with the majority of juvenile offenders, whose circumstances almost amounted to a compulsory state of crime, the magistrates were bound to treat them as responsible criminals. Many magistrates and judges had from time to time attempted to modify the administration of the law in this respect; and the consequence was that from the want of any recognised principle in the matter, the administration of the law, with regard to children, was arbitrary, capricious, and uncertain. These considerations, coupled with the fact that they were about to abolish transportation, fully proved the expediency of dealing with criminal children in the manner now proposed. Not that he thought the plan of this Bill was complete in itself; because, to be complete, it should embrace some modified system of juvenile prisons for the reception of children who really ought to be treated as criminals; but the one simple object of the Bill was quite enough to be disposed of in the first instance. It would apply to at least nine-tenths of all the juvenile offenders of the country, and the other tenth could easily be provided for at a future period, if, indeed, Parkhurst prison did not itself prove sufficient for the purpose. The House should, at the same time, remember that the theory of this Bill had already been adopted in this country. It was adopted by the Philanthropic Institution, which was first established in 1806, nearly half a century ago, by a private Act of Parliament; but, passing to more recent times, he found that the Criminal Law Commissioners gave up a whole volume of their report to this subject, and in 1837 they recommended that children should be dealt with differently to adults, and that where sureties could be obtained for their future good conduct, they should be dismissed without punishment. In 1838, the Act was passed for establishing Parkhurst prison, which, in one of its clauses providing conditional pardons, recognised the principle of this Bill, and in 1840 an Act was passed providing for the guardianship of infant felons. In 1847, a Committee of the other House on the subject of the Criminal Law specially reported in favour of reformatory asylums, the cost of maintaining the children being imposed on the parents, wherever it could be done. Part of that recommendation was embodied in an Act which was passed the same year. In 1850, a Committee of that House, which sat upon the subject of prison discipline, recommended that juvenile offenders should not be sent to the common gaols; while in the same year the hon. Member for Pontefract (Mr. M. Milnes), seconded by the hon. Member for Newcastle (Mr. Headlam), introduced a Bill upon the same subject as this measure. Most of the leading organs of public opinion were favourable to the principle of this Bill; and from month to month and week to week, they had been forcing it upon the attention of the Legislature, and he hoped they would continue to keep the subject well before the public during the recess, so that it should not be lost sight of at the very opening of the next Session. Nor was this advocacy confined to the newspaper press, since many able pamphlets had been written in its favour, while not more than a year and a half ago a conference of delegates assembled from all parts of the country was held in Birmingham, at which this subject was discussed for two days. He might, lastly, refer to the Report of the Select Committee presided over by the right hon. the President of the Poor Law Board (Mr. Baines), which this Bill is founded on, to show that the theory of the Bill was largely adopted in this House itself; but do not let the House suppose that the Bill rested upon theory alone, because the system had been successfully tried in France, and therefore in addition to its being supported by the numerous theoretical authorities to whom he had referred, it might be said that the Bill rested upon the solid basis of actual and practical experience; and the result of an investigation made into the subject by an eminent French Judge, who resigned his office rather than continue to sentence children to prisons, was the establishment of the institution of Mettray. In Belgium, in Germany, and other countries on the Continent, the same principles were in operation, and also in America. The principle was increasingly in operation in this country; but it was by means of private philanthropy, and not under the sanction of public law, and the petitions on the table showed that that was not sufficient. In Glasgow, there was a local Act to carry out the system, and in Aberdeen it was in successful application. Institutions were also in existence in Bristol and Birmingham, and from information he had received as to the working of the latter, he believed that similar institutions might be generally made self-supporting. In conclusion, he would most earnestly appeal to the Whig Members of the Government, who had more than any other class, perhaps, taken into their hands the question of primary education, of which this was a branch, whether they did not feel it incumbent on them to support their character in the face of the country, by dealing with this subject before another Session was allowed to pass. Manchester had three years ago applied to tax themselves for the purposes of primary education, but they were met by the objection that the question was too large to be dealt with by a local Act, and that it should form the subject of a general measure. But up to this time no such measure had been brought forward, and Manchester was denied the privilege of providing out of her own funds the educational institutions which the Government neglected to provide from any other funds; and the feeling which had been strong in favour of such taxation three years ago had been allowed to cool down and almost expire by the Government. Was it their intention to act in the same way with regard to the nurseries of crime, and the reclamation of our outcast children? He trusted it was not, and that they would now pledge themselves early next Session to bring in a measure to carry out the principles which he was now advocating.

MR. MONCKTON MILNES seconded the Motion.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. BAINES said, as Chairman of the Committee which sat on this subject for two Sessions, he begged to express his perfect concurrence in the object which the hon. Mover of this Motion had in view. He felt strongly that there did exist such a want as the hon. Gentleman had referred to, to which it behoved Parliament to address itself with the least possible delay. At the same time, he did not think that the Government were open to any reproach for not having introduced a measure upon the subject, the Report of the Committee having been so recently presented on the 28th of June, that no Bill satisfactory in all its details could, by possibility, have been prepared upon it. He was glad to perceive that the principal recommendations of the Committee, before whom a large number of witnesses were examined, had been embodied in the Bill of the hon. Gentleman. The first was, that there was no sufficient provision by law at present for that class of young offenders who were, as it were, just entering on crime, or who were found guilty of minor offences. This was a very important point, because he was convinced that imprisonment in gaol was perfectly inefficacious for the purpose of reforming juvenile criminals. He had heard it suggested that the workhouse should be employed for the purpose of detaining and reforming these children; but, with the experience which he had had of the working of the poor-law, he must say that he could never consent to the blending of pauperism and crime, or the converting of the workhouse into a prison. Another recommendation of the Committee, arising out of the evidence, was, that in any mode of treatment to be adopted with regard to these children it was of first-rate importance that it should be of an industrial character. He was happy to say that the result of this industrial treatment, wherever it had been tried either in workhouses or in prisons, had been of the most beneficial description. Another suggestion of great importance, also, arising out of the evidence was, the necessity of insisting upon parental responsibility. He looked upon this as a most essential point, and he was glad to find that this and the other points to which he had referred were included in the hon. Gentleman's Bill. He begged to suggest to the House that in the interval of the recess they should peruse the somewhat bulky evidence which had been taken before the Committee. Much of it certainly was of an extremely painful character, and showed the necessity of some step being taken without delay; but, on the other hand, there would be found matter of great hope and encouragement, because it was quite clear that well-directed efforts in certain localities had been attended with perfect success. In Glasgow the result had been most satisfactory. The son of Chevalier Bunsen had borne testimony to what had been effected in his country; and the Committee were highly indebted to the American Minister for evidence of the most valuable description as to the system of reformatory treatment of the young adopted in the Philadelphia House of Refuge, as well as for the following extract from the Report of that Institution for 1851:—

"Of 4,397 boys and girls received into the New York House of Refuge previous to January 1, 1849, it is believed that three-fourths have been saved from ruin, and reformed. Of the condition of the 2,250 inmates received into the Philadelphia House of Refuge previous to January 1849, quite as favourable a report would be fully warranted. The accounts received of many of them show, not only the uprightness and respectability of their character, but their enterprise as men of business, and their worth as contributors to the welfare and advancement of the communities in which they live. The evidence of this is drawn from a variety of sources—from the masters and mistresses of the children in various parts of the country, and from neighbours, whose knowledge is obtained from personal observation and general report; and though disappointment is sometimes experienced, and a reformation supposed to be radical turns out to be superficial, yet, on the whole, the known results of the system abundantly sustain its claims to public confidence."

He had no objection to the second reading of the Bill, provided it were understood that it was not to proceed further in the present Session.

Mr. HENLEY said, that the question was far too important a one to be left in the hands of private Members, and he would urge the Government to take it up. He did not, however, expect any good result from any system which should provide for the children for a short time only. In order to eradicate bad, and inculcate permanently good, principles, it would be necessary that the reformatory treatment should be continued. He also entirely concurred in the proposition that, wherever it was possible, the parents should be made responsible. He thought the present a peculiarly favourable time for commencing the experiment, either on a large or small scale, and hoped the Government would give a promise that they would in the next Session introduce some measure for that purpose.

Viscount PALMERSTON: Sir, nobody can doubt the importance of the subject to which the Bill of the hon. Member for North Staffordshire relates; and I think the House will be unanimously of opinion that the Bill may be read a second time, if it be so read with the full understanding that the object is to have the Bill printed, that it may be read and discussed between this time and the next Session of Parliament. The object in dealing with crimes and offences may be said to be threefold—in some cases the object is example, in others the object is a combination of example and reformation, and in others it is altogether that of reformation. With regard to crimes of great violence and atrocity committed by full-grown persons, the interests of society require that the punishment should be exemplary and penal—that they should deter others from the commission of similar crimes. In such cases reformation is out of the question. The greater number of crimes committed by adults are of a mixed character, in the punishment of which example is required for the purpose of deterring others from imitation, but with respect to which hopes of reformation are not to be abandoned. With regard to them, therefore, the objects of punishment should be of a mixed and twofold character. But I am quite ready to admit, that, with regard to children, you must consider reformation to be your main object. The punishment of them, with the view of deterring other children from committing similar offences, is of secondary importance. I think that the general principle recommended by the hon. Gentleman, is one deserving the greatest consideration, and I trust that a measure upon the subject may be passed next Session. I agree with my right hon. Friend (Mr. Baines) that the details of the measure would require very mature consideration. I think that we might combine this with that measure—the Juvenile Mendicancy Bill—which came down from the House of Lords with respect to the treatment of destitute children. I hope that hon. Gentlemen will see that there is other business of practical importance before the House, and that it would not, therefore, be wise to prolong the present discussion. I think the best thing which hon. Members can do in this matter is to read, during the recess, the evidence taken before the Committee referred to by the hon. Gentleman. If they do that, we shall be able, when Parliament meets again, to enter into a discussion of the question, with a view to some immediate and practical measure.

Mr. HUME said, he differed from the noble Lord as to the principle of this Bill. He regarded that principle as bad, and as adding another eleemosynary institution to those which already existed. He was one of those who considered the principle of the poor-law was bad, inasmuch as it tended to destroy the desire on the part of the poor to provide by industry and prudence for the maintenance of themselves and their families. He had opposed the extension of the poor-law to Scotland, and he believed the result of that extension had been a considerable increase of pauperism in that country, and almost the annihilation of that feeling which formerly prevailed generally there, that there was an obligation in every family to support their own poor relations, rather than allow them to be dependent on the charity of others. He believed that persons became paupers generally from their own imprudence—the want of self-command. What was wanted was that kind of education which inculcated self-dependence and self-command, by which persons were induced when they had it in their power to make provision for the future, instead of spending all their wages as they earned them, relying upon the poor-law for relief when they fell into difficulty. He objected to the clause which proposed a grant of the public money, as involving a principle he held to be wrong—namely, the maintenance of the poor out of the Consolidated Fund. Instead of providing reformatory schools in this country for children driven to crime by the neglect of their parents, they should consider whether the State, after they had been twice convicted, should not take them away altogether, and send them to the Colonies, under the care of Mrs. Chisholm, or in some other way to provide for their being taken care of and brought up to industrious pursuits in another country. He believed that a very large proportion of the crime committed by juvenile offenders arose from the dissoluteness and criminal habits of the parents, who profited by the crimes of their children, and whom the State ought to be careful of relieving of their duties. He hoped the House would not consent to the second reading of a Bill which involved the principle of a double poor-law establishment.

Sir JAMES GRAHAM said, he regreted to be compelled to take a different view of this measure from that which had just been expressed by his hon. Friend the Member for Montrose. Up to the present time he did not think that the time spent in discussion had been misspent, and he was extremely glad that the hon. Member for North Staffordshire (Mr. Adderley) had had an opportunity of expressing his views upon this important subject. So far from agreeing with his hon. Friend the Member for Montrose, he thought that it was highly expedient that the House should affirm the principle of the Bill, which was, as its title indicated, for the better care and reformation of juvenile offenders. He could not believe that the House was at all prepared to negative such a principle. His hon. Friend the Member for Montrose stated that he considered it part of the principle of this Bill, that if provision were to be made for the better care and reformation of juvenile offenders, it should be out of the Consolidated Fund. But neither he (Sir J. Graham) nor the Government were at all prepared to admit that particular provision, for he thought it entirely open to the House to consider from what source the expense of these establishments should be provided. In the case of Glasgow it was not paid by any public fund. He had had the honour, some time since, of proposing what he had not yet by any means abandoned—namely, a plan for having district schools in each Union, connected with the Union, and paid out of the rates. He did not see why reformatory schools might not be provided in each Union, and paid out of the rates; but these were details which it was not necessary to enlarge upon at the present time. What they had now to consider was, whether they would affirm the principle of this Bill—that the time had arrived, considering the number of destitute children who, from the misconduct of their parents, were thrown idle and led into crime, when, out of compassion for those unhappy children, they would do their best to prevent the growth of that evil. That was all they were asked to do, and he could not believe that the House would hesitate at once to affirm that principle. The Government were by no means pledged to all the details of this Bill in the whole of its machinery: but the general outline of the principle, as it was contained in the title, did appear to him to be well worthy of the adoption of the House. He by no means despaired that, next Session, they should be enabled to mature a measure in strict conformity with the principle of the Bill, which he hoped, without further delay, the House would now consent to read a second time.

Mr. MONCKTON MILNES begged to express his thanks to the Government for the attention which they appeared to have devoted to this subject. so different from the reception which a similar measure received some five or six years ago. The real way, he was convinced, to bring this question before the public, was not so much as a matter of beneficence as one of economy; for how much more economical must a reformatory principle prove than the lavish expenditure consequent upon the constant prosecutions and reprosecutions of these young children? He trusted that the Government would lose no time in remedying the crying injustice of the present system, which undoubtedly constituted the most defective portion of the legislation of our Statute-books.

Mr. DUNLOP said, he would suggest that when the Government should introduce this measure next Session, it should be made a general measure, applicable to Scotland as well as to England. He hoped it would be kept in view also that the Bill should not supersede, but should tend to stimulate, private exertions.

Bill read 2ª, and *committed* for this day three months.

NAVAL COAST VOLUNTEERS BILL.

Order for Committee read.

House in Committee.

Sir JAMES GRAHAM said, that he was about to make an acknowledgment to the Committee which he regretted that he had not had an opportunity of making in the presence of his noble Friend the Home Secretary, who had just left the House. He was about to say, that when the great question with respect to the militia had been brought forward six or seven months ago, he was one who had not been sanguine in the belief that voluntary enlistment for service on shore in the United Kingdom would take place to the extent which had been already witnessed. He did not then very firmly believe that the present generation, gallant as he knew them to be, were fired with that martial spirit for the defence of their native country which would immediately have induced them in such large numbers to come forward to volunteer for military service. He had heard upon a former occasion his hon. Friend near him (Mr. Mackinnon) refer to the system of naval service which existed on the opposite shores of the Channel. No doubt, there was a large population living on the shores of the Mediterranean, of the Atlantic, and the opposite shore of the British Channel, all of whom were brought under a system of compulsory service the most perfect which the ingenuity of man could devise. There was not a seafaring man on the shores of France who, within a certain age, was not compelled to serve in the public marine. It was a system as perfect as ingenuity could make it; but it was altogether compulsory. He (Sir J. Graham), however, was most anxious to adhere to the principle which had been laid down by his hon. and gallant Friend the Member for Bath (Captain Scobell), which was, that he should exert every endeavour to obtain the service necessary for the safety of this country by inducement rather than by compulsion; and, acting upon that principle, he had lately discussed the operation of it with respect to the regular service of the Queen's Fleet. He was now anxious to call the attention of the Committee to the extension of the same principle to enlistment for the defence of our shores by means of a system of naval volunteering, analogous to the system which had been established for the home defence by means of the militia. The present Bill was based exactly upon that principle. There was a very large number of men living upon our shores, such as fishermen, bargemen, lightermen, and men employed in the coasting service, who, he had every reason to believe, would not in a time of peace be unwilling, as the men who had joined the militia had not been unwilling, for a short period in each year to be trained to the use of great guns. These persons having more or less marine habits and experience, such training would be easy to them; it would accord with their habits of life, and would not be uncongenial to their past manners or present tastes. It was proposed in the Bill which was now about to be brought in to hold out to them exactly the same pecuniary inducement which was offered to landsmen joining the militia service, and which had been found to work so successfully. The bounty would be 6*l.*, paid in such sums, and distributed over such a period, as the Admiralty might recommend. The number of men that they proposed to raise in the United Kingdom, the Channel Islands, and the Isle of Man, was limited to 10,000, and their period of training was to be limited to twenty-eight days. That training ought to take place either ashore or afloat, subject to the condition, if they were afloat, that they should not be taken more than sixty leagues from the coast of Great Britain or Ireland. It was proposed that their pay should be equal to that of able seamen in Her Majesty's service. The period for which the enlistment was to take place was not to exceed five years. Power was given to Her Majesty, in the event of an invasion, or of imminent danger of invasion, to call by proclamation for the services of those men afloat for a period not exceeding one year, except in case of the extension of that danger for a longer period, where, under the special circumstances specified in the Bill, and subject to those circumstances being laid before Parliament, the power of extending that service to two years was given to Her Majesty in Council. In this case, however, an additional pay of 2*d.* a day would be given to each man. In the event of service afloat under those circumstances, there was a power, by proclamation, to extend the distance from the shores of Great Britain and Ireland from 50 to 100 leagues. In no case would the volunteers be asked to extend their services to a greater distance from their native country. There was also power taken by the Bill, under proclamation, to compel the service afloat of pensioners of the coast guard and of seamen riggers. In the event, which he hoped and believed was far distant, of any such danger as the Bill contemplated being either imminent or apprehended, he believed that a force could be readily provided of somewhere between 18,000 and 20,000 men, which, considering that they would be men trained to arms, in the prime of life, and partaking of the national character of British seamen, would, when combined with the advantages of a steam fleet, be amply sufficient for the defence of our native shores. He did not think that it was necessary to detain the Committee further in stating the general outline of this measure. He believed the clauses to be unexceptionable in their character, and he trusted that in the course of the morning he should be enabled to pass the Bill through Committee.

Mr. MACKINNON said, when he suggested the other day that the example of France should be followed with regard to a rescription of seamen, it was far from his intention to recommend a forced contribution; but it struck him that in the event of volunteers not coming forward in the numbers required, whether it would not be as well to have a list of available seamen, who might be applied to—not to be forced, but to volunteer into the service; by which means there would be a tolerable certainty of finding a number of men who might be induced to enter the service.

Sir JAMES GRAHAM said, that virtually the ballot, which had heretofore existed with regard to the land service, had been abandoned on account of the success which had attended the voluntary system. He was therefore anxious to try the same plan with respect to the coast defences, entertaining very little doubt that voluntary enlistment would answer every purpose.

Captain SCOBELL said, he had often objected to the political government of the Navy; but as long as that system continued, he thought he might congratulate the country on having the right hon. Gentleman at the head of the Navy. He had already done great service to the Navy; and he would remind him that he possessed great power, and if he only carried out the principle of encouragement to serve in the Navy, he would be placed in a proud position, for he would be known as one who had given encouragement to the British seaman; he would receive a reward while he lived, and his name would always be remembered in the naval service. He (Capt. Scobell) had doubted that volunteers could be found for the militia, and he was glad that they had come forward. It was, however, he believed, the bounty which caused it, and he believed it would have the same effect under this Bill. Though he did not object to this Bill, he should have preferred the plan of the right hon. Gentleman the Member for Portsmouth (Sir F. Baring), which had received the sanction of the House, but had been laid aside by the late Government. That Bill referred only to seamen. This Bill spoke of "men," not "suitable men," so that landsmen might be taken. If so, twenty-eight days' training would have little effect in making them efficient. The men chosen ought to be first-class men, in the first instance, so as to form the nucleus of crews. He thought it would be better to enrol 20,000 than 10,000 men. The Bill, however, deserved a fair trial. As to the French plan, that could not be attempted in this country. The question was not how the French got the men, but the fact was that there were 60,000 seamen ready to embark at a week's notice. He thought that everything should be done to have the means for manning our ships, so that in the event of war we should not be outnumbered; as one victory over us, or even a drawn battle, would be fatal to our naval supremacy.

Sir GEORGE PECHELL said, he had opposed the Militia Bill, and though he should support this Bill, he did not do so because its principle was the same as that of the Militia Bill. In the first place there was no ballot, and in the next place there was a less number of men and less expense, besides which it was the popular service, which the people of England would never say a word against. Although he always tried to keep down the estimates, this was an expense for which he would stand up.

Bill *considered* in Committee, and *reported* as amended.

DIVISIONS OF THE HOUSE.

Mr. SPEAKER: Before the House proceeds to business, I have to announce that preparations have been made for carrying out the new mode of taking divisions in this House. I propose that the following rule shall be laid down, which I hope will prove satisfactory:—

> "When the House is about to proceed to a division, the Speaker will direct 'strangers to with-

draw;' upon which the Sergeant will see that the seats below the gallery, and in the front gallery, are clear; and the clerk will turn the sandglass. As soon as the sand is run out, the clerk will inform the Speaker, who will call 'Order,' preparatory to putting the question. The Sergeant will, upon the call of order, half close the door, and keep it half closed as long as there are Members in sight, approaching the door of the House. When Members are no longer in sight, the Sergeant will close the door, and will lock it upon the Speaker putting the question."

LANDLORD AND TENANT (IRELAND) BILL.

Order for Third Reading read.

Bill read 3°.

On the Motion "That the Bill do pass,"

Viscount MONCK moved the omission of the words "growing corn, grass, hops, and roots, fruits, and other produce," from the 71st clause. His object in proposing that Amendment was to prevent the reintroduction of the very objectionable right of distraining growing crops. That right had never existed in Ireland until the year 1816, and it had been abolished in the year 1846 in compliance with a recommendation of the Devon Commission. In moving that Amendment, he stood, therefore, on conservative ground, for he was for leaving things as they were. He admitted that there were many provisions in the Bill which would effect valuable improvements in the existing law; but he should rather see it lost altogether than carried with the words to which he was then objecting.

Mr. G. A. HAMILTON said, it was true that the power which landlords had formerly possessed of distraining growing crops had been repealed in the year 1846, in conformity with a suggestion of the Devon Commission, of which he had been a member. But landlords had been placed by that measure in a worse position than other creditors, who might seize the crops as well as any other goods of a debtor. The result was that many frauds and scenes of violence had arisen in consequence of tenants having entered into collusive arrangements with persons who obtained executions against them, and then seized their growing crops, so that the landlords had no means of recovering the rents to which they were entitled. The Bill now before the House contained many clauses of a mitigatory character as regarded the recovery of rent. For instance, under the existing law a landlord had the power of distraining for any amount of rent that might be due to him; but by that measure the power of distraint to be possessed by a landlord was limited to the amount of a year's rent. Again, a landlord had the power under the existing law of issuing a warrant of distress signed by himself or his agent; while under that Bill he would be obliged to make an application to a magistrate, who alone could issue such a warrant. His right hon. and learned Friend (Mr. Napier), who had prepared that Bill, did not think it proper to deny altogether to the landlord the right of distraining growing crops; but he (Mr. Hamilton) had to state that his right hon. and learned Friend was prepared still further to mitigate that power. He proposed the introduction of an Amendment which would make that clause applicable to those cases only in which a landlord was prepared to swear before a magistrate that he had reason to believe that a tenant intended to cut the crop with the view to evade the payment of his rent. His right hon. and learned Friend wished that the clause should be further amended by the insertion of a proviso to the effect that a landlord who should distrain a growing crop should not be entitled to any expenses for watching the property beyond those which he might have incurred during a period of fourteen days. He hoped that the House would accede to those proposals, and would not adopt the Amendment of his noble Friend.

Question put, "That the words proposed to be left out stand part of the Bill."

The House *divided*:—Ayes 70; Noes 94: Majority 24.

Sir WILLIAM VERNER said, he could not allow the Bill to pass without making an observation. He wished English Members to be aware of the true nature and character of this measure, as its objects were in accordance with the principles advocated by chartists and repealers, and they tended to put down the gentry of Ireland, and raise up the tenants in their places. In illustration of the objects of the advocates of the Bill, he would refer to the meetings which had been held by them out of doors, and particularly to an assembly at Kells, in the county of Meath, at which the hon. Member who represented that county (Mr. Lucas) attended, and declared that he and his coadjutors were pledged to oppose in Parliament any Government which did not make Cabinet questions of "religious equality" and of "tenant right," as embodied in Mr. Sharman Crawford's Bill, and also complained that certain Irish

Members connected with the present Government, who had entered into similar pledges, had taken the first opportunity that presented itself of breaking their plighted word. The right hon. Baronet the Secretary for Ireland (Sir J. Young) had acted unfairly upon the subject, because he had placed upon the Select Committee which sat on this Bill the names of those hon. Members who were pledged in the manner he had just stated; and at the same time he had positively refused to allow two hon. Gentlemen to be put upon the Committee from that (the Opposition) side of the House. In conclusion, he denounced the policy of conciliation and expediency which had been pursued towards Ireland, for it was his opinion that as long as the Government continued that policy peace would never be restored to that country.

Bill *passed.*

MERCHANT SHIPPING BILL.

Order for Third Reading read.

Bill read 3°.

SIR JAMES GRAHAM said, he wished to propose a clause to the effect that where cases for salvage services are rendered by any ship belonging to Her Majesty, or by the commander or crew thereof, no claim shall be made or allowed for any loss or risk thereby caused to such ship, or to the stores or furniture thereof, or for the use of any stores or other articles belonging to Her Majesty, supplied in order to effect the salvage service.

MR. HUME said, he regretted that the clause did not go further, and that Her Majesty's ships should not render assistance to vessels in distress without claim of any kind. He thought it was demeaning to the Navy of England that they would not do their duty without being bribed. The United States Navy made no charge, neither did the Navy of France, while the charge made by Sweden was greatly modified; but this country, which ought to set an example of liberality to all the world, proclaimed by this clause that her naval officers and men required to be bribed to do their duty. He would not divide against the clause, but he protested against its insertion.

ADMIRAL WALCOTT said, the British Navy had never been backward in the cause of humanity; but it ought to be remembered that the rescue of ships in distress was apart from the usual routine of naval duty; that it was accompanied frequently with loss of clothing, always with danger and personal suffering; and he was sure the merchant princes of England would not grudge them consideration. As to the United States Navy and that of France, he (Admiral Walcott) had reason to believe that a fund was provided for the relief of those who suffered in rescuing shipwrecked vessels, which was not the case in England. He protested against it being said that British seamen required to be bribed to do their duty.

SIR GEORGE PECHELL said, he was glad that the Admiralty had resolved to give up their own claims for salvage on the pretence of loss of stores, &c., and said that some gross cases of overcharge on the part of the Admiralty had led to the outcry against any charge whatever being made by the Royal Navy.

SIR GEORGE TYLER said, he had oftened listened with regret to hon. Gentlemen when they condemned naval officers most unjustly and improperly, and without any feeling for a profession which had the real benefit of the country at heart. It had been too much the practice in that House to reprobate the officers of the Navy for acts which were not their own. They were bound by an Act of Parliament to claim salvage for the services they performed, and it was too bad to blame them for obeying the law of the land.

MR. MITCHELL said, the First Lord of the Admiralty had stated, upon a former occasion, that under the new regulations it would be impossible for the officers of the Navy to bring forward an extravagant claim for salvage. Now the case of the *Rosaline,* which had ocurrred since the new regulations had been issued, and that, too, under the control of the Board of Admiralty, and which was now in a Court of Law, was one of the worst cases which had ever been brought against a merchant vessel by a ship belonging to the Royal Navy.

SIR JAMES GRAHAM said, he would be sorry to renew a debate which he thought had been concluded; but the hon. Member for Bridport had referred to a particular case, which it might be as well to notice in a few words. It so happened that he had glanced at the official documents connected with the case of the *Rosaline,* and he believed that the right to claim was rightly granted in that case. Seeing, however, that the case was now, as the hon. Member had stated, in a Court of Law, he thought it would be highly inexpedient to pursue the discussion further. The House would hereafter see what was the decision of the Court upon it; and—refusing to go at present into its merits—he was much mistaken if salvage would not be granted.

Clause *added.*

MR. HUTT said, this Bill proposed to renew the provisions of a former Act, by which sailors belonging to the merchant service were permitted to desert their ships in order to take service on board a man of war. Now he had himself presented several petitions against that law from some of the largest seaports in the kingdom, and he thought the House could not but view with great disfavour a provision which was in itself so hostile to the spirit of the time, so utterly subversive of the order and discipline of our merchant service, and so thoroughly opposed to the interests of morality. It had been said before, and would probably be repeated that evening, that the law in question had not been productive of any practical inconvenience. He could only say, in reply, that having himself been associated for many years with a maritime constituency, he had received the strongest remonstrances against the present law, and had presented innumerable petitions against it. He could appeal to facts. Not many months ago a ship belonging to Mr. French, of Hull, happened to be in the port of Valparaiso at the same time with one of Her Majesty's frigates commanded by Captain Fanshawe. The frigate was in want of hands, and the merchant vessel, having completed her cargo, was about to leave the port when two of her men went off and joined the frigate. Next morning the master was required to appear before Captain Fanshawe, and pay the wages of the men who had left his vessel, and to hand them formally over to Her Majesty's service. He was then obliged, of course, to go in quest of additional hands, and the owner of the vessel had actually to pay 40*l.* as extra wages, over and above the loss incurred by the detention of his ship at Valparaiso. Would the House sanction the contuance of a law so arbitrary and unjust, so hostile to the welfare of our mercantile marine, and so opposed to the interests of morality? Was it wise to tell seamen that they might break the most solemn engagements with impunity? The very able paper recently issued by the shipowners of Sunderland, showed how the law operated to the prejudice and damage of the merchant service. He now asked the House to put an end to that state of things by adopting the clause which he proposed to insert in the Bill. He would move the omission of Clauses 33, 34, and 35, relative to seamen volunteering into the Navy, and the substitution in lieu thereof of his clause.

Clause—

"Whereas it is expedient that seamen should no longer be permitted to desert the vessels in which they are engaged for the purpose of entering into Her Majesty's service, Be it Enacted, that the fiftieth and fifty-first Sections of the Act of the eighth year of Her present Majesty, chapter one hundred and twelve, shall be repealed; and it shall not be lawful for any officer in Her Majesty's service knowingly to permit or encourage any seaman to leave the vessel in which he is engaged: and every seaman leaving his ship and entering into Her Majesty's service shall be liable to all the penalties of desertion, any law or custom notwithstanding."

Brought up, and read the First Time.

MR. CARDWELL said, he hoped the House would bear in mind that every provision which this Bill contained was intended to benefit the shipowners. The only question which remained between the hon. Member for Gateshead (Mr. Hutt) and himself, therefore, was, whether the power of receiving volunteers from the mercantile marine should be placed under strict regulations, or should be absolutely and entirely abolished. Let the House consider that the British Navy was spread over the most distant seas for the protection of the merchant service—that it often answered the convenience of the mercantile marine to receive assistance in the shape of additional hands from Her Majesty's vessels—and then let it say whether there should not be a power on the part of the Navy to receive from other quarters the men so given up for the benefit of the merchant service. The Bill did not propose that that power should be exercised arbitrarily and tyrannically; on the contrary, the regulations under which the Admiralty would permit it to be exercised were exceedingly strict. Again, the hon. Member complained that the merchant service had to pay the wages in advance, and that that operated as an inducement for the seamen to leave their vessels. This Bill remedied that evil, and therefore that objection no longer existed. Then the hon. Member complained that the shipowners had additional wages to pay in consequence of losing their hands through desertion into the Queen's ships. Now, as regarded that point, it would not be possible to give an indiscriminate power to the Law Courts to deal with the demands that might arise in such cases; but this the Government had done—they had furnished a machinery for the repayment of all the expenses that might be incurred by a merchant vessel in such circumstances. The House could not go further unless it deprived the Navy altogether of the power of receiving volunteers from the mercantile marine. The hon. Member had referred to a particular case, which occurred on the west coast of South America a few years ago. Now, it so happened that the commander of the frigate in question, Captain Fanshawe, was a friend of his own, and he had no hesitation in saying that an officer more unwilling to interfere with the mercantile marine in any way did not exist. But he might be permitted to refer to a case on the other side. The House could not have forgotten the services rendered to the British mercantile navy at San Francisco by Captain Shepherd, commander of the *Inconstant*. A large number of the seamen had deserted their vessels in consequence of the gold mania; but Captain Shepherd immediately set to work, and in a short period the vessels were manned, and enabled to leave the port. The gallant officer parted with forty of his own crew, drafting them into the different merchant vessels; and was it not right and proper that, in such circumstances, power should be given to receive volunteers from other quarters, in order to make up for the assistance thus rendered to the mercantile marine? He did not consider this was a power to be habitually exercised, but to be limited strictly, and to be used with the utmost caution. For these reasons he trusted the House would reject the proposition of the hon. Member for Gateshead.

Mr. HUME said, he thought that the right hon. Gentleman had not sufficiently answered the objections against the clauses as they stood in the Bill. He had known instances in which men had been taken from merchant ships to join vessels of war, not because the men of war wanted them, but because they were allowed to volunteer. He would admit that in many cases the vessels of the Royal Navy had assisted merchant vessels; but in the majority of cases the men had left their legitimate employment, and had thus disabled the vessel in which they had engaged. He had himself known a case where a vessel had been deprived of twelve or fourteen of her hands by a man of war, and had afterwards been rescued from consequent shipwreck by another vessel of war, which claimed salvage for the service. At the same time he was willing also to admit that the Queen's ships had in many instances proved of great service to merchant vessels. What was wanted was, that a man of war should not be allowed to take a man out of a merchant ship without the permission of the captain.

Mr. HORSFALL said, he was also of opinion that the right hon. Gentleman the President of the Board of Trade had not met the case fairly by stating that the Navy had a set-off on the ground of having done service to the mercantile marine. There was, however, a great difference between allowing a vessel of war to accept the men, and enabling her to take them. He believed, however, that the evil was not quite so great as many of the shipowners imagined, for it appeared by the returns recently published that the number of seamen who had been so taken was exceedingly small. The principal evil consisted in the fact of the seaman knowing that as soon as a man of war hove in sight he was at liberty at once to go on board her; and he had it upon the authority of masters of vessels themselves, that this frequently produced a degree of insubordination amongst their crews that hon. Members could have no conception of. He was certain that whenever a merchantman fell in with a man of war in want of hands which she could supply, she would gladly do so at all times; and he believed that there was such a good understanding between the two services that there was no necessity for a law of this sort.

Mr. DIGBY SEYMOUR said, he would remind hon. Members of the evidence of Captain Sir James Stirling, given before the Committee in 1848, which was strongly in favour of the views entertained by the hon. Member for Gateshead. He would support the clause, on the ground that the power now given to the Navy to take volunteers who might desert from or abandon the merchant service, tended to legalise breaches of contract on the part of the seamen, and promoted quarrels between masters and servants.

Sir GEORGE PECHELL said, that in some cases the existing law was useful, as it enabled the master of a merchant vessel to put any troublesome hands on board a ship of war. He thought it would be better to substitute the words in the clause "to leave," instead of "to desert," without permission of the captain.

Captain SCOBELL said, that it had been admitted that the shipowners had received a great deal of benefit by the proposals of the present Government, which the late Government had also contemplated bestowing on them; but there was another question to be considered also, and that was the efficiency of the Navy. It was true that men of war were placed on different stations for the protection of trade, and it was impossible for them to perform that duty if they were not sufficiently manned, and if there were losses among the crew the deficiency must be supplied. If it were necessary to maintain men of war in an efficient state in time of peace, it was doubly so in time of war, when it became their duty to convoy ships, and, in fact, to protect the commerce of the country. The shipowners should remember that a great concession had been made to them, inasmuch as a clause, which he had himself opposed, had received the sanction of the House, empowering them to man their ships entirely with foreign crews. The evidence of Sir James Stirling had been referred to by the hon. Member for Sunderland (Mr. Digby Seymour); but he wished to remind the House that that gallant officer differed altogether in his opinions from every other officer, and he (Captain Scobell) did not feel disposed to place that officer's opinion above that of other persons whom he considered equally competent to judge of the matter. To him the opinion that the Navy could be manned without having recourse to the merchant service, seemed to be complete nonsense, and he should certainly support the clause as it stood.

MR. HEADLAM said, he should support most cordially the proposal of the hon. Member for Gateshead. It seemed to him that the proposal was not only in accordance with the principles of strict justice, but that it would also be beneficial to the Navy itself. He would admit that no very great number of men had been taken from the merchant service, but he still remained of the opinion which he had just expressed. He wished to call the attention of the House to the fact, that at present there existed no necessity for retaining a privilege based upon an unsound principle. He could conceive that in a time of necessity it might be found advisable, for the time, to violate the rights and privileges of British subjects, for, in point of fact, that was in reality what the operation of the clause really was; but it was not desirable in time of peace to confer a privilege of this kind on the Navy, and he was satisfied that it would be more for its advantage if it were to rely upon the voluntary efforts of courage, rather than upon an obnoxious principle. A sufficient number of men could always be obtained for the service, and the ships amply manned by a course which would not excite the ill feeling which might otherwise be engendered. To support this privilege was in reality to support a system of pressing which ought never to be resorted to. When the right hon. Gentleman the First Lord of the Admiralty brought forward a measure to regulate the enlistment of men in the Navy, he referred to the gallant response which the country had made to the Militia Bill, and stated that he anticipated the same feeling among the seamen of this country; and, if he exerted himself to make the condition of the sailors as good as it could be made, he had no doubt that ships of war would be amply and efficiently manned. By the course of conciliating the merchant service, the Navy would obtain more support than by the retention of an obsolete privilege, on which, he trusted, the House would place its *veto*.

SIR JAMES GRAHAM said, he should be extremely sorry if the House, in an unhappy hour, were induced to part with the privilege referred to. When his hon. Friend spoke of the privilege as being obsolete, if he meant that it was a right of ancient date, long recognised by that House and the country, he was right in using the expression; but if he meant that it was obsolete in the ordinary sense of the term, he could only say that the privilege had been recognised by statute from the time of George II., and had since that period been in constant use. The abuses attaching to that privilege had been progressively modified, and, he believed, would be finally rectified by the present Bill. Among other remedies for existing evils, this Bill provided that where a seaman should volunteer into a Queen's ship from a merchantman, he should not be able to demand his wages on the day of quitting the ship, as had hitherto been the case, but that he should not be entitled to demand his wages until the ship returned home. The hon. Member spoke of the present question being one of right as well as of policy, and he would first consider it as a matter of right; and he must contend that the system of allowing men to volunteer from a merchantman into a Queen's ship was recognised by law as a right, and for one hundred years seamen had had the right of at once breaking their contract with the shipowner, to enter in a ship of war, and to demand at once their wages. So much for the question of right; he would now consider it as a question of policy. He quite agreed with the hon. and gallant Member for Bath (Captain Scobell), that it was necessary that there should be a degree of reciprocity in considering this question. Even in time of peace great services were rendered to trade by ships of war; and his right hon. Friend the President of the Board of Trade had illustrated that position by the example of Captain Shepherd, of the *Inconstant*, while at San Francisco; and there were numerous other similar cases which might be adduced. Now, to render that service to trade effectual, it was necessary that the ships of war should be maintained in the most efficient state possible. In the West India Islands there had been a case in which a ship had been weakened by one-third of its crew in about six weeks; and in the China seas crews rapidly and suddenly became very much weakened; and, unless an opportunity were afforded of recruiting their strength, the Queen's ships in such cases would be compelled to return from their stations, or would be unable to render the services required from them. As a question of policy, then, it was necessary to maintain the power of obtaining volunteers from our merchant service. He wished to ask the House to consider how carefully checks to prevent the abuse of that power had been conceived. By a regulation of the Board of Admiralty, which he held in his hand, it was directed—

> "That in future, whenever the captains, commanders, and commanding officers of Her Majesty's ships enter men from merchant vessels, they shall report the same to the commander in chief or senior officer; which report is to contain the following information, so far as it can be obtained:— 1. The name and tonnage of the ship, the name of her owners and master, and the voyage on which she is employed. 2. The regular number of her crew. 3. The number of the men, and their ages, who volunteered for Her Majesty's service, and whether they had previously served in the Navy. 4. The cause of their leaving the ship; whether the master made any objection to their leaving, and, if so, on what grounds; and whether men could be obtained at the place to fill up the crew. 5. Whether the men, on joining Her Majesty's service, received their arrears of pay and clothing; and the amount of their pay per month to be stated."

The hon. Member for Liverpool (Mr. Horsfall) would perhaps excuse him for saying that he was mistaken in supposing that the captain of a Queen's ship had the power of taking men from a merchant vessel without control. He could not take men without stating in his return whether or not the captain of the merchant ship was a consenting party, and, if not, what were the reasons which had induced him to consider that the service of the Queen required that the men should be taken without the consent of the captain. All those returns were made quarterly from every ship in Her Majesty's service. In cases of complaint made, the Admiralty looked to these returns, and so judged of the reasonableness of the complaint. He would inform the House to what extent the power of taking volunteers from merchant ships had been exercised. He had a return of the number of volunteers since the 1st of January, 1852, and the whole number throughout all the different stations of men who were received as volunteers from merchant ships was 170. Something had been said about the morality of the principle, and he wished to observe that the power of volunteering into Her Majesty's ships had a great effect in securing good treatment to the seamen on long voyages. He would inform the House of the reasons which had led to those 170 men volunteering into the Navy:—Wish to join the Navy, 61; bad usage, 12; bad provisions, 8; both bad usage and bad provisions, 7; quarrels with master or mates, 13; discontent, 61; ships foundered or wrecked, 6; no cause assigned, 2. With regard to the consent of masters of merchant ships, he found the state of the case to be:—Cases in which masters made no objection to the men leaving, 130; cases in which masters did object, 21; cases not ascertained, 13; ships wrecked, as before, 6. Considering, then, the importance of this privilege on the score of policy, the absence of any injustice in its effects, and the security which it gave to sailors for being treated on long voyages with kindness and consideration by their captains, he felt satisfied that the proposal to abolish the existing privilege ought not to be sanctioned by the House. He was obliged to the hon. Member for Gateshead for the facility which he had afforded for discussing this clause; but he was compelled to give his most strenuous opposition to any attempt to take away from ships of war the right of taking volunteers from merchant ships on foreign stations.

Mr. G. THOMPSON said, he thought that the observation of the right hon. Baronet, that only 170 men had volunteered into the Navy during a period of eighteen months, was a very strong argument in favour of abolishing a principle which had produced so trifling a result towards maintaining the efficiency of the Navy, while, at the same time, it had operated to the injury of the merchant service. He felt bound to give his strenuous support to the Amendment.

Mr. MANGLES said, he should also support the Amendment. He would mention a case which occurred in a foreign port, where a boat's crew, under the command of a lieutenant, took several men from out of a merchantman in a way that was extremely offensive. The ship was consequently greatly crippled for want of hands. As to the assistance said to be rendered by the Royal Navy to merchant vessels, it was not once in a thousand times that it was required. For the most part, the merchant service relied upon themselves, and their vessels were generally extremely well provided. It was only miserable undermanned ships that required assistance, except in extreme circumstances. At all events, if only 170 men had been obtained in eighteen months by this means, he submitted that it was not worth while to retain it.

Mr. WILLCOX said, that the shipowner would derive but little advantage from the liberty now granted to him of manning his ship with foreigners, because the loss which the merchant ship sustained generally occurred at sea, where the master could obtain no recruits. The cases in which men usually volunteered from merchant vessels into the Royal Navy were when they had been twelve or fourteen months at sea, and when they had large arrears of pay to receive. They then hoisted the red shirt, their usual signal to a man of war, received their wages, and left the ship to shift for itself. He had good reason to remember an instance of this kind. A merchant vessel, called the *Anna Robinson*, bound from Calcutta to England, had been twelve months at sea, When off the Mauritius, her hands signalled to a man of war, which sent a boat on board, and took off twelve of her best men. A gale suddenly came on, and the vessel being crippled for want of hands, had her sails blown out of the bolt ropes. The next day there was a dead calm. A man of war steamer hove in sight, and a signal was hoisted. The captain came on board, and the master of the merchant vessel asked him if he would have the goodness to lend him ten or twelve hands to take him to the Cape? "Oh, we will do better than that for you; I'll tow you there," was the reply. He did so, and when they reached the Cape he immediately clapped the ship into the Admiralty. The amount of salvage awarded, with the costs, was between 2,000*l.* and 3,000*l.* Upwards of 5,000*l.* worth of goods had to be sold to raise 2,300*l.*, and the vessel was moreover delayed six months. Surely if the Admiralty had only required 170 men in the time specified by the right hon. Gentleman (Sir J. Graham), they might safely afford to give up a privilege which led to such disastrous consequences to the mercantile marine.

Admiral BERKELEY said, that hon. Gentlemen had entertained the House with instances of bad treatment which had been experienced by individual merchant ships; but it would be perfectly easy to retort by adducing as numerous instances of cases in which seamen had been driven to volunteer by the harsh and cruel conduct of the masters of merchantmen. For example, he knew of an instance where the men of a merchant vessel had hoisted the usual signal; but the captain of Her Majesty's ship finding that she was badly manned, instead of accepting the volunteers, endeavoured to make up the quarrel which he found existed between the master and his hands. What was the result? Why, another man of war found the ship soon afterwards, and the men, jumping overboard, swam to it and begged to be taken in. The House voted 14,000*l.* a year for bringing home Englishmen who were in distress in foreign countries; but if they analysed that sum, they would find that it was made up for the most part of the expenses incurred by Her Majesty's Consuls in sending home British seamen who had deserted on account of the bad treatment they had received on board merchant ships. So lately as 1851, it had been ascertained that the masters of British ships were in the habit of applying to the Peruvian Government to punish their men; and that one of those punishments consisted in exposing them on a rock. If they assented to the proposition of the hon. Member, they would place a power in the hands of the masters of merchant vessels, with which he certainly considered it would not be safe to entrust them.

Mr. ROUNDELL PALMER said, he thought that in a case of so much difficulty they ought to endeavour to steer a middle course; and he should, therefore, support the proposition of Her Majesty's Government. He was sure they would all be anxious to remedy what was really a serious inconvenience to the mercantile navy; but if it came to the alternative of depriving Her Majesty's Navy of the exercise of its ancient privileges upon all occasions, however great and pressing the emergency might be, he thought that the public service ought not to suffer. The Government proposed to introduce for the first time regulations which would interpose a safeguard against the improper use of the power which had always been possessed by the Royal Navy. Would it not, for instance, be a great check upon the use of that power that a resort to it would involve the expenditure of the public money? He thought it would be far better to give the plan a fair trial, than to risk the efficiency of so important a branch of the public service.

Mr. HUTT proposed to qualify his clause by introducing for "desert," the words "leave the ship," and after "leave the vessel in which he was engaged," to introduce "without the consent of his captain."

Motion made, and Question put, "That the said Clause be now read a Second Time."

The House *divided*:—Ayes 49; Noes 129: Majority 80.

Captain SCOBELL said, he had now a clause to propose, the object of which was to prevent ships from being inefficiently manned. He considered that some such enactment was necessary for the safety of the vessels and their crews, and for the security of the marine insurers. The Government had already adopted the principle of his clause with respect to transports and emigrant vessels, and he contended that the vessels for which he proposed to legislate were in still greater need of such a protection. In 1851, there were between 700 and 800 shipwrecks; in 1852, between 1,000 and 1,100; so that they were evidently on the increase. Owing to the change in the law as regarded apprentices, their numbers had diminished from 34,000 in 1849, to 14,000 at the present time. It was most essential to keep up the supply of young hands on board ships. Emigrant vessels were allowed to sail without apprentices; and the consequence was that many went without entirely, and there was only one apprentice, on an average, to between 500 and 600 tons of shipping. It might be said that they took boys without apprenticing them; but there were not more than 2,000 of that class. The clause he now proposed would tend to remedy the evil that had been caused by the Act of 1849. It was said that our commerce had spread immensely, and that our seamen had increased; but that was no reason why the existing law should not be improved. It had been stated in evidence before the Committee of that House that a due supply of apprentices was essential, not only for the mercantile marine, but for the Navy. His main object in proposing the clause was for the security of the country.

Clause *brought up*, and read a First Time.

Admiral WALCOTT said, he fully concurred with the hon. and gallant Member with regard to the necessity of encouraging, in every possible way, the aprenticeship system. So much importance did he attach to this point, that he thought the Government would be amply justified in offering a bounty to shipowners for the purpose of securing it. He recollected the time when the British Navy was principally manned from that source. He was well persuaded, also, that much of the melancholy loss of life accruing from shipwrecks and disasters at sea, arose from the insufficient manning of merchant ships. He must say that he had viewed with considerable dismay the introduction of a Bill into that House which took from the Royal Navy the advantages which it formerly enjoyed of looking to the merchant service as the nursery of her seamen, and which had enabled our fleet for two centuries to maintain our national honour and independence.

Mr. CARDWELL said, he did not think it necessary to trouble the House at any length in reply to the hon. and gallant Member (Captain Scobell), for he was sure the House would think it right that he should confine himself to the point immediately before them, instead of going over again the same ground as they went over in the recent discussion on the manning of the Navy. The House was not now discussing the manning clause; but another clause, which had been proposed by his hon. and gallant Friend the Member for Bath, who seemed to think that the British shipowners were not likely to care for the security of their own ships, and who, therefore, for the purpose of benefiting the shipowners and insurers, thought it desirable that the Legislature should step in with a clause describing the number of men and apprentices that should be carried by each. The hon. and gallant Member had said very emphatically on a former occasion that there could be no better argument for letting a law alone than that it had worked well. The hon. and gallant Member had made that remark when speaking against the repeal of the law regulating the proportion of British and foreign seamen on board ship. He (Mr. Cardwell) would take the liberty of applying the same remark to the present case, for he contended it was not a sound principle to prescribe the precise number of men and apprentices to be carried on board ship. The Legislature had repealed the law which told the British shipowner how many men he ought to have on board of each of his ships. Had the new law worked well? It had worked so well that since the repeal of the provision to which he had referred, they had added 9,000 seamen to the whole number of the British mercantile marine within three years. His hon. and gallant Friend had told them of the absence of apprentices on board the emigrant ships. To his (Mr. Cardwell's) mind this would seem to argue how great a burden the shipowners would consider this clause as imposing on them. The hon. and gallant Gentleman also spoke of the falling-off in the number of apprentices. He (Mr. Cardwell) admitted that the total number of apprentices was at the present moment smaller than at the time when the navigation laws were repealed; but hon. Members ought not to exclude this circumstance from their minds, that whereas there was at first a falling-off in the number of apprentices immediately after the repeal of the navigation laws, there had since that period been a continuous increase; and the number was now increasing more rapidly than at any former period. He believed that if the House were to adopt the clause now proposed, the result would be that the shipowners would evade the law—that instead of taking the best men at the best wages, they would take the cheapest landsman they could find. In short, they would merely comply with the letter of the law. He thought, therefore, that it would be better to leave the shipowners and insurers to those regulations with regard to the number of seamen and apprentices which it was their own interest to provide. The clause now proposed was not at all in conformity with the spirit which now guided the legislation of the House on this subject. He did not think it was at all likely either to promote the interest of trade or the safety of the shipping, and therefore he must respectfully ask the House to reject it.

Mr. DUNCAN said, he must most earnestly entreat the Government not to sanction the reimposition of those restrictions against which the shipowners had so long and so manfully fought, but rather to allow them every facility for the carrying on of the mercantile marine; and if they did so, he had no fear that they would be able to compete with any nation in the world.

Mr. HUME said, he entirely agreed with the hon. Member who had just spoken with regard to the importance of removing every possible restriction from the mercantile marine, and he considered the Government perfectly right in resisting the present clause.

Motion made, and Question put, "That the said Clause be now read a Second Time."

The House *divided*:—Ayes 7; Noes 154: Majority 147.

Mr. HORSFALL said, he begged, in the absence of his hon. Friend (Mr. Collier), to move the following Clause:—

> "That where any seaman or apprentice, who shall have committed any offence punishable under the Mercantile Marine Act, 1850, by summary proceeding before a justice of the peace, shall arrive or be found on shipboard within two miles of any borough in which there is a justice of the peace capable of exercising summary jurisdiction under the said Act, such offence shall, for the purpose of giving jurisdiction to such justice under the same Act, be deemed to have been committed within the limits of such borough."

He considered the clause was necessary, in consequence of the recent decision of one of the Liverpool magistrates.

Mr. ROUNDELL PALMER would suggest that the question should be postponed till they could consider the different circumstances of different ports. He knew that the state of Plymouth was very much the same as that of Liverpool, and he thought that at some future period the subject was well deserving of consideration.

Clause *negatived.*

Mr. CAIRNS said, he wished to propose to amend Clause 4, so that from line 31, it should stand as follows:—

> "And such aggregate fund shall be applicable to the purpose of the services in respect of which the said tolls, rates, fees, and payments are levied, and to the execution of works necessary or expedient for permanently reducing the expenses of such services; and save, as hereinafter specially mentioned, to no other purposes whatever."

The Ballast Board at Dublin had a balance of 100,000*l.* in hand, which it was proposed should be withdrawn from its control and placed along with the aggregate fund, to which arrangement he did not object, because the objects to which these funds were applicable were not local but national. At the same time the Trinity House possessed a large sum in the shape of investments in the public funds, namely, between 120,000*l.* and 130,000*l.*, which sum it was not proposed to bring into the amalgamated fund; and therefore he wished to know why there was to be this exception with regard to the funds in the hands of the Trinity House? He now came more particularly to the object of his Amendment. The clause as it now stood proposed to form an amalgamated fund to be applicable, under the superintendence of the Board of Trade, simply and exclusively to those services for which the separate funds were collected by the different existing bodies; and the effect of this would be that the hands of the Board of Trade and of the different other bodies would be tied up, to the application of the money strictly and solely to the building and repairing of lighthouses, and of what were called "marks of the sea." Now it had been the practice to build lighthouses on rocks in the middle of the sea, and yet it was sometimes the fact that one half of the expense of building and maintaining these lighthouses would suffice to pay for the blowing up altogether of the rocks upon which they were situated. He would illustrate this by reference to a case within his own knowledge. For example, there was a rock on the track from Ireland to England that was under water, and was indicated by a buoy which cost 100*l.* a year; in tempestuous weather the buoy broke adrift, and when most wanting was not there at all; it was his belief that it would not cost 1,000*l.* to remove that rock altogether.

Mr. CARDWELL said, this was a question which peculiarly belonged to the representatives of the shipping interest to decide. It was proposed by a Gentleman representing one of the first ports in the kingdom, and who also conducted the business in which he took part in that House with such conspicuous ability as to render him an efficient representative of the shipping interest. To expend a sum of 100*l.* a year on a rock which would be entirely destroyed for 1,000*l.* was a very wasteful act, and the more especially because the buoy, according to the hon. Member's representations, on which it was expended, was a truant buoy. As the law then stood, it would be impossible for the Board of Trade so to apply the money, and he should leave the clause in the hands of the House. With regard to the question which the hon. and learned Gentleman had asked him, he begged to say that the sum which was invested on behalf of the Ballast Board was invested under statute, and could be dealt with, therefore, by statute, without any question. He (Mr. Cardwell) had already referred to the figures to show that the Irish would be by no means losers on this imperial transaction; but as the hon. Gentleman had not expressed any doubt as to the accuracy of his statement, he need not again go over that part of the case. With regard to the sum invested by the Trinity House, it consisted of double dues levied under an ancient Act of Parliament on foreign shipping. Those investments were made by them more than twenty-five years ago under their charter, and in strict conformity with it. When, on the requisition of the Government, they agreed to surrender all rights of taxation, except for the purposes of this Bill, they entered into no engagement, nor were they asked by Government to enter into it, nor would they think it reasonable to enter into a negotiation for the surrender of a sum not levied on British shipping, and which was invested by them more than twenty-five years ago.

Mr. HUME said, he wished to know if the right hon. Gentleman, by adopting the Amendment, meant to blow up the rocks of the north coast? That, he thought, should come under a different clause.

Amendment *agreed to.*

Mr. KIRK then moved—

> "That in Clause 5, line 12, after the words 'and the produce thereof' the words 'shall in the first instance be applied for the purpose of finishing any works commenced by those bodies respectively, or for the purpose of forming any Harbour of Refuge on the eastern coast of Ireland, and the residue of such monies, after such application aforesaid,' should be inserted."

He considered that the amount in the hands of the Irish Ballast Board and of the Trinity House might be applied with great advantage to the construction of a harbour of refuge at Carlingford, on the eastern coast of Ireland, and nearly opposite the important commercial port of Liverpool. He had ascertained that during the last five years 447 vessels had been wrecked on the eastern coast of Ireland, being at the rate of about ninety annually. Besides the lives which had been lost in consequence of these disasters, very valuable cargoes had also been destroyed. Now, he believed that, according to the estimate of an experienced engineer, the expense of removing the bar at the entrance to Carlingford Lough would not exceed from 40,000*l.* to 50,000*l.*, and as by that expenditure a very efficient harbour of refuge would be provided, he therefore thought that a portion of the monies in the hands of the bodies to which he had referred might very properly be applied to such a purpose. If this project should be carried out, vessels, which in bad weather were unable to make the port of Liverpool, would at all times be enabled to run to a harbour where they could remain in perfect safety.

MR. R. M. FOX said, he hoped the Amendment moved by the hon. Member for Newry would receive the favourable consideration of the right hon. Gentleman the President of the Board of Trade, and of the House. He must protest against any charge being brought against the Irish fund of 91,000*l.*, on account of any debt incurred in the formation of Kingstown harbour.

MR. V. SCULLY said, he thought the arrangement proposed a very bad bargain for Ireland. He had heard nothing which could induce him to believe that that country would derive any benefit from it.

MR. CARDWELL said, he thought, whatever gain might arise from the transaction contemplated, he might venture to assure his hon. Friend that Ireland would come in for her fair share of it. It did so happen that there was in Ireland a balance in hand of 100,000*l.*, but against that must be set the fact that the balance was subject to a debt of 171,000*l.* Again, the Commissioners had already contracted for new works to be executed in Ireland, which would require an expenditure of 20,000*l.* In addition to that, Ireland had hitherto maintained her own harbour lights, the expense of which it was now proposed to throw upon the general fund.

MR. HUME said, he wanted hon. Gentlemen to explain how the Irish Board could have get possession of such a sum. He thought the Government should proceed immediately to reduce the Irish light dues.

MR. VANCE wished to call attention to a particular grievance affecting the harbour of Kingstown. At present foreign vessels bound to Dublin, whether they entered the harbour or not, had to pay large dues for the maintenance of that harbour, whereas if they were bound to Liverpool, and took refuge there, they had nothing to pay, nor had coasters anything to pay. He thought it extremely hard that foreign vessels bound to Dublin should be liable to this exaction, and hoped the right hon. Gentleman would redress the grievance before the termination of the present Session.

COLONEL DUNNE wished to know how the debt of 171,000*l.* was made out, as he did not think keeping up the lights could fairly be charged against them.

Amendment *negatived.*

MR. INGHAM moved the following addition to Clause 29 ;—

> "Excepting as to ships employed in a coasting voyage from one part of the United Kingdom to another, or in a voyage between the United Kingdom and the islands of Guernsey, Jersey, Alderney, Sark, or Man, or from one of the said islands to another of them, or from one part of either of them to another of the same, or employed in fishing on the coasts of the United Kingdom, or of any of the said islands, in which cases, and every of them, the whole of the crew shall be British seamen."

The only arguments which he had heard against this Amendment were two. In the first place, that the clause would only extend to the shipowners the same freedom to employ whom they pleased that was already enjoyed by manufacturers and other employers of labour on land; and in the next place, that his Amendment was one inconsistent with the principles of free trade. Now, with respect to the first point, he would ask whether any one would maintain that the temptation to foreigners to enter an employment on land was equal to that which might lead them to accept employment as sailors in British ships ? With respect to the second point, he admitted that it would be best to abolish protection altogether as regarded the coasting trade, and to admit foreign as well as British ships. But while the restriction upon foreign ships was kept up for the benefit of the shipowners, he thought they should not abolish the restriction as to sailors. The effect of this clause would be to introduce foreign seamen into the coasting trade; and believing that this would be most repugnant to the feelings of British seamen, he hoped that the House would assent to his Amendment.

CAPTAIN SCOBELL seconded the Amendment. He said, that the admission of foreign seamen to the coasting trade was contrary to the recommendation of the Select Committee on the Manning of the Navy.

MR. CARDWELL said, there had been already so long a debate, and so decided a division on the question of the admission of foreign seamen to the coasting trade, that he should believe the opinion of the House upon this point was finally settled. He could conceive no good reason why, if foreigners were admitted to the foreign, they should be excluded from the coasting trade. He did not think that the British shipowners would object to the coasting trade being thrown open to foreign ships. He believed that the restriction which at present excluded them was based upon grounds very different from those to which the hon. Member seemed to ascribe it. The subject was now under the consideration of those who were responsible for the collection of the revenue; nor did he (Mr. Cardwell) pretend to vindicate protection in this any more than in any other instance.

Question put, "That those words be there added."

The House *divided*:—Ayes 35; Noes 104: Majority 69.

Bill *passed.*

HACKNEY CARRIAGE DUTIES BILL.

This Bill was brought up to be considered as amended.

Mr. LOWE brought up a clause, which, he said, he believed to have been framed at the request of the cab proprietors themselves, and which would undoubtedly benefit the public. The object of the clause was, that where a cab was hired by time, after the first hour the cabman could demand for every quarter of an hour 6*d.*, instead of 2*s.* for the whole hour.

Clause *agreed to.*

Mr. F. SCULLY brought up a clause which was intended to prevent the cab proprietors again suddenly withdrawing their cabs from the streets, by giving power to the Commissioners of Police to withdraw or suspend the licences for cabs in the event of their being withdrawn two consecutive days, without a notice of ten days having been given by the proprietors, or to the magistrates to inflict a fine not exceeding 20*s.* for each carriage withdrawn each day.

Mr. LOWE begged to state that the clause met with the approval of his hon. Friend (Mr. Fitzroy).

Lord DUDLEY STUART said, he objected to the clause, because it left everything to the decision of a magistrate. He should, on the third reading of the Bill, move a clause, giving the power of appeal from the decision of the magistrate or Police Commissioner in every case falling under the Act. It had been his intention on a previous occasion to give notice of the clause which he proposed to move; but at that time the proprietors of cabs had withdrawn them from the streets, and under those circumstances he felt that it would not have been in accordance with his duty to give any notice on the subject.

Mr. ROUNDELL PALMER said, he considered the clause to be a specimen of inconsiderate legislation, and he should feel it his duty to oppose it.

Mr. I. BUTT thought that the hon. Member for Tipperary (Mr. F. Scully) was out of order in proposing a clause at the present stage of the Bill of which he had given notice for the third reading. He should wish to hear Mr. Speaker's opinion on that point.

Mr. SPEAKER said, he was of opinion that, as the hon. Member had given notice of his intention to move the clause on the third reading, it was not competent for him to move it at the present stage of the measure.

Clause *withdrawn.*

Mr. FREWEN said, he objected to the radius of four miles from Charing-cross. The House ought to know that this was called a West-end clause and a House of Commons clause. If the clause stood as at present, it would include Wandsworth-common and the end of Streatham, where there was very little chance of a back fare, and would exclude the populous districts about Mile-end. He would propose as an Amendment, that the outside boundaries of the metropolitan boroughs should be adopted as the limit beyond which the increased charge should commence.

Amendment proposed, in page 6, line 4, to leave out the words "circumference of a circle, the radius of which shall be four miles from."

Sir WILLIAM CLAY said, he had received many representations from the inhabitants of the east end of the metropolis protesting against Charing-cross being selected as the centre of the four mile circle. The four miles would just go beyond Whitechapel, and would exclude the hundreds of thousands who lived at Mile-end, Limehouse, and parts adjacent, while it would include Chelsea, Lambeth, and the country districts beyond them. He would propose St. Paul's, which was adopted as the central point of the metropolis in some recent Acts of Parliament.

Mr. LOWE said, he had been requested by his hon. Friend (Mr. Fitzroy) to propose

Temple-bar as the best point from which to measure the four mile circle. The General Post Office had been thought of, but that would omit Chelsea, while the Amendment of the hon. Member (Mr. Frewen) would extend to some country districts. He understood, for example, that the borough of Marylebone went up nearly to Hampstead.

Question, "That the words proposed to be left out stand part of the Bill."

The House *divided* :—Ayes 88; Noes 14: Majority 74.

Mr. LOWE then moved the substitution of the words "Temple-bar" for "Charing-cross" as the centre of the circle from which to calculate the four miles.

Mr. FREWEN said, that whatever point the circle were taken from, it would be unfair to certain districts. The further end of Eaton-square, and probably part of Hackney, would be beyond the circle now proposed.

Motion *agreed to.*

The House adjourned at a quarter after Three o'clock.

HOUSE OF LORDS,

Tuesday, August 2, 1853.

Minutes.] Public Bills. — 1ª Crime and Outrage (Ireland); Landlord and Tenant (Ireland); Tenants Improvements Compensation (Ireland).

2ª Entry of Seamen.

Reported.—Highway Rates.

3ª Entails (Scotland); Stamp Duties (No. 2); Resident Magistrates (Ireland); Turnpike Trusts Arrangements; Sheep, &c. Contagious Diseases Prevention; Elections.

RUSSIA AND THE PORTE—QUESTION.

The Marquess of CLANRICARDE: My Lords, seeing my noble Friend the Secretary for Foreign Affairs in his place, I rise to put a question to him respecting some reports which have lately been received from the Danubian Provinces of Moldavia and Wallachia. According to the accounts in the newspapers, the Russian military authorities appear to have taken entire possession of those countries, and to have proceeded to adminster the government thereof. In the reports to which I have alluded, it is stated that the Commander in chief of the Russian forces has ordered the Hospodars not to transmit any tribute to Constantinople; and it has been stated in one report that he went so far as to say that any tribute paid to the Sultan would require to be paid over again to his imperial master. Moreover, it is stated that those persons to whom the local administration of the country was intrusted, had been required to hold no further communication with Turkey. Now, this is virtually and really an assumption of the sovereignty of the country by the Czar, and it is impossible that such an act as that can take place without leading very directly to war. It is therefore of the highest importance to this country, and to this House, that we should have whatever information can be afforded to us without inconvenience at the earliest moment—because this is a matter of the greatest and deepest importance. I hold that it is impossible for Europe, or France, or England to submit to such an extension of territory in that direction by Russia, or such a diminution of the Turkish empire, which must be attended with the greatest and most fearful consequences. The matter is of the utmost importance, not merely to the political balance of Europe, and not merely to the honour of this country, who are parties to treaties with Turkey, but also to the material interests affecting the welfare of all classes of persons, especially in Germany, in France, and, to a great extent, in this kingdom. It is a matter on which your Lordships must desire to have the fullest information that can with propriety be given; and therefore I trust my noble Friend will not think I am indiscreet if I ask him whether any such accounts or reports as those to which I have alluded, have reached him officially, and whether he can inform the House how far it is true or not that such an assumption of the sovereignty of these provinces by Russia has really taken place?

The Earl of CLARENDON: My Lords, so far from thinking that my noble Friend has committed any indiscretion in the question which he has put to me, I can assure him that I take so entirely the same view as he does as to what will be the result, not only to Turkey, but to Europe, and especially to this country, of any permanent alienation of the territory to which he has alluded from the Turkish Empire, that I am glad he has put the question, in order that I may satisfy the public mind, as far as I am able, by giving my noble Friend all the information I possess. By a despatch dated the 17th of last month, I learned from Lord Stratford de Redcliffe that a communication had been made by the Consul General of Russia to the Hospodar of Moldavia, informing him that his relations with the Ottoman Government were to cease; and that the tribute usually transmitted to Constantinople was to be placed at the disposal of the Russian Government, upon the ground, as was stated, that although there existed no intention of modifying the internal institutions of Moldavia, or altering the existing order of things, yet that during the military occupation of the province the action of the sovereign power must necessarily, though temporarily, be suspended. I have to state also, that the Turkish Government expected to receive similar information from the Hospodar of Wallachia; but I have received a despatch this morning from Mr. Colquhoun, our Consul General at Bucharest, dated the 22nd of last month, in which he says that up to that time—though it may have been made the evening before —no such communication had been made to the Hospodar of the province of Wallachia. However, such a communication was naturally expected by the Porte to be made to the Hospodar of Wallachia as well as of Moldavia; and it was the intention of the Porte, so soon as it received that information, to order the Hospodars to withdraw and cease their functions. He further adds, that in that event he should consider it highly improper that the British Consuls in the principalities should continue to exercise their functions; and I lost no time in communicating to Lord Stratford de Recliffe the entire approval by Her Majesty's Government of that course. I can only further inform your Lordships, that I shall, by a messenger who leaves London this night, instruct Sir Hamilton Seymour to demand from the Russian Government the explanation to which we are entitled upon a matter which, as I have stated, I view in precisely the same light as my noble Friend.

ENTRY OF SEAMEN BILL.

Earl GRANVILLE moved the Second Reading of this Bill. His Lordship stated that this Bill was a measure of considerable importance, and was intended to correct a practical inconvenience affecting Her Majesty's naval service, arising from the services of the men not being continuous. By an Act passed in 1835 the duration of service in the Fleet was limited to five years, but practically it was found that on an average, seamen, by enlisting in ships already in commission, served not more than three years. The consequence was, that as soon as men had acquired a perfect knowledge of their business, and became valuable seamen, the country lost the benefit of their services, and not unfrequently they engaged themselves to serve under foreign flags. The Bill was founded on the report of a committee of naval officers appointed by the late Government to consider the subject, and it proceeded on a voluntary principle. In order to induce seamen voluntarily to change the period of enlistment from five years to ten, an increase of pay was accorded. To second-class ordinary seamen the increase would be 1*d.* per day, to first-class seamen 2*d.*, and to petty officers 3*d.* a day. Besides these advantages, other inducements to enlist for the longer period of service were offered to seamen. A considerable increase of pay was also given to warrant officers; and, all circumstances considered, it appeared not unreasonable to suppose that under the provisions of the Bill men would more readily enter the Navy than heretofore. Several clauses of the Bill were framed with the view of promoting the comfort of the men, and by that means increasing the general efficiency of the service. As regarded boys, the Bill provided that every boy entering the service when under the age of eighteen should continue to serve until he attained the age of twenty-eight years, and that every person entering the service above the age of eighteen should serve ten years continuously from the time of entering. These were the principal provisions of the Bill. With respect to its minor details, though extremely useful and salutary, it was unnecessary to trouble their Lordships. He might, however, mention that one of the provisions gave summary jurisdiction to magistrates for offences committed on shore; and another by which sailors should be carried on railways on the same terms as soldiers and police. He did not anticipate any objection whatever to the measure, for he believed it would be admitted that it was in all respects calculated to render the naval service popular, and to promote its efficiency.

The Earl of HARDWICKE said, he did not, by any means, object to the principle of the Bill; and he frankly admitted that it would remove several evils and anomalies to which the naval service had hitherto been exposed; especially that vibration of seamen between the services of foreign countries and the service of their own which at present existed. It was most absurd that able seamen who had served afloat with efficiency should be sent adrift at the very moment when they were most capable of duty. He approved of the terms upon which the service was in future to be regulated, for he believed they would place a large number of men at the disposal of the Crown, and prevent that wholesale emigration of seamen to foreign countries by which this country had suffered so much loss and inconvenience. The 7th clause introduced what appeared to him a novel principle of compulsory service, by calling out a new class of men not wholly fitted for the Navy; but he should reserve his observations upon it until the Bill arrived in Committee.

Bill read 2ª, and *committed* to a Committee of the whole House on *Thursday* next.

CHICORY.

Viscount TORRINGTON, pursuant to notice, *presented* a Petition from the Merchants and Planters and other Inhabitants of the Island of Ceylon, complaining of the injustice of the present Treasury Minute, which allows chicory to be mixed with coffee, and praying for repeal of the duty on coffee; and at the same time he wished to call the attention of Her Majesty's Government to the effect of the Treasury Minute of 1853 upon the trade, as well as with reference to the interests of the public at large. The noble Viscount said, he felt it to be his duty to bring forward the case of the petitioners, the petition being entrusted to him by many persons with whom he was well acquainted, and to call attention to the operation of the Treasury Minute, not only as it affected the trade of London and this country, but also as affecting the revenue of the State, and the prosperity of the Colonies, especially of the Island of Ceylon. The Treasury Minute of the late Government and that of the present should be compared on this matter. By the former the use of chicory was not prevented, but the grocer was allowed to have it on his premises only when it was labelled as such. The Minute of the present Government, on the contrary, sanctioned the grocer in selling chicory, provided he put on his coffee papers labels that chicory was mixed with it. Immediately on the present Government coming into office, it was rumoured that the Treasury Minute of the late Government on the sale of chicory and coffee would be altered, and he (Viscount Torrington) had called the attention of the Chancellor of the Exchequer to the injury which the alteration would inflict upon the public; but though the Chancellor of the Exchequer had certainly listened to him with great courtesy, he showed that he had made up his mind upon an *ex parte* statement, which he found was not to be shaken by his representations on the subject. He was bound to say, however, that the two reasons adduced by the Chancellor of the Exchequer for the alteration, appeared to him to be extremely inconclusive —the one being that chicory was expensive to cultivate, and the other that it would not be drunk except it was mixed with coffee. All the respectable merchants in the trade were adverse to the Minute, which they alleged was issued solely upon the misrepresentations of interested parties, who were now making large fortunes by the mixture of chicory with coffee; charging, as they did, 1*s.* per lb. for what did not cost them more than 3*d.* or 4*d.* It was found, upon analysis of several samples of this mixture, that the most respectable tradesmen put 25 per cent of chicory into the coffee; while others put 40 per cent, 75 per cent, and even 90 per cent of chicory in the mixture. Their Lordships knew that chicory was, in fact, nothing but the root of the common dandelion, and that it possessed, therefore, all the properties of that drug, some of which were extrely deleterious to health; but nevertheless it appeared that Her Majesty's Goverment thought right to sanction its sale as an article of food. If, however, they were determined to permit its mixture with coffee, in his (Viscount Torrington's) opinion, they should establish strictly the quantity to be mixed, and make all above that quantity illegal. The statement of the petitioners was, the parties who sell the mixture had realised 1,200,000*l.* by the Minute of the Government; and it should be remembered that the chicory so sold was consumed chiefly by the poorer classes of the country. On the publication of the Minute of Lord Derby's Government, a large increase had taken place in the consumption of coffee; while since the alteration it had sensibly declined. By the returns since made, there was a falling-off of 68,000 lb. since June, 1852; while, as compared with June, 1851, it amounted to 700,000 lb. There was no article of food of which the consumption had not increased, with the exception of coffee; the consumption of coffee had decreased since the issue of the existing Minute, and was decreasing still more. This fact was deserving of serious attention. The traders of London complained of the loss they sustained through the operation of the existing Minute. They said it was not fairly carried out, and it was the feeling in the City that the Secretary of the Treasury was disinclined to prosecute parties infringing the law, and that the Chairman of the Board of Inland Revenue seemed to share in that disinclination. There was one special case, that of John Cassell, who had never been prosecuted, and who had, it was alleged, obtained a second licence under the name of another person for the sale of this mixture. The trade wished for a Parliamentary inquiry into the matter, and would not be satisfied until a Committee was appointed for that purpose. Upon application being made to the noble Earl at the head of the Government, he said he was willing to receive a deputation upon the subject; but that his mind was made up, and that whatever evidence might be adduced could have no effect in altering the determination of Her Majesty's Government. The result was that a paper was drawn up in the form of a memorial to the Treasury, and a copy of it transmitted to the noble Earl, as well as to every Member of Parliament; and to two extracts from that paper, which were very important, he (Viscount Torrington) now begged to call their Lordships' attention. The memorialists stated—

> "We beg to impress upon your Lordship that this sort of competition is not free trade, and that to call it so is calculated to bring free trade into disrepute, especially in the colonies and amongst foreigners. By free trade is understood liberty of market to all producers under the same duties and upon equal terms. This, the colonial and foreign coffee growers have a right to expect from England, and do not receive."

The next point to which he would direct their Lordships' attention was the question of risk on the part of the dealer. In reference to this the memoralists said—

> "The fraudulent dealers are perfectly well aware that the great majority of persons will put up with any imposition rather than waste time in punishing those who have cheated them; and, therefore, they do not scruple to run a risk, the ordinary profits upon which are sufficient to cover the loss of occasional detection. And it is worthy of your Lordship's consideration, that all the poorer classes of customers, and nearly the whole of the working classes, have practically no redress. They generally, especially in the suburbs and country towns, have a running account with the grocer, which places them completely in his power; he may sell them a mixture unlabelled in defiance of the law, or a legally labelled mixture for pure coffee, and at the price of coffee. We beg, therefore, respectfully, but very earnestly, to enforce upon your Lordship's attention, the fact, that the existing Minute does not protect the public, nor prevent the dishonest trader from an undue advantage over his honest competitors. Nor does the Minute, nor can any possible system of regulation, which sanctions the mixture, prevent the most gross fraud. The mixture may contain scarcely a grain of coffee. Of thirty-four separate purchases accurately tested, three consisted almost entirely of chicory; twenty-two were one-half chicory; six were one-third chicory. It will scarcely be contended that the Government can be justified in sanctioning this competition in fraud, and it is not pretended that any regulation can determine the proportions of the mixture. There may be a mere grain of coffee to give the name, or a sixth, a fourth, a half, or two-thirds, according to the cupidity and conscience of the mixers. The Government are perfectly satisfied with the evidence in favour of the mixture, although probably your Lordship will agree with us, that how much chicory or how little coffee there may be in the mixture is not a matter of indifference either to the purchaser, the coffee grower, or the revenue."

Another most important matter for consideration was, that nobody seemed to understand the existing Minute. The Chancellor of the Exchequer and Mr. James Wilson in the House of Commons, and Mr. John Wood, the Chairman of the Board of Inland Revenue, had all given different answers to inquiries addressed to them respecting it. On the 17th of March last, Mr. Archibald Hastie put the following question to the Chancellor of the Exchequer:—

> "If it is to be clearly understood, under the terms of the late Treasury Minute, relating to the sale of coffee and chicory, that it will be considered a breach of the law to sell coffee without any label of description, except in a pure and unmixed state; and that if coffee so sold without being labelled shall prove to be mixed with chicory, or, whether labelled or not, shall prove to be mixed with any other extraneous substance, the party selling it will be liable to prosecution; and, if in case of information being laid of a breach of the law, the proper authorities will prosecute the offenders?"

To this Mr. Gladstone replied in distinct terms—

> "That it is a breach of the law to sell coffee without any label description, except in a pure and unmixed state; that if coffee so sold, without being labelled, shall prove to be mixed with chicory the party will be prosecuted; or whether labelled or not, if it prove to be mixed with any extraneous substance, the party selling it will be liable to prosecution; and that in event of information being laid of a breach of the law, the authorities will prosecute the offenders."—[3 *Hansard*, cxxv. 313]

That announcement was perfectly satisfactory. But a few days afterwards the Chairman of the Board of Inland Revenue wrote to Mr. Burton, in direct contradiction to this, in the following terms:—

> "Inland Revenue Office, April 27, 1853.
>
> "Sir—In answer to your letter inquiring whether a mixture of chicory and coffee labelled according to Excise regulations, but vended and paid for as coffee, renders the vendor liable to penalties—
>
> "I have to acquaint you that the label being according to Excise regulations, is sufficient notice to the purchaser that the article is a mixture; and therefore the Board would not prosecute in such a case.—I am, Sir, your obedient servant,
>
> "Thomas Dobson, Assistant Secretary."

Now that answer, their Lordships would observe, was exactly contrary to the reply of the Chancellor of the Exchequer, given in the House of Commons but a few days before. On the 9th of May, Lord Claud Hamilton asked the Secretary to the Treasury—

> "Whether a mixture of chicory and coffee, labelled according to the Excise regulations, but sold and paid for as coffee, rendered the vendor liable to penalties?"

To this question Mr. Wilson answered—

> "That he could not understand how it was possible, under the Treasury Order, that such a case as that alluded to by the noble Lord had occurred."

Why, it was daily occurring in every part of England.

> "Under that Order, coffee and chicory mixed together must be sold in packets, labelled clearly and distinctly as 'coffee and chicory mixture.' If the mixture were sold without that label, it was clearly illegal; but if the packet were provided with it, it was legal."

In Birmingham, the other day some of these prosecutions were instituted and carried out to convictions; but at Portsmouth the magistrates had refused to convict. Such were the conflicting views entertained as to the effect of the Minute. He thought he had now stated to the House sufficient reason for asking the noble Earl at the head of Her Majesty's Government to give them some information as to the question, what was the state of the law with regard to prosecutions of this nature. At present, the people all over England were unable to purchase pure coffee. They got nothing but coffee and chicory mixed; and he wished to know, therefore, if it was intended to carry out the measure vigorously and effectively, and if any hope was to be held out to the colonial interest, that possibly in the next Session of Parliament a Committee would be appointed to look into the matter, and, once for all, decide a question which had been, and always would be, a source of much irritation until it was finally settled?

The Earl of ABERDEEN said, he should be happy to see the end of the great chicory question, for it had occupied the attention of Parliament a long time, and had been a subject of great diversity of opinion. He must say, the noble Viscount, in the statement which he had made, had been guilty of very great inaccuracies in many respects. In the first place, the alteration that had been made by the Treasury Minute to which he referred, was rendered necessary by the inconvenience, hardship, and difficulty which the common people of this country had suffered in using coffee as directed by the Minute of the late Government. The noble Lord said—and this was the first time he (the Earl of Aberdeen) had heard the statement—that chicory was an injurious substance. Why, half the coffee in Europe was chicory, especially in the south of Europe; and he would venture to say that in the south of France there was twice the quantity of chicory used that there was of coffee. Be that as it might, it was anything but a deleterious substance—on the contrary, it was greatly preferred by the mass of coffee-drinkers. Their Lordships might prefer pure coffee; but the great mass of the consumers of this beverage preferred the mixture. How were their Lordships to enable the people to mix it? Not as was attempted by the Minute of the late Government, which made separate packets necessary, for coffee when ground remained a powder, and chicory became a solid cake, which it was impossible for the party to mix himself. It consequently became necessary to grind them together, in order that the mixture might exist. There was another reason—that of expense—for when a poor man came to buy an ounce of chicory and an ounce of coffee, the making a packet of each added greatly to the probable expense of furnishing the articles. It was therefore infinitely preferred by the great mass of the common people that this article should be sold mixed with the coffee. The regulation under which it was permitted to be sold prescribed a distinct label placed on the packet, indicating that it was a mixture of coffee and chicory; and the noble Viscount pretended to doubt that a penalty was incurred if the mixture was sold without that label. But no such doubt could possibly exist on that point. There could be no question that if the mixture was not possessed of that label, the vendor of it was liable to a penalty. The noble Viscount had also gone on in the most unwarrantable manner to insinuate that the officers—highly respectable as they were—had all neglected their duty, and had been guilty of a sort of complicity of fraud. He (the Earl of Aberdeen) thought that was a most unwarrantable assertion; and to prove how unwarrantable it was, he would only read to their Lordships a return of the prosecutions under the very provision which the noble Viscount pretended to doubt was efficacious. There were upwards of 130,000 persons licensed to deal in coffee in this country, and each of them had been served with a copy of the last general order. The officers of the Board had made 2,527 special visits for the examination of samples, which had been analysed at a laboratory, on which 470 prosecutions had been instituted; and there had not been a single prosecution without a conviction. He thought their Lordships would admit that that return at least showed that there had been considerable activity shown in carrying out the provisions of this Treasury Minute; and he could only say that those accusations or insinuations against the proper conduct of those officers were purely calumnious. The noble Lord had mentioned the name of a particular dealer, John Cassell, who he supposed was especially favoured by the authorities in having a licence to sell coffee without the prescribed label. Now he (the Earl of Aberdeen) learnt from the very best authority—namely, from the heads of that department—that the coffee of that man had been repeatedly analysed, and had been found to be pure. The noble Viscount also stated that the amount of coffee entered for home consumption had diminished since the publication of this Minute. He (the Earl of Aberdeen) had in his hand a return of the quantities of coffee entered for home consumption in the three months ending the 5th July, 1853, as compared with those of the preceding year; and he found that in 1852 the quantity was 8,000,000 odd lbs., whilst in 1853 it was 8,977,000 lbs., showing an increase of very nearly a million pounds. Now, the fact was, that this was a substance which, up to the Minute of the late Government, he believed had been used without any restriction whatever. He thought, from 1840 down to the year before last, it had been left to the consumers to please themselves in the use of this mixture; there had been no restriction on it; it had not been considered as anything in the nature of adulteration, because the matter which had been mixed with coffee was not, as the noble Lord had stated, an injurious substance. It was rather salutary, he (the Earl of Aberdeen) thought; but be that as it might, it was left open to the public to decide, and to the dealers to do as they thought fit. But the restriction made last year had been found inconvenient to execute, by increasing the trouble and expense in packing the mixture in the way which was necessary. The Chancellor of the Exchequer inquired most deliberately and extensively before he issued the present Minute; and his right hon. Friend had only been guided by a desire to consult the public convenience in this matter, and particularly that of the lower orders. He (the Earl of Aberdeen) would only say that he was convinced that the great body of the consumers in this country of the lower orders had every reason to be satisfied with the Minute at present in existence.

The Earl of MALMESBURY said, that as yet no sufficient reason had been given why the Minute of the late Government was superseded. He confessed he was rather astonished at the cause of the change which the noble Earl had explained to their Lordships. For if he rightly understood the noble Earl, he said that unless the two substances—coffee and chicory—were mixed, the chicory would not last long—

The Earl of ABERDEEN: Chicory became caked if it were packed in a separate paper.

The Earl of MALMESBURY could only see in that fact an illustration of the partiality for "coalition" and "fusion" which was so characteristic of the Government of the noble Earl. Exactly the same excess might be made by the wine merchant for mixing sherry and brandy. The only object which the late Government had in view in issuing the Treasury Minute which which had been superseded, was to prevent imposition being practised on the classes who could not help themselves by the adulteration of coffee with some of the best chemists in London, they chicory. If the noble Earl would consult would tell him that the extent to which adulteration was carried on in every substance that was sold in the market, of which we ate and drank, was positively frightful; and that the only comfort we had was the reflection, that in nine cases out of ten the adulterations were not actually deleterious. But as to getting any simple substance in its naturally pure state, that was altogether out of the question. He thought that the noble Earl had been rather hard upon the Minute of the late Government; but he (the Earl of Malmesbury) begged to say that that Minute was greatly preferred by the public consumers to that of the noble Earl.

Lord WHARNCLIFFE said, that the reasoning of the noble Earl at the head of the Government amounted to this—that where the discharge of the functions of the Government was inconvenient, they were to be abdicated, thereby giving a direct encouragement to the unfair trader. He admitted, however, that the present Minute was a great improvement upon the state of things which existed before Lord Derby's Government came into office. The Treasury Minute of the late Government had been issued in November last, and the present Government only thought fit to wait until February before that arrangement was rescinded. It appeared to him that the Government in a case of this kind was bound in some degree to exercise its powers to prevent unfair trading; and it seemed very strange that successive Governments had neglected to effect that object. The Minute issued by the late Ministry was one calculated in many respects to do justice to all parties. He entirely concurred in the object aimed at by the noble Viscount. As far as this Session was concerned, any inquiry was impossible; but next Session he thought this would be a very fair subject for investigation.

Lord BEAUMONT thought the noble Viscount had made out a very strong case, and that nothing had fallen from the noble Earl (the Earl of Aberdeen) which upset that case. In entering the shop of a dealer, a purchaser had a right to the article he wanted, and the article for which he asked. If the label showed the proportion in which chicory was mixed with coffee—whether the ratio of chicory was 25 or 99 per cent—then the consumer would know exactly what he was purchasing; he would ask for the proportion which suited his own inclination, and expect to pay a price accordingly. At present, however, he got none of this information on entering a shop; he certainly bought coffee labelled "Coffee mixed with chicory," but he had no idea of the quantity of coffee or the quantity of chicory he got. As to the difficulty which consumers were said to experience in mixing the two articles, he had met in the memorial to which allusion had been made, what seemed a complete answer to this. The memorialists said—

> "The assertions as to the inconvenience to consumers from being left to mix the chicory with coffee as their own taste may direct, and the advantage, according to the *Economist,* of permitting the dealer to make the mixture in grinding, is, we submit to your Lordship, upon the very face of it, absurd. Intimate admixture might be important if the powder were to be eaten; but as, instead of eating the powder, people drink an infusion of it, your Lordships cannot doubt that the boiling water, when the coffee and chicory are stirred about in it, will act upon both in precisely the same way, whether they be mixed together, or put into the water separately."

That appeared a very simple and plain answer to the assertion in question; and, if boiling water had the same effect on both chicory and coffee, the whole argument of the noble Earl fell to the ground. The Minute of the present Government had been productive of benefit to the fraudulent dealer, but of injury to the consumer; the proportions of the mixture sold appeared to be frequently two-thirds of chicory to one-third of coffee; while the price was as if the amount of coffee were greater than the chicory in the mixture. Under the former Minute, when the articles were sold separately and unmixed, no such result could possibly arise. He hoped that next year "the great chicory question" would be put an end to, which would be a consummation devoutly to be wished, and that some plan would be devised which would be just to the consumer, not inconvenient to the fair dealer, and which might satisfy at the same time the growers of coffee.

The Duke of ARGYLL had not been struck with the chemical argument which had been cited by the noble Lord as to the effect of boiling water upon the two substances of chicory and coffee, because any one who had dabbled in chemistry, even so far as the chemistry of the teapot was concerned, would know that the effect of boiling water would vary according to the fineness of the article. He believed that it was practically for the convenience of the lower classes of consumers that the two articles, instead of being left to them to mix, should be mixed together for them.

The Earl of WICKLOW thought that there must be some strong reason why the Government submitted to a loss of revenue in permitting chicory, on which there was no duty, to be sold as coffee, on which there was a duty. There might be something in the circumstance that chicory by itself was liable to cake; but whether the fact was so or not ought to be ascertained, and that was an additional reason for inquiry. He thought the Treasury Minute was calculated to lead to frauds on the public. The label on the mixture was no guard against fraud in respect to the proportions in the mixture. He hoped either that there would be a return to the Treasury Minute of the last Government, or that the Government would institute an inquiry next year.

LORD MONTEAGLE said, he must express his regret that the noble Viscount, in bringing forward the question, should have made a very unwarrantable and unjust charge against public servants who were not present to defend themselves.

VISCOUNT TORRINGTON explained. He distinctly guarded himself against its being supposed that he made any charge against the gentlemen in question, but he said he knew there was a feeling abroad that they had not done their duty, though he would make no charge against them, as they were not in the House. It was supposed by persons out of doors that these officers were hostile to the Minute.

LORD MONTEAGLE was glad he had elicited the explanation, but appealed to their Lordships if they had not supposed the noble Lord made a charge against the officers? He could speak from experience, having been the official superior of these gentlemen, and he could say that the business of the Excise was fairly, frankly, and impartially administered. He did not agree with the noble Lord that chicory was a deleterious article; but, still, he thought there was no reason why it should be used to coffee. It did not matter whether the article used in adulteration was deleterious or not; in either case it was a fraud on the public. Water, for instance, was not a deleterious article; but would any one say that it was not a fraud on the public to mix it with milk and sell it to them? He did not hold the noble Lord responsible for all the London milk that was mixed with water; but he held him responsible for adulterations of coffee with chicory. Whenever an article which did not pay duty was substituted for an article which paid duty, the revenue was injured in proportion to the amount of that substitution. In the present case it became a very serious question. The prosperity of the labouring classes had arrived at a point that was unexampled in this country—higher and better than ever it had been at any antecedent period; therefore, as stated by his noble Friend, an increased consumption of coffee might be shown; but at the same time circumstances might have occurred which had prevented that increase from being still greater. It was said that the introduction of chicory promoted the consumption of coffee, and if that were true, he would admit that it should undoubtedly have great weight; but the persons most interested in the consumption were the coffee growers, because if this practice had the effect of raising the consumption of coffee, the coffee growers were the persons who would be most benefited by it, and they ought to have them beseeching their Lordships' House for the consumption of chicory; but they, on the contrary, were the persons who were loudest in their complaints against the practice, and therefore it was not very likely that the use of coffee would be increased by mixture with chicory. When you came to drive out of the market ninety-nine parts of coffee out of a hundred, and sell instead of it an article with the *lascia passare* of the name of coffee which did not pay the duty the coffee would have paid, the revenue was so far injured and placed in peril. There would be 130,000 persons under *surveillance*, and the proof of fraud would be dependent on difficult analysis, and a variety of other circumstances; whereas, under the old Minute, there was only a simple fact to be investigated. He would suggest to the noble Earl to consider the expediency of subjecting the question to an inquiry upstairs. It could not take any great time, and it would give great satisfaction to all the parties concerned. If it were found that what was sought for was impracticable, the noble Earl would stand justified before the public, and the House would be saved the trouble of further discussion on the question.

LORD REDESDALE said, the change was not satisfactory to the people of this country who preferred buying an article the nature of which they knew, to one of which they were ignorant. The discontent that prevailed would be increased by the belief that the persons interested in the chicory trade had some peculiar influence in carrying their objects, and that this article alone seemed to have especial privileges attached to it. No Government had attempted to alter the law respecting coffee, but it was suspended. The law was of the most stringent character, and not only was no dealer allowed to mix any article with coffee, but he was not allowed to keep anything resembling coffee in his shop:

but now notwithstanding the law, the dealer was not only allowed to sell chicory, but was allowed to sell it mixed up with coffee, provided only that he put a label on the package, stating that it was adulterated. This was as great a violation of the law as could well be. What was the inference? It was the only preparation similar to coffee dealers were allowed to sell, and therefore there was an impression that there was some influence at work in favour of chicory which exercised a power over the authorities. He knew that feeling was universal throughout the country. The question was one, he was satisfied, which ought to be inquired into, with a view to alter the law as to the sale of coffee, and the mixture of other articles with it. It was most objectionable, when there was a law applying a certain penalty to a certain act, that it should be year after year got rid of by a Treasury Minute. They should have the question with respect to the law discussed and settled, so that the law and the order of the Government should be synonymous, instead of being opposed to each other.

Petition ordered to lie on the table.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, August 2, 1853.

Minutes.] Public Bills.—1° Linen, &c. Manufactures (Ireland); Defacing the Coin.
3° Universities (Scotland); Employment of Children in Factories; Drainage of Lands (Ireland) Act Amendment; Dublin Carriage; Turnpike Acts Continuance.

CHARITABLE TRUSTS BILL.

Order for Committee read.

Lord JOHN RUSSELL, in moving that Mr. Speaker leave the Chair, said, that he did not think it necessary to make any statement to the House with respect to the general provisions of this Bill. He had stated, at an earlier period of the Session, in going over the general views of the Government with respect to education, that the object was the better management, and, in some cases, the improved application of the charitable trusts of this country. The question, in fact, was one which for a long period had engaged the attention of Parliament. In 1816 Lord Brougham, then Mr. Brougham, had brought this important subject prominently before the consideration of Parliament, and both Parliament and the public had taken a great interest in it. Since 1816 he thought that time sufficient had elapsed to enable them now to legislate upon it—about the usual time before any great subject of public importance was brought to a conclusion. In 1843, a measure had been introduced either by Sir Frederick Pollock, or under his immediate instructions; and repeatedly since that period Bills upon the subject had been brought before Parliament. A Bill had been introduced by the Government over which he had presided; and last year the hon. and learned Gentleman opposite, the then Attorney General (Sir F. Thesiger), made a detailed and very able speech in behalf of the Bill which was then before the House. In the present Session Government proposed to take up the subject again, and, as he stated to the House in bringing the question forward, it was proposed that, as many of these charities had reference to education, the body which should direct the administration of those trusts in a general way, and should have the superintendence of them, should be the Committee of the Privy Council for Education, with, of course, such legal assistance as might be necessary to enable them to deal with any difficult question of law that might come before them. The Bill now before the House had been introduced into the other House by the Lord Chancellor, and had been referred to a Select Committee, which Select Committee, they had reason to know, had paid very great attention to the subject, and had gone over all the provisions of the Bill with the greatest possible care. It was the opinion of that Committee that it would be better that the question of general superintendence and administration of charities should be altogether separated from any political question, and from the interests of any party. They thought that that could not be effected by the proposition which had been made by the Government, and they proposed—and their view had been assented to by the Lord Chancellor—that there should be persons named by the Crown who should hold their office during good behaviour, to whom should be intrusted that general administration. He did not think that it was at all necessary to enter into the merits of the two propositions. The latter had been adopted by the Committee of the House of Lords, and had been taken up by the Government. It appeared to him that the great object which they had in view might be accomplished in that manner. It was not necessary either that he should make any statement as to the number of charities which would be affected, or as to the different provisions of the Bill, which, no doubt, would come under the consideration of that House in the Committee. There were some alterations, however, which he had to propose which he would briefly enumerate. One was, that although there were three persons named in the Bill who were to receive salaries, it was very probable that after a time the whole number of three would not be required. Therefore he should propose at the end of the Bill a clause, by which, at a certain time, one of those appointments should cease and determine, and, without the consent of Parliament, should not be renewed. He thought it would be quite necessary that there should be at least two persons having the qualifications named in the Bill who should be the permanent Commissioners for carrying out its provisions. There was one person, as the Bill now stood, who did not require a legal qualification, and who would be a Member of that House. That provision he proposed to maintain. He was sorry to find that in inquiring with respect to one kind of charities—namely, Roman Catholic charities, the placing of them under that body without any special provisions might lead to questions which would affect the existence of many of those charities. The House was well aware of the laws which restricted and limited the management of charities, and although these Roman Catholics charities were very useful, and were such as he was sure the House would wish to continue, they might, from having failed to become enrolled under Lord Hardwicke's Act, or from being founded subsequently, not having altogether complied with the law, be liable to be entirely overthrown and destroyed by the operation of this Act, unless great care were taken. He did not think that at this period of the Session it would be advisable to enter into the question, which was a very grave and important one, as to how far those charities should be maintained, and the law on the subject of superstitious uses should be modified. He therefore proposed, as was done in the Act of 1835, and the subsequent Act appointing Commissioners for those inquiries, that the Roman Catholic charities should be omitted from this Bill. He did so, not with the view of omitting them permanently, because he thought it would be a great advantage that they should be brought under a contract of this kind, and he should think it would prove a great benefit to themselves that there should be a superintending body to prevent these charities being diverted from their proper object. That would require, however a separate Bill, and very special provisions, which might excite a good deal of discussion in that House. He proposed, therefore, to exempt Roman Catholic charities from the operation of this Bill, as they had been excluded from the Act of 1835. He would now move that Mr. Speaker should leave the Chair.

House in Committee.

Clauses 1 to 27 inclusive were *agreed to.*

Clause 28 (The Lord Chancellor, with the advice of the Master of the Rolls and the Vice Chancellors, shall issue general rules and orders with reference to the mode of proceedings, and to the fees and allowances to solicitors of the Court of Chancery, and the fees to be payable in money or by stamps to the officers of the said Court in respect of applications and proceedings).

MR. HENLEY said, he must express a hope that this clause would not open the door to the establishment of a new set of fees in the Court of Chancery after they had been so recently regulated by Parliament.

The SOLICITOR GENERAL could assure the right hon. Gentleman, whom he begged to compliment on his watchfulness, that there was no such intention. The majority of the persons affected were not the officers of the Court, but the practitioners in the Court. With regard to the officers' fees, they were governed by a general Act, which provided that all such fees payable, or to become payable, should be carried to the suitors' fee fund.

Clause *agreed to;* as were Clauses up to 42 inclusive.

Clause 43 struck out.

Clause 44 (Reservation of Rights and Privileges of Church of England with respect to Charities).

MR. MIALL said, that as the previous clause had been expunged, this clause which reserved the rights and privileges of the Church of England with respect to charities should also be expunged.

LORD JOHN RUSSELL said, he would amend the clause by omitting the words "as compared with any other religious persuasion or sect, or the members thereof."

MR. MIALL, said, he was not satisfied with the proposed Amendment, and should, therefore, move that the clause should be omitted.

Question put, "That the Clause as amended stand part of the Bill."

The Committee *divided:*—Ayes 71; Noes 39: Majority 32.

Clause *agreed to:* as were Clauses up to 51 inclusive.

Clause 52 (The Board, upon the application of any trustee, or upon any report of an inspector or information otherwise obtained, to frame schemes for the appropriation of charitable property to varied trusts).

Mr. HENLEY said, he should move to omit the words "or upon any report of an inspector or information otherwise obtained."

Lord JOHN RUSSELL said, he must oppose the Motion, for he must confess that some of the principal advantages which he expected to accrue from this measure would be gained by means of it. The power was necessary in order to secure that trustees performed their duty, and it would not be exercised without the intervention of Parliament.

Mr. HENLEY said, he believed that so far as the administration of charities was concerned, the clause would be wholly inoperative.

The ATTORNEY GENERAL said, he should oppose the Amendment. There were numerous instances in which it was absolutely necessary to have new schemes for the management of charities, and he was convinced that the machinery provided by the clause would prove in such cases both simple and efficacious. Every publicity would be given to the proceedings of the Board previous to any alteration of the schemes, and he did not see that wrong could be done to any one.

Sir FREDERIC THESIGER said, he must support the Amendment. The question before the Committee was this: What power ought to be conferred on the Commissioners for the purpose of making new schemes for charities? The clause applied to those cases exclusively in which the Court of Chancery could not interfere, and to cases in which an Act of Parliament was necessary. Now, was it desirable to give to the Commissioners a power to devise a scheme which might alter the intentions of the donor? It was no doubt desirable that the Commissioners should have power to change a scheme on the application of the trustees or the parties interested in the trust, but this clause would invest the Commissioners with an arbitrary authority not possessed by any body in the country. His feeling was in favour of the Amendment of his right hon. Friend (Mr. Henley); but if the Committee should think generally that this power ought to be conferred upon the Commissioners, he was so anxious for the Bill to pass in the most approved form, that he should be quite ready to waive his own opinion.

The SOLICITOR GENERAL said, he must contend that the mode of procedure under this clause was more likely to ensure a beneficial alteration, and one in conformity with the principles of the charity, than the mode now in existence, for it provided that things should not be done in a corner, as was now too frequently the case.

Amendment *negatived.*

Clause *agreed to;* as were also Clauses up to 59 inclusive.

Clause 60 (Exempts from the operation of the Act the Universities of Oxford, Cambridge, London, Durham, and other institutions).

Lord JOHN RUSSELL said, he now rose to move the extension of the exemption to

> "any funds applicable to persons of the Roman Catholic persuasion, or that shall be under the superintendence and control of persons of that persuasion."

In the Act of 58 *Geo.* III., there was an exemption with respect to funds applicable to purposes of education for persons of the Jewish persuasion, or Quakers, or persons of the Roman Catholic persuasion, under the superintendence and control of persons of that persuasion. The Act of 1835 contained a similar exemption. He had not heard that any of the Jewish persuasion, or Quakers, had asked to be excluded from the operation of the Act, but there had been very considerable alarm excited on the part of many of the Roman Catholic persuasion. That alarm was founded on two grounds, derived, however, from the same cause. One was, that the law with respect to superstitious uses was such that it was supposed many of the Roman Catholic charities would not stand a strict inquiry, if brought under the consideration of the Court of Chancery, or of any other Court in the kingdom. The other ground was the consequence of that doubt with respect to their legality, which had led to these charities not having been enrolled according to the provisions of Lord Hardwicke's Act, and which would render them liable, therefore, to the forfeitures and penalties contained in that Act. His own opinion was, as he had already stated, that the provisions of this Act ought to apply to the Roman Catholic charities; but he thought, at the same time, that it would be necessary to amend the laws relating to superstitious uses, and that uses in conformity with the Roman Catholic religion should be accounted as purposes to which Roman Catholic foundations might be applied. That object would have been accomplished by a Bill which had been introduced some years ago by the present Master of the Rolls (Sir John Romilly), but which did not pass. It was obvious, however, that they could not frame provisions for that purpose in a Bill which had come down from the House of Lords without questioning the discrimination of other of those purposes which by law were not allowed to have the benefit of these charitable endowments. He would propose, therefore, with the view of legislating in a future Session upon this important subject, that the Committee should now introduce, after the other exemptions contained in the clause, the words which he had read.

Mr. HADFIELD said, he condemned the operation of the mortmain laws *in toto*, and he trusted that the noble Lord would some day be prepared to deal with them. He did not wish to deprive the Roman Catholics of the benefit of their charitable institutions, which, owing to the state of the law, might have become liable to penalties and forfeitures; but he should like to see an Act introduced of a retrospective nature, which should legalise them all.

Mr. HENLEY said, he thought it was unfair that a proposition of this important nature should have been brought forward in the manner that it had been, without any previous notice whatever. He put it to the noble Lord whether he would not withdraw those words for the present, and bring them up on the Report, when there might be an opportunity of discussing them.

Lord JOHN RUSSELL said, he would assent to this suggestion, and withdraw the Amendment with the view of bringing it up upon the Report.

Clause *agreed to.*

Remaining clauses *agreed to.*

Sir FREDERIC THESIGER said, he must congratulate the noble Lord and the Government on the near prospect of passing a Charitable Trusts Bill after a delay of thirty years from its first introduction. He felt quite confident that it would prove highly beneficial.

Bill *reported*, as amended.

House resumed.

Lord John Russell

SIR JAMES BROOKE—QUESTION.

Mr. DRUMMOND said, he begged to ask the noble Lord the Member for London, whether a copy of the charges against Sir James Brooke, contained in the hon. Member for Montrose's (Mr. Hume's) letter enclosed by Lord Clarendon to Lord Dalhousie, were communicated to Sir James Brooke previous to his leaving this country, or whether Her Majesty's Ministers took leave of Sir James Brooke previous to his return to Borneo without letting him know those charges under which they had at that time resolved to arraign him? The House would remember, when the hon. Member for Montrose brought forward charges against Sir James Brooke, the noble Lord (Viscount Palmerston) declared them to be utterly unfounded, and yet he saw by the papers of the House that the Government had adopted certain charges contained in a letter of the hon. Member (Mr. Hume), and sent by Lord Clarendon to Lord Dalhousie, with a specification of the points on which inquiry should take place.

Lord JOHN RUSSELL said, that the Government had not adopted any charges against Sir James Brooke. When he (Lord John Russell) was in the Foreign Office, he directed the letter of the hon. Member for Montrose, which contained many charges against Sir James Brooke, to be sent to that gentleman, requesting him to give any answer he might think proper with regard to it. The inquiry, however, which the Government proposed to institute had no reference to those or any other charges against Sir James Brooke, but was simply of this nature—whether it was desirable that Sir James Brooke, he being the rajah of a foreign country, should continue to hold the various offices under the Government of this country which he had occupied for a considerable period. At the same time the proposed inquiry would give an opportunity to invessigate any charges that might be made against Sir James Brooke, who was himself anxious that such an inquiry should be made, and who had repeatedly declared that he would never shrink from the strictest investigation into his conduct and proceedings. He need hardly state, after the several Motions which had been made in that House, that Sir James Brooke, previous to his leaving this country, was fully informed of the charges which had been brought against him.

Mr. HUME said, he had never brought forward charges against Sir James Brooke.

He had merely called attention to public despatches, which gave an account of the massacre of 1,500 people, and in the interest of humanity had demanded an inquiry into that atrocious proceeding. He wished to ask Mr. Speaker a question in connexion with this subject. It would be recollected that a despatch had been laid on the table containing a letter addressed by Sir James Brooke to the Judges at Singapore, in which he attacked one of the officials connected with the Court there, calling him a blackguard and a scoundrel, and heaping upon him all the odious epithets he could find. The gentleman thus grossly attacked subsequently addressed a communication by way of reply to the hon. Member (Mr. Baillie) who had moved for the production of the despatch; and that document, on the Motion of the hon. Member for Inverness-shire, was laid before the House in the present Session. He understood, moreover, that several hundred printed copies had been sent to Mr. Speaker, in order that they might be distributed. This had not been done, and he wished to know why the reply of the official at Singapore to the coarse attack of Sir James Brooke had been withheld from publication?

MR. SPEAKER said, he had abstained from distributing it for the simple reason that he thought it was a libel from beginning to end. The hon. Gentleman was wrong in supposing that the document was printed. A printed copy was presented at the Foreign Office, but the one sent to him was in manuscript; and, indeed, it was so full of libellous matter that had any hon. Member proposed to have it printed, he would have considered it his duty not to allow the Motion to proceed.

Subject dropped.

RUSSIA AND THE PORTE—QUESTION.

LORD DUDLEY STUART: I rise, Sir, to put a question to the noble Lord the Member for the City of London, of which I have given him notice, on a subject of the greatest importance, not only to this country, but to the whole of Europe. The House is well aware that there has been upon the paper for some time a notice of Motion relating to the settlement of the Eastern question, in the name of the hon. Member for Aylesbury (Mr. Layard), which Motion was originally based on one which stood in my name. The hon. Member for Aylesbury has more than once shown a desire to bring this important subject before the House; but he has waived his intention in consequence of the wishes of Her Majesty's Government, who thought it would be inconvenient to the public service that the question should be debated in Parliament at that particular time. Since then, a considerable period has elapsed, and negotiations have gone on, and are still going on, it is understood, between this country and all the Courts of Europe, with respect to the differences which have arisen between the Court of St. Petersburg and that of Constantinople. Now, I do not wish to ask my noble Friend to fix at present a day when that subject may be discussed; but what I wish to ask him is this—whether he will, before the prorogation of Parliament, which cannot now be very long delayed, set apart a day when the hon. Member for Aylesbury may bring forward his Motion, and when the question may be discussed, or, at least, when the Government will be prepared to lay a statement before the House, explaining to the House, and to the country, the present state of our relations with reference to the different Powers of Europe?

LORD JOHN RUSSELL: Sir, on the last occasion when this important subject was mentioned, the House concurred with Her Majesty's Government in the opinion that it was not desirable to have a discussion, in the present state of the negotiations, in this House. I am quite ready, however, to give my noble Friend and the House all the information that it is at present in my power to afford. When the Ambassador of His Majesty the Emperor of Russia left Constantinople, it appeared to Her Majesty's Government that it was desirable that there should be a conference with the representatives of all the Great Powers of Europe, in order to endeavour to arrive at terms which might put an amicable termination to the differences between Russia and the Sublime Porte. It was the opinion of the Government of Austria that it was not desirable to have any such conference while the matter remained in a state of diplomatic relations, and that it would not be advisable to have such a conference unless the Emperor of Russia, by invading the Principalities, should, for a time at least, put an end to the *status quo* of Europe. When that event occurred, the Government of the Emperor of Austria, in conformity with its previous declarations, declared its willingness to hold a conference, and at Vienna summoned the representatives of all the other great Powers of Europe to attend for the purpose of a conference on the affairs of Russia and Turkey. The Minister of His Majesty the Emperor of Russia did not attend; but the Ministers of England, of France, and of Prussia, attended that conference. Certain terms were there agreed upon, which, in the opinion of the representatives of the four Powers, might be accepted with honour by the two Governments of Turkey and of Russia. Those terms have been assented to by the Governments of England and of France, and, according to our belief, have been transmitted from Vienna to St. Petersburg and Constantinople. In this state of affairs, I think the House will feel fully as strongly, if not more strongly than it did before, that it is quite impossible for me either to say that we ought to have a discussion upon this important subject, or to fix a day for that discussion. I may assure the House, that, as the time for the prorogation of Parliament approaches, Her Majesty's Government will be ready to give every information they can upon this important question.

Mr. DISRAELI: I wish to ask the noble Lord whether there is any particular time when Her Majesty's Ministers are induced to believe an answer will be returned from Constantinople and St. Petersburgh?

Lord JOHN RUSSELL: I would not like to be responsible for naming any particular time. I do not know exactly how many days the Government of His Majesty the Emperor of Russia may take to consider the proposition made to them. I should think that proposition left Vienna probably on Sunday last, and the right hon. Gentleman will be able to calculate, as well as I can do, how long it may be before an answer can be returned from St. Petersburg or Constantinople.

Mr. DISRAELI: There was a phrase in the noble Lord's answer to the noble Lord the Member for Marylebone, which appeared rather obscure to this side of the House. The noble Lord stated that the proposition agreed upon in Vienna had received the approbation of the Governments of France and England. I inferred at the moment, that, of course, it had received the approbation also of the Governments of Austria and Prussia; but as there seems to be some misapprehension on this side of the House, perhaps the noble Lord will add a word of explanation.

Lord JOHN RUSSELL: The proposition was an Austrian proposition, though it came originally from the Government of France, and I have no doubt the Government of Prussia have intimated their assent to it.

Subject dropped.

METROPOLITAN POLICE.

Lord DUDLEY STUART said, he had on the paper a notice of Motion for a Select Committee to inquire into the cost, maintenance, and general administration of the metropolitan police; but under the circumstances of the Session he would do no more on the present occasion than call the attention of the House generally to the subject. The inhabitants of the metropolis felt the cost of the police force to be a very serious grievance, and all the more so that it had been increased, within the last few years, to an enormous extent, without any adequate reason, and with no adequate result. The increase so complained of amounted to no less a sum than 100,000*l.*, the cost being now 39 per cent higher in the metropolitan districts than it was when the force was first formed, the numbers of the force having been raised by no fewer than 2,000, the present establishment consisting of 5,500 men. Now, the metropolitan districts conceived that this was a force far greater than the necessity of the case at all required, the watch and the ward being, in point of fact, no better than it used to be under the old system, when there were fewer men, and the expense was much less. He would instance the parish of Marylebone, which Sir Robert Peel had pointed to as the model of a well-watched district under the old system. Under that system Marylebone was efficiently watched by 251 watchmen, at a cost of 10,000*l.*, whereas it was now no better, if so well, watched by 211 policemen, at a cost of 25,000*l.* Although the population had increased, yet the number of policemen was out of all proportion, as they had increased 50 per cent since their establishment. When the noble Member for the City of London was Premier, the present Member for Morpeth (Sir G. Grey), then Home Secretary, admitted—and this was so long ago as 1848—that there was too large a police force in the metropolis, and introduced a Bill for the purpose of diminishing it; yet, afterwards, one morning at two o'clock, the right hon. Baronet all of a sudden withdrew his Bill—a proceeding which would be remembered in the metropolis to the right hon. Gentleman's disadvantage and discredit as long as he lived.

At that time the right hon. Gentleman alleged, as a reason for continuing the existing large force of police, that there were apprehensions of disturbance in the country. At all events, this allegation could not be advanced now, when the country was prosperous, tranquil, and well-disposed, beyond anything that had ever been known. He trusted that the Government would not incur the dissatisfaction of the country by refusing at the earliest possible period in the next Session an inquiry into the present cost and administration of the metropolitan police force, with a view to ascertain whether the cost could not be diminished, and the administration of the force, at the same time, greatly improved. It was his decided opinion, that both objects were attainable. It was said by some persons that the police could not be improved; but he did not subscribe to that opinion, for, although they were efficient, yet they might be made still more so, and one mode of doing it would be to increase the number of their officers, and give those duties to a better class of men, who would be more fit to command the men. As it was, the officers were all raised from the ranks, and were not sufficient in number to keep the men to their duty; and that was one of the reasons why a policeman was never to be found when wanted, but were loitering about areas instead of being at their posts. Misconduct on the part of individuals here and there might be expected in so large a force; but the public had a right to demand that such flagrant outrages as those which from time to time were committed by whole parties of police should be prevented. Not long since no fewer than four or five policemen were guilty of a combined outrage upon an unoffending person, whom they attacked and wounded with their cutlasses, broke his arm, and then actually dragged him before a magistrate on a charge that he had attacked them. The magistrate at once dismissed the charge, and he believed the men were afterwards dismissed from the force; but no attempt had been made by the commissioner of police to bring them to the punishment they had so richly deserved. In another more recent case, a number of police had grossly insulted and assaulted a poor respectable woman, who, from the effects of their violence, miscarried. This woman deserved protection as much as the wife of any Member of that House, and it was monstrous that such an outrage should have been committed by the guardians of the public peace. The men were brought before the magistrate, and the one who abused the woman was fined 10*s.* and 2*s.* costs, while the other, who had struck the woman, and who was in court, and heard the matter going against his colleague, slipped off, absconded, and had not been taken since. All this sort of thing indisposed the public towards this force, and there would be a still greater indisposition towards it, unless the Government granted an inquiry. At the lying-in-state of the late Duke of Wellington, also, three persons lost their lives in consequence of the defective and discreditable arrangements of the police. For these and other reasons which he could give, if he was to go into the subject, he thought he could make out a very good ground for the appointment of a Select Committee; but, of course, he should not think of making such a Motion at this late period of the Session, the Government having succeeded—and that, too, not by the fairest and most straightforward means—in preventing him bringing forward the Motion at an earlier period. He assured the House, however, that he should endeavour to bring the subject forward again at an early period next Session, when he hoped to be able to secure the appointment of a Committee upon it.

CASE OF VICCAJEE MERJEE AND PESTONJEE MERJEE.

Order for Committee read.

Question proposed, "That the Speaker do now leave the Chair, in order that the House go into Committee of Supply."

Mr. J. G. PHILLIMORE rose to move, as an Amendment—

"That an humble Address be presented to Her Majesty praying that the case of Jevanjee Pestonjee and Rustomjee Viccajee be referred to the Privy Council."

The hon. Member said, that the case which he was about to bring before the House, was one of as much cruelty and injustice, short of affecting life and limb, as had ever been brought under the notice of the Legislature. The petitioners were two Parsee merchants, both Native subjects of the British Empire; and they complained that, having been induced by their reliance on British faith, and on the respect paid to the British Crown, to enter into certain engagements with the Nizam, a prince immediately under the protection of the British Government, they had, in spite of the most solemn declarations and deliberate promises, been plundered of the securities they had received from that

Prince for the fulfilment of his part of the engagement, and that not only had the British Crown not interfered to avenge their wrongs or to protect their rights, but that the East India Company, to whom they naturally looked for protection and redress, were actually at that very moment in possession of the lands which they received from the Nizam as security for the advances they had made on his behalf, and as the mortgages upon which the money had been lent: and they further alleged that, though these advances had been applied in a great measure, and, indeed, almost exclusively, to the support of the troops of the East India Company themselves, that body had distinctly refused to acknowledge any obligation on their part to refund the money—so that the grievance the petitioners suffered under was not simply that they had been stripped of their property, and that the Crown of England had not interfered to protect them, but that the East India Company had stepped in and reaped the fruit of that iniquity. The facts of the case were simply these:—The petitioners were originally employed by the Indian Government at Bombay for the purpose of collecting the revenue in certain large districts of the country; and so faithfully did they fulfil that duty, that, by the admission of the Government officials, they doubled the resources of their district in less than seven years, and had received repeated testimonials of approbation from the Government officials. They lost that situation in course of time—not, however, by any misconduct, but simply because a different system of collecting the revenue was adopted, under which their services were no longer required. They betook themselves to the cultivation of cotton, and succeeded in conferring a signal and material benefit on the English people by the energy which they brought to bear in the prosecution of that object, and likewise by their undertaking the transportation of cotton from Berar to Bombay; and in this new undertaking they were equally successful, having increased the quantity transported from Berar to Bombay from 2,500*l.*, its value in 1825-6, to the value of 600,000*l.* in 1835-6. In consequence of these transactions a correspondence arose between them and the Nizam's Government; and they asked permission of the British Government to proceed into the territories of that Prince, and also that the British Government would act as umpires between them and the Nizam's Government in certain disputes which might arise between them and his officers. Now, Mr. Wilson, the historian of India, described the relations between the British Government and the Nizam, at the particular period in question, as being that the Government of Hyderabad existed entirely under British protection; and it was, in fact, in a state of vassalage to the English Government, and entirely dependent upon them—so much so, that they had prevented that Prince from appointing a Minister of his own choice, and had compelled him to accept one of their own selection. The then Minister, Chundoo Lall, had therefore been placed in his position by the power of the British Government; the Government of Hyderabad was, in effect, in the hands of the British Government, and the Minister was protected by the British Government from the caprice or tyranny of his master. Now such being the relation of the Nizam's Government to the British Government, the petitioners asked the latter to act as umpires in their negotiations with the Nizam; and a letter was sent to the petitioners by the British Government accepting the office, a corresponding letter being at the same time sent to the Resident. This was a material fact, as bearing upon the expectations which these Parsee merchants had a right to form of what they were entitled to receive at the hands of the British Government. The consequence was that the petitioners went to Hyderabad and had an interview with Chundoo Lall, the Minister of the Nizam, the dependent of the British Government, who, having heard of their former extraordinary success as the agents of the British Government, at once proposed to them to undertake the management of the chief cotton district in Berar, the terms of the proposal being that they should be put in possession of that district, and be entitled to draw its revenues, provided that in their capacity as bankers they would undertake to make advances to the Minister of the Nizam for the purpose of being paid over to the British Resident, whose duty it was to pay the troops known as "the contingent." Now what was the contingent? Sir Charles Metcalfe described it as being the Nizam's army in name; but they considered themselves as the Company's troops; and he added, that it was true they were more the English Government's troops than the Nizam's who paid them; for they received their stipend through the English Government, were commanded by British officers, and in any crisis would obey the commands of the British Government. They were, in fact, British troops. The petitioners agreed to advance money for the payment of these troops. They paid some part of it, but not the whole. To this proposal of Chundoo Lall the petitioners assented, and were in consequence put in possession of nearly the whole of the valley of Berar, which was mortgaged to them for repayment of the loans. The petitioners met with the same success in the management of this district as had attended their labours at Bombay—the revenue was increased, waste lands were brought into cultivation, and the Nizam's demands for supplies were regularly met. But the demands of the Nizam became every year more and more serious; and at last came the era which would be long remembered in Oriental story—he referred to the period of the Affghan war, when a body of British troops was marched from Bengal to the Indus, and was there joined by another army from Bombay. By the expenses of these two armies the treasuries of the British Presidencies were drained, and it became of the utmost consequence to obtain money from every quarter. The British Resident in Hyderabad was in consequence directed to enforce certain demands against the Nizam's Government, and, the funds of the Nizam being exhausted, he supplicated the petitioners to make fresh advances in order to prevent the open mutiny of the contingent, which would inevitably have occurred had they not received their pay; and, although advances had already been made far beyond the value of their securities, the petitioners, being anxious to display the utmost attachment to the British Government, did consent to make the advances asked for. These demands, however, still continued to increase, and from 1837 to 1843 the advances made amounted to upwards of 687,000*l.* for the purposes of the contingent. In 1841 the creditors of the petitioners became greatly alarmed, and for their satisfaction they were anxious to obtain a distinct admission of the justice of their claims upon the Nizam. For this purpose they solicited an interview with Chundoo Lall, who admitted to the fullest extent the justice of their claims, stating his inability to pay the money in consequence of the exhausted state of the Government treasury, but expressing his readiness to give them the best security he could. He offered them a mortgage over certain lands yielding 110,000*l.* a year, which was accepted, the petitioners in return giving up a large portion of the property already in their possession, yielding nearly 90,000*l.* a year. The petitioners, as he had said, took the district yielding 110,000*l.* a year, which was secured and guaranteed to them by mortgage—and what they regarded as of still more importance, though it had proved of no avail—secured to them by the British faith, pledged to them by the Resident of Hyderabad, which, in a moral sense, at least, bound the British Government, and made it responsible—he would not say for their repayment of the money—but at any rate for their undisturbed possession of the territories mortgaged to them by the Nizam, in consideration of the sum they had advanced to pay the troops of the East India Company. In order to give the mortgage greater weight, it was proposed that the transaction should be carried on through the instrumentality of the British Resident at Hyderabad, and that the original document should be formally lodged among the records of the Residency. The Resident, so far from refusing to become a party to the transaction, accepted the document, and afterwards granted an authenticated copy of it at the request of the petitioners and their creditors; and, indeed, the documents relating to the mortgage were now among the records of the British Residency. The petitioners applied to the Resident for a copy of the document, which, with the assent of the Minister of the Nizam, was supplied to them. Now he (Mr. Phillimore) asked, if this document was not intended as a guarantee, for what purpose was it given? Sir C. Metcalfe had expressed his opinion that, although the terms of the arrangement were no doubt heavy, so far as the Nizam was concerned, yet that if he would not supply from his private treasury the money required for the payment of his troops, his Minister must either obtain the amount elsewhere, or the troops must be disbanded. These merchants knew, that if they trusted to the Nizam alone, they had no security for the repayment of their advances; but they were satisfied that, as the Nizam was completely dependent upon the English Government, he would not be allowed to set aside obligations which, in the case of his own subjects, he might safely disregard. Sir C. Metcalfe had expressed a strong opinion that interference in the affairs of the Nizam was not merely a right, but a duty, arising from our position in India; and he had declared that our control over the territories of the Nizam amounted to undisguised supremacy, and that, therefore, the British Government could not, without disgrace, suffer any violation of faith with the public creditor. He did mean to say that all these sentiments of Sir C. Metcalfe had received the assent of the Court of Directors, but he thought that when the petitioners saw the English Government interfering in some cases to enforce the payment of advances, and when they knew also that their advances had been made simply and solely to pay the contingents of the East India Company, who would otherwise have disbanded and plundered, they were justified in supposing that they would be supported by the Government at home. Certainly they could not expect that the British Government would afterwards turn round and say, that they were determined to change their policy and abstain from all interference in the affairs of the Nizam; because it was notorious at the time the petitioners made these advances, that the English Government interfered in the affairs of the Nizam, external as well as internal, and had exercised with regard to his dominions a supremacy altogether undisguised. Fresh loans were demanded and advanced, and so long as Chundoo Lall was Minister of the Nizam, no attempt was made to dispossess the petitioners of the security they held. After the resignation of Chundoo Lall, however, the Minister appointed in his place lavished the resources of the Government on other objects, and the petitioners became alarmed lest their demands should not be met, and it soon turned out that their alarm was not without foundation. The amount advanced by the petitioners up to 1843 was 687,000*l.*, and, on a balance being struck in January, 1848, long after they were dispossessed of their mortgage lands, in a manner most unfavourable to the petitioners, it was decided that a sum of at least 260,000*l.* was due to them. They sought an interview with the Nizam, by whom it was intimated to the petitioners, that the amount of their interest was to be reduced; but, although they received 18 per cent interest, they had been compelled to borrow some of the money they advanced at a larger interest than they obtained, the interest paid by the petitioners varying from 12 to 24 per cent. This circumstance was urged by the petitioners as the ground for a different arrangement. However, the Nizam being the strongest, they were obliged to submit. Now he (Mr. Phillimore) might mention that, on one occasion, when Chundoo Lall wished to divert part of the sum appropriated to the repayment of the petitioners to other purposes, he did not venture to do so without asking the Resident's permission. The Resident refused his consent, and his refusal to some extent stopped the proposed diversion. It could not, therefore, be urged that there had been no interference in this case on the part of that official. In February, 1845, Pestonjee Merjee had an interview with the Nizam, who assured him of his good will, and that he need entertain no fear on the subject of the securities, and he solicited a further loan of 41,000*l.*, which was given. On the 20th of June, 1845, however, Pestonjee Merjee received intimation that he was to be stripped of the land which had been formally consigned to him as a security for the advances. The Resident again interfered and wrote to the Nizam, communicating also with the Government of India; but, in the course of July, Pestonjee Merjee was dispossessed of his territories, and sixteen of his people, without any aggravation on their part, were murdered by the troops of the Nizam. Remonstrances were made in vain, and all applications for redress were unsuccessful. Indeed, according to the last accounts received from India, a large portion of the territories wrested from Pestonjee Merjee were at this moment in the possession of the East India Company, who had taken this mortgaged territory, and refused to acknowledge the claim of the mortgagees, although the advances were made for the purpose of satisfying their own claim. The Company said they did not think the sanction which had been given by the Resident to the transaction, justified the petitioners in calling upon them to interfere, although the Company had, in fact, derived all the benefit of the arrangement. He would ask the House whether these petitioners ought to be sufferers in consequence of a sudden change of policy adopted by the Company with regard to the Nizam? The Company had repeatedly interfered to procure justice for their subjects when it had been withheld from them by Native Princes, and a regular course of proceeding had been prescribed in order to obtain such interference. If the petitioners had been subjects of a Native Power, the means of redress would have been in their own hands, for they would have had nothing more to do than to keep the Nizam at arm's length, and prevent him from entering upon territories to which he had no legal claim; and it appeared from a letter written by an English officer, that the petitioners were so much beloved by those over whom they held control, that there could be no doubt, if they had adopted such a course, that their resistance to the Nizam would have been successful. Had they offered such resistance, however, the result would have been that the very troops who constituted the British contingent, and whom they had advanced money to pay, would have been set in motion against them. It was because they were British subjects that they were obliged to sit down under the wrong. The petitioners, finding all applications to the Nizam fruitless, appealed to the Indian Government; but they declined to interfere, on the ground that this was a case of ordinary mercantile speculation, not alluding to the fact that the British Resident had interfered in the arrangement, and that the money advanced had been employed for the payment of the British contingent. The petitioners then came over to England, and applied to the Court of Directors and the Board of Control. After passing some time in this country, they received, in the month of September, 1851, an intimation, amounting, as they alleged, to an assurance, that if they returned to India, they would find instructions had been given that their case should be favourably considered. Relying upon that intimation, they sailed for India; but on their arrival there they found that a letter, bearing the date of August, had been sent out, forbidding all further consideration of their case. He (Mr. Phillimore) must say, he conceived it scarcely possible that a case could be established which was more deserving of the interference of Parliament. With regard to the principle of law by which such a transaction ought to be governed, he could only say, that if, instead of being British subjects, the petitioners had been subjects of the Nizam, and if the territories of the Nizam had been conquered by the East India Company, the Company would have been bound to recognise the petitioners' debt; and, on the same principle, when the Nizam's territory became hypothecated to the English, they, as its governors, succeeded to the duty of recognising and enforcing the rights of their new subjects. To refer to parallel cases in history, when Frederick of Prussia gained possession of the Austrian province of Silesia, he succeeded to the obligations of the previous governors towards its inhabitants. Thus, also, in the case mentioned by Vattel, of the Pays de Vaud being hypothecated to Switzerland by the Duke of Savoy, undoubtedly the Swiss Confederation became bound to stand in the place of the Duke of Savoy to his former subjects. He contended upon these principles that, as the petitioners were British subjects, they had a right to apply to the British Government to redress their injuries. Why, what was the ground of the war which was now in progress in Burmah? It was undertaken to obtain reparation for injuries to the extent of some 700*l.* which had been inflicted upon British subjects. There was certainly nothing in this case to take it out of the ordinary rule of law. The Directors of the East India Company alleged, however, that they did not want to interfere with the Nizam, although they had been appointing his Ministers, exercising control over his subjects, and obtaining money for the payment of his troops. Having done all this, the extraordinary delicacy exhibited by the Government in respect to the case of the petitioners was certainly most striking. It reminded him of the giant in *Rabelais*, who fed upon windmills, but was choked by a pat of butter. As far as the public law was concerned, there could be no question that the Government possessed the right of demanding reparation from the Nizam for injuries inflicted on British subjects; and the latter were completely justified in asking redress at the hands of the British Government. Municipal and private law were alike clear upon the point. It was a maxim of equity that the man who enabled another to commit a fraud, was participant in the guilt of the transaction, and must bear his share of the penalty. It was also clear that the conduct of the Resident at the Court of the Nizam had enabled the latter to commit the fraud which had been practised upon the petitioners; any court of equity, therefore, would decide that the British Government had been made a party to the act; and, therefore, according to the maxims of equitable jurisprudence they became liable for the consequences; and he contended that upon every ground, whether of national or municipal law, or of abstract equity, the petitioners were entitled to redress. The East India Company were now in possession of many of the districts which had been mortgaged to the petitioners, but they had refused to acknowledge the burdens upon the land. All laws from the Roman law downwards, recognised the principle that hypothecated property carried its burden with it. That being the case, the Company had no right whatever to make themselves an exception to the law, and deny their liability to pay off the burdens upon the land. He had now stated the grounds on which the petitioners rested their case, and he believed that he had shown it to be unanswerable. It was most extraordinary that at the very time when the Government were carrying on a war in Burmah for the sake of a sum of 700*l.*, they should not only allow two of our subjects to become the victims of monstrous injustice, but actually themselves become parties to the wrong. And now he would ask whether he had not made out a case which justified the interposition of Parliament—whether he had not shown that British subjects had been cruelly wronged, precisely because they were British subjects; that they had been deprived of the redress which otherwise would have been within their reach; that their wrongs, their injuries, their losses, their spoliation, their ruin, had turned to the pecuniary profit of the East India Company; and that whatever might be the opinion of hon. Members as to the formality of the guarantee, the Resident, the accredited Minister of the Company, had led them to believe that he sanctioned their advances of money to the Nizam, and would not suffer them to be dispossessed of the territories mortgaged for it until it was repaid; that these advances were employed to pay the troops of the East India Company, and were made at a period when the political horizon was lowering and ominous, when the fabric of our authority was rocking to its base, and when to have withheld them would, at least, have added considerably to the perils and difficulties by which we were then encompassed; and, to complete all, that the East India Company, so assisted by them, was now in possession of those very districts which were hypothecated to them as a security for the repayment of the money so advanced, and refused to recognise obligations which, according to the law of nations—according to the municipal law of all civilised countries—according to every maxim of equity, truth, honour, and even of gratitude, it was their paramount duty to fulfil. Such were the allegations which these men made, and which they implored permission to astablish before a tribunal of this country. They were not reckless and unprincipled adventurers; their fathers settled in the regions they now inhabited, and followed the employments which but for an exclusive policy they would follow then, long before the British flag waved or the British language was spoken in the vast empire for the good government of which the House had made itself responsible. They had rendered good service. Let their spotless character, their tried fidelity be recollected; that they stood by this country in the day of humiliation; that they did not come to the House till after they had exhausted every other means of expostulation and entreaty; till after they had drained the cup of distress to its lowest and most bitter dregs; till after they had sued in vain to those on whom all supplication had been thrown away; till after they had been sent, as if in wanton mockery, from India to England, and from England to India, in pursuit of the ever-receding shadow of British justice. An opportunity was now given to refute the enemies of freedom, who had made our representative system the special object of their attack, to prove that however

> " With too much heat
> We sometimes wrangle when we should debate,"

that the defenceless and " he that had no helper" would find that the old English honour and generous hatred of injustice were still what Lord Clarendon told our fathers that they were—the *Dii tutelares* —the tutelar guardians of the House of Commons. Let the House recollect all these things, and then say whether they would allow these helpless, innocent, unaccused men what they would think it scandalous to withhold from a thrice convicted felon—the privilege of stating their case before an impartial tribunal; or whether they would drive such suppliants from their threshold, stop up all access and passage for them to the shrine of justice, and, instead of giving them a judge, make themselves accomplices in the cruel injustice of which they complained.

MR. J. A. SMITH seconded the Motion, because he was most desirous of hearing from the Government, or from the hon. Baronet the Member for Honiton (Sir J. W. Hogg), or from the hon. Member for Guildford (Mr. Mangles) some explanation of the extraordinary circumstances related to the House by the hon. Member for Leominster. He should not have taken this step if he had not devoted much time and pains to the subject, and done his best to ascertain the truth of the facts alleged in the memorial. Having made that examination, he should think himself deficient in candour if he shrunk from the avowal that the facts contained in the petition were incontestably accurate; and, further, that these facts developed a history of violence and wrong rarely, if ever, exceeded. They also proved that there existed in India a strange misconception as to the relations which ought to exist between the Governor and the governed. He would call the attention of the House to a brief outline of the case. Certain Parsee merchants advanced a large sum of money to the Nizam, which was secured to them by the mortgage of large tracts of land in the valley of Berar. This was done with the knowledge of the Resident at the Court of the Nizam, and the deeds securing the mortgage were deposited in the hands of the Resident. After a time, without any notice, and without any cause being assigned, the Nizam dispossessed the petitioners of the districts so mortgaged to them, with violence and cruelty destroyed many of their servants, and repossessed himself of the land. The East India Company, through their representatives in England and in India, had been applied to in every possible form to obtain for the petitioners protection and redress. This had been denied them—all interference had been refused, on the alleged ground that the invariable policy of the Company had been not to interfere in money transactions between Native Princes and their subjects. But they themselves had money transactions with the Nizam, originating in precisely and identically the same cause, the payment of the contingent, and which the Nizam was equally unable to repay. Finding it was impossible to obtain the moneys from the Nizam, the East India Company, by threatening forcible proceedings, induced him to give them security for the debt in the shape of a mortgage on the very districts mortgaged to their own subjects, the present petitioners. The character of the petitioners was, he thought, beside the question at issue. What the House had to consider was, whether the case deserved the interference of the Government or not; and though he desired to dismiss the character of the petitioners from consideration, he still thought it would be a not unimportant element in their case. He wished to avoid all personal imputations, and desired to rest his case on general grounds alone. Now, although he could not think the facts connected with the mortgage amounted, as the hon. and learned Member for Leominster argued, to a legal guarantee, yet he could not refrain from observing that the conduct of the Resident at the Court of the Nizam was a moral guarantee which both the Ministers of the Nizam and the petitioners, at the time of the mortgage, considered to be a legal and efficient security that the latter should enjoy quiet possession of the lands assigned to them. That this was really the case, was, he thought, established by the fact that as regarded the Nizam, though nominally an independent Sovereign, in reality nothing could be more complete than his dependence on the East India Company. In a despatch of the Court of Directors, written in January, 1824, they said—

> "We agree with Sir Charles Metcalfe, that a system of non-interference, granted on a regard for the rights of an independent Sovereign to protect his subjects, from our intimate connexion with the Nizam's Government, would have great and decided advantages, and it is one which we must endeavour to establish; provided always, that the irresistible strength which our protection affords to his Government be not converted to the oppression of the people."

And the concluding observation was important—

> "And constituted in our minds the strongest possible objection against the withdrawal of all interference with the acts of a Government which we are bound by treaty to protect, however tyrannical or oppressive it may be."

He wished to say a few words with respect to the Resident. It was undoubtedly true, that in all his relations with the petitioners, General Fraser had given them the most friendly and courteous assistance, but it was also true that he had studiously avoided giving anything like a guarantee. It was obviously desirable that those who took an interest in this question should know the opinion of General Fraser, and he would, therefore, take the liberty of reading to the House a letter which the petitioners had received from that officer. It was as follows:—

> "Salterton, July 9, 1853.
>
> "My dear Sirs—I much regret to hear that the authorities to whom you addressed yourselves have not thought proper to interpose in your behalf, as I was induced to hope that a more favourable view might have been taken of your case. I am of opinion that, under the peculiar circumstances of your claim, as British subjects, upon a Prince in close alliance with ourselves, and over whom we assume the right of exercising a paramount influence, this might have been done with-

out any danger of making an inconvenient precedent, or any violation of treaty, and any necessity for saying a word that could have been offensive to his Highness's feelings, and regarded by him as an undue interference in the affairs of his Government.

"I may, perhaps, be under an erroneous impression in this matter; and I, of course, do not pretend to pronounce a positive judgment on the resolution adopted by Sir Charles Wood, as I remain ignorant of the grounds on which he has taken it.—Believe me, dear Sirs, yours, very sincerely, "J. S. FRASER.

"To Jevanjee Pestonjee, Esq., and
Rustomjee Viccajee, Esq., London."

He appealed to the House, whether this letter did not afford a full justification to the House for interfering in the case? But, after all, the question turned upon the policy of the Indian Government with regard to their non-interference in money transactions between their subjects and the Native Princes. He confessed he was utterly at a loss to understand how the relations which existed between a Government and its subjects—relations, as he understood them, which called for exact obedience and subjection on the one hand, but which implied, with no less certainty, support and protection on the other—he could not understand how these relations could be maintained, if an invariable policy of non-interference in all transactions of which money was the object, was to be the line to be pursued. It would throw the door open to every species of fraud, violence, and wrong; for the wrong-doer would have nothing more to do than to plead that he had had money transactions with the subjects of Her Majesty in order to escape with impunity. If the Government were right in laying down non-interference as the principle of their policy, he took it for granted that exceptions to that policy must frequently occur; and he believed that the past history of the Indian Government was full of such exceptions. If this were so, then he maintained that the case of the petitioners was one paramountly entitled to be considered an exception. It ought to be an exception for three separate reasons: first, that it was in fact not a money dispute, but a case of admitted debt—admitted in the most formal and careful manner, under and with the knowledge and the cognisance of the British Resident at Hyderabad; secondly, it ought to be an exception, because these Parsees might have been able, had they not been British subjects, to pay themselves, by resisting the Nizam's occupation of the districts. If it were possible for him to lay before the House one tithe of the evidence which had been submitted to him on this subject, he could show that in the Lower State of the Nizam's dominions it would not only have been possible, but morally certain, that if the petitioners had not been British subjects, they would have been able to receive from the estates which they held in that district belonging to the Nizam the money owing to them. It was not an unimportant fact, that since 1845, when these persons were dispossessed by the Nizam of the land they held within that territory, there had been no less than ten separate instances of successful resistance to the Nizam by subjects who had grounds of claim against him. But the result of any such resistance by these petitioners, it was obvious, would have been violence and bloodshed; and it was not a little important, as bearing on this fact, that General Fraser had himself declared that, though he admitted the wrong done—though he acknowledged the violation of all right on the part of the Nizam—yet if these men, as British subjects, had attempted to resist the orders of the Nizam, he would have felt himself justified in ordering out the troops of the British contingent to enforce those orders. But his (Mr. Smith's) last and strongest claim to make this case an exception was this—that the East India Company never had been asked to obtain the repayment of this money; what they had been asked to do was to obtain a restitution of the mortgage; to exert their influence with the Nizam, which was certain and paramount, to reinstate the petitioners in possession of those districts from which they had been expelled. The mortgage, it was to be remembered, was executed clearly with the cognisance and knowledge of the British Resident, and no one who knew the character of that gentleman, could doubt for one moment that he would have refused to lend his name, either directly or indirectly, to sanction such a transaction, if he had not known that the transactions were honourable and just. He confessed, if the case rested here, he should with confidence have appealed to the House on behalf of the petitioners. But the case did not stop here. The East India Company, with full knowledge of the existence of this mortgage, after having received repeated notice of its existence from the petitioners, had thought fit to take possession of these very districts in open violation of every rule of private property, of which these petitioners had been dispossessed. They had not only rendered it impossible for them ever hereafter to protest against similar wrongs, but they had also rendered it impossible for the Nizam, if he wished it, to do justice to those petitioners. He should conclude by expressing his earnest desire to hear some explanation of this extraordinary transaction, and some justification of conduct which, he confessed, appeared to him to be perfectly inexplicable. At all events, he believed that a *primâ facie* case had been made out for inquiry; and most sincerely should he regret if the result of that evening's division should prove, that there were subjects of the British Crown who had been the victims of cruelty, of violence, and of fraud; and that they must leave that House with the conviction and the knowledge that every door for redress was shut against them. Their names might be uncouth to our ears, but they were the subjects of our Queen. He implored hon. Members to recollect that these petitioners had no hope except from the justice of that House, and no chance of redress except from that indignation against cruelty and wrong which had ever so honourably distinguished the English House of Commons.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'an humble Address be presented to Her Majesty, praying that She will be graciously pleased to cause the case and memorial of the Parsee merchants Jevanjee Pestonjee and Rustomjee Viccajee to be referred for the examination and direction of the Judicial Committee of Her Majesty's Privy Council,' instead thereof."

Question proposed, "That the words proposed to be left out stand part of the Question."

Sir C. WOOD could assure his hon. Friend that nothing was further from his intention than in any way to disparage the character of the petitioners who now made their appeal to the House; and if he did not feel that he had to discharge what he believed to be a public and paramount duty, he should experience considerable pain in taking the course he was about to pursue. But he thought before he sat down he should be able to show the House that there were grounds for resisting the claims of these petitioners—grounds which had not been touched upon, or even alluded to, by either of the hon. Gentlemen who had addressed the House—grounds of such paramount importance, that he should most seriously neglect his duty if he did not urge the House in the strongest manner to resist these appeals to their feelings rather than to their sense of justice, and call upon them to maintain a policy which he believed was sound, and by which our Indian empire had hitherto been mainly upheld. With regard to the facts stated by the two hon. Members, he (Sir C. Wood) had no disposition to dispute the facts; he only disputed the colouring which those hon. Gentlemen had put upon them. The hon. Member for Leominster said he would not go into the general question as to the Nizam's debts; and he (Sir C. Wood) thought, considering the time which had been occupied by this subject, that he should best consult the feelings of the House if he, too, abstained from going into any general accounts, and confined himself to the case immediately before them, and that more strictly than either of the hon. Gentlemen had done. The hon. Member for Leominster had said that the whole case turned upon the pledged faith of the British Government to support the claims of these petitioners. Let him here just remark that the claims raised by these persons was against the Nizam—the person who was alleged to owe the money was the Nizam. The question, and the sole question, for the House to decide was, whether the British Government was to be called upon to compel the Nizam to pay a debt to these persons. The British Government (and in using that term he spoke of the Government generally, as well in India as in England) owed no money to the petitioners, had done no wrong to them; and the simple question was, were they to interfere or not to compel the Nizam to pay to them that which was alleged to be due from him? He had no doubt the Nizam owed money to the petitioners. The Nizam himself denied it, and maintained that the parties had received from his territories more than he owed them. It was, therefore, a disputed question between the petitioners and the Nizam. He did not pretend to say who was right; but, for the sake of clearing the ground, he would assume that, in all probability, the Nizam did owe these persons more than he himself admitted. Well, what were the grounds on which the interference of the British Government was asked? It was claimed, first, on the special ground that a specific guarantee had been given on the part of the British Government, through the acts of the Resident at Hyderabad, to enforce the payment of this debt. His hon. Friend had, a little unfairly, concluded that this was an undisputed fact. The first ground he stated was, that when these persons, in the first instance, proceeded from Bombay to Hyderabad, they applied to the Bombay Government, requesting that in any dispute between the Nizam and the petitioners, the British Resident there might act as an umpire; that the Government of Bombay entirely complied with that request; and that they went to Hyderabad under the distinct assurance that the British Resident was to act as umpire between them and the Nizam. He held in his hand a paper submitted by those gentlemen to him as a memorial, and he would quote from their own paper the words of the letter addressed by the Government to the Resident, to show what it was they requested that the Resident should do:—"We request that you will be pleased to extend such attention to the petitioners as you may think proper." He thought those words could not be said in any way to bear out the assertion that the Resident at Hyderabad was requested to settle all disputes between the Nizam and the petitioners. The petitioners were put into the management of a certain district in the Nizam's territories, and made large advances as bankers to the Nizam. They state in their memorial that, beyond paying over the revenue of the territories, they had advanced money for the pay of the contingent, and other State purposes. This was in the year 1836. In 1841 a separate banking account was opened between them and the Nizam, and it appeared again from their own statement that in 1843 they had advanced in excess of any receipt from the territory under their management nearly 700,000*l.* at a high rate of interest. In 1841 some question arose between the parties, and an arrangement was made to the effect that they were to give up possession of a considerable portion of the land under their management, and were to receive as security for the money advanced an assignment of a portion of land previously occupied by them, and also of certain debts due from other persons to the Nizam. A copy of this assignment was simply deposited with the records at the Resident's house; but it was not true, as the hon. Member for Leominster had said, that the Resident had taken any part whatever in these proceedings, or had distributed copies of it to other persons. The petitioners asked for an authenticated copy of the document, and at the request of the Nizam's Minister it was given to them.

Sir C. Wood

The hon. Gentleman had quoted a letter from General Fraser in favour of these gentlemen. He could readily conceive, that in the ordinary intercourse between those persons and the Resident, a favourable opinion had been created towards them. But General Fraser had distinctly stated that no guarantee—legal, virtual, or moral, of any kind or sort—was ever intended to be given by him, and that no such guarantee could be supposed to exist from anything he did. He (Sir C. Wood) had thought it right to see General Fraser himself on the subject, and he most distinctly stated that there was nothing of the kind. But, to put this question beyond doubt, he would read a paragraph from the letter of General Fraser:—

> "The Minister (Chundoo Lall) informed me that from certain districts assigned to the Parsees I should receive a portion of the monthly payments due on account of the contingent; but this was a matter entirely between the Minister and myself, and involved no intercourse, negotiation, or question whatever between the Parsees and the Resident. The main object of what I said (to Mr. Smith and Sir C. Wood) was to show that our interference, if called for at all, was so on the exclusive ground of that protection which is due by any Government to its subjects, when seriously aggrieved by the act of another Government. I have stated distinctly the ground, and the sole ground, as it appears to me, on which our interference could be justified; and this would extend no further than to suggest to the Nizam that it would be but an act of justice to the Parsees to cause their complaints to be inquired into, with a view to their being redressed if well founded. The present Minister by no means assents to the correctness of their accounts."

Well, was there any other reason for supposing that these persons were led to believe that they had, or would have, the guarantee of the British Government? One of the Directors of the East India Company, Major Moore, was Military Secretary at Hyderabad during part of these transactions, and he had distinctly stated to the parties that no guarantee would be given by the British Government. This gentleman said, in a memorandum on the subject—

> "I have a strong impression on my mind of having advised the Parsee not to take the talookhas from Chundoo Lall, and warned him at an interview, in the presence of the Resident, that they would not, and could not, get any direct guaransee from the British Government."

And he went on to say further—

> "I can positively say that I more than once warned them of their ruin, and I was astonished that cautious merchants, like the Parsees, were so rash as to risk their money in such transactions."

Surely this was ample warning against any expectation to be grounded on a supposed guarantee of the British Government. A further proof of the existence of a guarantee on the part of the British Government is said to be found in the circumstance that, on a subsequent occasion, General Fraser refused to sanction a transaction proposed by the Nizam's Minister, because it was a breach of the agreement guaranteed by him. Such was not the case, and what he did was simply refusing to order a British officer to divert to another purpose money which he had been directed to pay to the Parsees. Amongst the securities given to them was an assignment of a payment due from some Rajah to the Nizam. The Rajah died, leaving an infant heir. During the minority his territory was administered by a British officer, who made this payment regularly to the Parsees in pursuance of the assignment; and when the Minister proposed to General Fraser to direct this payment to be made to somebody else, he simply refused to do so, proving it to be due to the Parsees. I think he was quite right; but out of this simple circumstance it is utterly impossible to extract a guarantee of the whole transaction on the part of the British Government. After all this, however, which might have operated as a warning to the Parsees, they made still further advances to the Nizam on his simple promise, and without even the pretence of a guarantee by the Resident. I come now to the closing transaction between the Nizam and these gentlemen. It was the habit of the Nizam to borrow money and assign territories to the lenders on account of that money; and then, when he thought they had got as much out of it as they were entitled to, he called on them to give up possession of the districts so assigned to them. This is precisely what occurred in the present instance. But this had occurred in so many other instances that they could not but be aware of what they might actually have to expect. The parties feeling themselves aggrieved, presented a petition to the Indian Government asking for their interference; and the Resident, before he sent that petition to the Government, laid it before the Nizam, in order that he might have an opportunity of making a statement on the subject, which might also be submitted to their consideration. General Fraser took an interest in these parties, and in his individual capacity did what he could to promote their interests. At an interview which took place with the Minister of the Nizam, the latter proposed to pay the parties through the Resident; but General Fraser positively declined having anything to do with the transaction in his official capacity, and plainly told them that, without the authority of the British Government, he could not interfere. Now there can hardly be a clearer proof of what the opinion of the Resident was as to any guarantee, or as to what was his duty in cases arising between the Government of the Nizam and private persons lending money to them. This was the first instance in which he was asked to take any part in them, and he at once refused to do, saying, as he was bound to do, that he had no authority of himself to meddle with such transactions. Indeed, it has always been the principle as well as the practice of the East India Government to refuse to interfere with enforcing the payment of the debts of Native Princes. The hon. and learned Gentleman had stated that these gentlemen were informed that a favourable consideration of their claims would be ordered to take place at Calcutta; but no such expectations were ever authoritatively held out to them. All they were told was, that it was the practice that such communications should be made to the Government of India in India, and that whatever answer was given to their claims would be given not in this country, but in India. The case was fully considered by the Indian Government; it was decided against the petitioners both by Lord Hardinge and Lord Dalhousie; and the Home Government on both occasions were clearly of opinion that these decisions were right, and that they would not be justified in interfering. But to return to the order of events. In 1845, the Nizam sent troops to take possession of the districts which were in the hands of the petitioners. The hon. Member for Leominster said, they could not, as British subjects, resist the Nizam's troops. All that took place on the occasion he did not exactly know; but it did not seem to be quite so peaceable a transaction as had been represented. According to the statement of these gentlemen, their people in possession had orders not to yield to the troops, or to any one on behalf of the Nizam, and not to quit their posts unless driven from them by actual force. The result was, that sixteen people were killed, and fifteen wounded, while several of the Nizam's troops were killed. The hon. and learned Member said, the contingent could have been called in to put down this opposition to the Nizam, which could not have been the case if the petitioners had not been British subjects. He was mistaken in that statement. The contingent could have been equally called in to put down resistance to the Nizam's authority, whether that resistance proceeded from British subjects, or persons who were his own native subjects. The fact, however, was, that the contingent was not called in, and the Nizam resumed possession of the land, and has retained it ever since 1845. The last ground on which our interference is called for, is, that we are now in receipt of the revenue of part of these lands. The circumstances under which we were put into receipt of that revenue are the following:—There had been a claim on the Nizam for the contingent which was kept up for his defence and support, and this claim being in arrear for some time, an arrangement had been made within the last three or four months, for the discharge of those past arrears, and for the future payment of the fund. To secure the payment of the contingent, the revenue of certain districts had been put in our possession, and among the districts so put into our hands was a portion of the land which was formerly assigned to these parties. Those lands have been in possession of the Nizam for eight years, and now, along with others which were situated in the western and southern part of his dominions, they were put into our possession; but did that materially alter the case? If the case is to rest on this ground, it cannot be supported for a moment, for supposing the whole of the district assigned to the Government had been the southern territory of the Nizam, the whose case, as now put, would have fallen to the ground. The case, therefore, so far as it rests upon an assumed guarantee, appeared to him to fail altogether. None had been given by General Fraser, the Resident. That officer's letter completely negatived any such inference, and Major Moore's statement went very far in a directly opposite sense. No act of the Resident could be construed into anything like a pledge of enforcing the claim; and the view which he himself took of his position, is clear enough from his conduct when the Nizam's Minister proposed to him even a very slight increase of interference in the transactions between the Nizam and the Parsee brokers. The hon. and learned Gentleman based this claim further on the fact that these parties were British subjects. He laid down certain doctrines relative to the protection of British subjects, with which, as a general rule, he (Sir C. Wood) had no disposition to object; but before that protection was given, the previous question had to be settled whether these British subjects were engaged in transactions that were consistent with the laws and policy of the country whose protection they claimed? Now, these gentlemen said they were British subjects; and his hon. Friend behind him (Mr. J. A. Smith) spoke as if there had been a departure from the past policy of the Indian Government in their case. But if there was one subject more discussed than another by the great authorities on all questions connected with India, when Indian questions were of greater importance than they now were, it was the danger of loans of money to the Native Princes of India by British subjects. These loans had been the cause of almost every abuse in India. His hon. Friend said, if they refused this claim, the door would be opened to every species of fraud, violence, and wrong; but if he were to select words to describe the consequences, from 1783, downwards, of interference on the part of Government to procure the payment of debts from Native Princes to British subjects, he could not find words more appropriate than those employed by his hon. Friend. Did the hon. and learned Member for Leominster, who so frequently quotes from old speeches of great statesmen, know that in Mr. Fox's celebrated Bill, in 1783, there was an express provision prohibiting, on the part of any Native Prince, the assignment of land to any British subject, and, at the same time, prohibiting any British subject from receiving such assignment? Mr. Pitt omitted that clause in his Bill, and on that occasion Mr. Burke denounced the omission in these terms:—

> "He expunged this essential clause, broke down the fence which was raised to cover the public property against the rapacity of his partisans, and thus, levelling every obstruction, he made a firm broad highway for usury and oppression to renew their ravages throughout the devoted revenues of the Carnatic."

Mr. Pitt obtained his Bill without the insertion of that clause; but no long time elapsed before the country, and Mr. Pitt, and the House of Commons, became convinced of the evils arising from the practice. The consequence was an alteration of the law; and did his hon. Friend know that by the law applicable to their case, these persons were guilty of a misdemeanour? For by an Act of 1797, it was declared to be a misdemeanour for a British subject to lend money to a Native Prince. The Act of 37 *Geo.* III., c. 142, contained the following clause:—

> "And whereas the practice of British subjects lending money, or being concerned in the lending of the same, or in transactions for the borrowing money for or lending money to the Native Princes in India, has been productive of much mischief, and is the source of much usury and extortion; and whereas the wholesome orders of the Court of Directors of the United Company of Merchants trading to India have not been sufficient to restrain and repress the same; and whereas it is highly desirable that such practices should be prevented in future, &c., persons lending, borrowing, &c., without consent of Government to be guilty of misdemeanour; and bonds, &c., to be null and void."

It might be argued that this Act only applied to Europeans. He would not stop to discuss that question, general as the words of the Act were. He was not anxious to prove that these gentlemen had committed a misdemeanour. What he wished to show was, that the constant policy of the British Government and of Parliament was to discourage loans to Native Princes, payment of which the Government might be called upon to enforce. These gentlemen claimed the interference of the British Government as British subjects. Then they had done what it was clearly the policy of the British Government to prohibit and prevent. The avowed policy of the Act was to protect Native Princes from extortion by the interference of the British Government, and the danger of this extortion is just as great whether the interference be in favour of Europeans or Natives. *Mutatis mutandis*, this transaction was precisely similar to the celebrated case of the Nabob of Arcot's debts, which was eloquently denounced by Burke in these words:—

> "The Nabob pleaded inability to pay the troops their arrears. Here was a difficulty. The Nabob had no money; every public supply was empty. But there was one resource which no season has ever yet dried up in that climate. The soucars were at hand — that is, private English money-jobbers offered their assistance. Messrs. Taylor, Majendie, and Call proposed to advance the small sum of 160,000*l.* to pay off the Nabob's black cavalry, provided the Company's authority was given for their loan. This was the great point of policy always aimed at, and pursued through a hundred devices by the servants at Madras. The Presidency, who themselves had no authority for the functions they presumed to exercise, very readily gave the sanction of the Company to those servants who knew that the Company, whose sanction was demanded, had positively prohibited all such transactions. The Nabob immediately handed over to these gentlemen the receipt of a territorial revenue, of which, it seems, they continued as long in possession as the Nabob himself continued in possession of anything. About two years after the assignment of these territorial revenues to these gentlemen, the Nabob receives a remonstrance from his chief manager in a principal province, of which this is the tenor:—'The entire revenue of those districts is, by your Highness's order, set apart to discharge the assignments granted to the Europeans: their agents are there in order to collect those assignments; and as they receive all the revenue that is collected, your Highness's troops have seven or eight months' pay due, which they cannot receive, and are thereby reduced to the greatest distress.' Here, Sir, you see how these causes and effects act upon one another. One body of troops mutinies for want of pay; a debt is contracted to pay them, and they still remain unpaid. A territory destined to pay other troops is assigned for this debt; and these other troops fall into the same state of indigence and mutiny with the first. Bond is paid by bond; arrear is turned into new arrear; usury engenders new usury; mutiny, suspended in one quarter, starts up in another, until all the revenues and all the establishments are entangled into one inextricable knot of confusion, from which they are only disengaged by being entirely destroyed."

He could not more accurately describe the probable course of events if we were to interfere in this case. If we should interpose in the way suggested by the hon. Member, it would be impossible to maintain the Nizam in a state of even *quasi* independence—there would be no alternative but the immediate annexation of his territories. But we could not suppose that the mischief would stop here if we interfered in this case. Other claims had been mentioned in the course of the debates on Indian matters. One had been specifically brought before the House: how could we avoid taking them up also? Should we enforce payment in the present case, a host of other claimants would spring up, and natives would find no difficulty in transferring their debts to British subjects. The enforcement of the present claims was directly opposed to the policy which the Indian Government had pursued since 1797, and to the Statute to which he had already referred. We should be taking a very decided step towards arresting that wise and just policy which had been enforced by the great authorities whom he had quoted, which had been sanctioned by successive Parliaments, and had been consecrated by the provisions of an Act of Parliament. Should the House be prepared to accede to the request of these petitioners, the first step to be taken must be the repeal of the Act of the 37 *Geo.* III.

Mr. H. G. LIDDELL said, this was no common case of debtor and creditor, nor was the position of the firm, as regarded the British Government, to be regarded as the ordinary position of a British subject. The parties in this case were in the proud position of an ally of the East India Company, who had come forward at a moment of great peril to give assistance to the British Government, and in that character the whole case ought to be viewed. If the debt was incurred contrary to the law of the country, how was it that the Government was silent upon the conduct of the Resident during the many years that these transactions were carried on with his connivance and approval? The firm advanced money to the Nizam by bills, which were handed to the British Resident, who forwarded them to the different British officers commanding the contingent, who were empowered to receive the money. This was proof sufficient that the advances were sanctioned by the British Government. Would the transactions have been sanctioned by the Resident, unless countenanced by the higher Indian authorities? The constant silence maintained by these authorities was a tacit assent to the justice of the claim. That was an answer to the strong argument that the law was broken in making these advances. With respect to the assertion that this was an affair between the firm and the Nizam only, he would say, was honour to be ignored in such transactions? Were not obligations of honour equally binding between a nation and individuals, as between two individuals? These were not the only benefits the firm had conferred on the British Government. The firm had improved lands which they had been invited to settle upon, had extended cultivation, and opened out lines of road, and that was conferring a benefit of no small character. The very unjustifiable way in which the British Government withdrew their protection from this firm, added no small force to their claim upon Parliament for protection. Now these persons came forward at a critical period, and assisted the British Government when they could not obtain assistance elsewhere; yet the British Government had not hesitated, in order to satisfy claims of their own upon the Nizam, to take possession of the very districts which these gentlemen had improved, and which formed part and parcel of the mortgage solemnly executed in their favour by the hand of the Nizam himself. This unfortunate family had been bandied about from England to India, and from India to England, and when they last went back to India they were under the impression that their case would receive favourable consideration. That had not been done, and the firm had been obliged to return again to England in pursuit of justice; and he implored the House, as this was the last chance of obtaining redress, to give the case a favourable and impartial consideration. With respect to the question of the policy of non-interference, he could not understand the force of any argument which would assert that the British Government was not bound to step in and protect these parties. If a British subject received an outrage in a foreign country, the Foreign Minister interfered to obtain redress. No one could deny that these respectable persons had been outraged, their dependents murdered, and themselves reduced to the lowest condition. They had suffered wrong, not at the hands of a rival nation, but of a nation which the British Government controlled, and he could not understand why they should be received with such coldness and apathy. He had hoped to hear stronger arguments in defence of the part that had been taken by the British Government, than had been used to-night. He remained of opinion that this was a case of excessive cruelty, in which it was the bounden duty of Parliament to interfere.

Mr. DIGBY SEYMOUR observed, that in Committee on the India Bill it was proposed to add a clause for the creation of a special tribunal to consider cases such as the present, the President of the Board of Control (Sir C. Wood) took upon himself the responsibility of saying that the existing tribunals were sufficient. Here was a case which had been sent to India and sent home again, and now came to that House as the last Court of Appeal; and, therefore, he thought the President of the Board of Control, instead of having recourse to subtle, ingenious, and artful objections, for the purpose of overthrowing the Motion for a Committee, would have acted a part more consistent with the course he took in opposing the proposition to which he had referred, if he had said at once that this was a question open to inquiry. The case was one where the ordinary tribunals were evidently insufficient, and the Legislature was the only Court of Appeal. It had been advanced as a reason against entertaining the proposition before the House, that, if the present case were entertained, numerous others would be brought forward also.

It was unfair to prejudice the House by reference to other cases that were not before it; but he could only say, that, if such should be the case, he hoped the House would be able to treat those other cases with justice. The question was contained within a very small compass, if cleared from the mists which the ingenuity and special pleading of the right hon. Gentleman had cast around it. Two native gentlemen proceeded to the territory of the Nizam, where they acquired considerable property. The Nizam was compelled by treaty to furnish to the East India Company a contingent of 4,000 cavalry and 6,000 infantry, and, being unable to do so, was compelled to borrow money, and that money was advanced to him by the petitioners in the present case. Various sums were advanced, until at length the total amount was nearly 700,000*l.* From this statement it was clear that the East India Company had received the benefit of these sums of money. Certain lands had been mortgaged to those native gentlemen to secure the return of the money which they had advanced, and those lands had since been taken from them without that money having been returned to them; their agents had been slaughtered in defence of their rights, and these very lands were now in the possession of the East India Company. It was all very well for the right hon. Gentleman the President of the Board of Control to refer to an Act of Parliament to prove that the whole transaction was illegal; but as the right hon. Gentleman read the extract it appeared to him that that Act was only intended to apply to British subjects living in India, and not to the natives of India subject to this country. He held in his hand an opinion, signed with the three names—Giffard, Copley, and Bosanquet, which confirmed him in that conclusion. The right hon. Gentleman said, that by that Act of Parliament, it was a misdemeanor for a British subject to advance money to a Native Prince; but even if that law did apply to the natives of India, he would beg the House to observe that this money had been advanced upon a mortgage which received the sanction of a responsible agent of the British Government in India, and it had been enrolled in their records; and, therefore, if it were a misdemeanor, the Government was certainly *particeps criminis*, The case thus assumed a serious character, and the House was imperatively called upon to see justice done. The simple question to be considered was, that two native gentlemen, subjects of this country, had advanced money upon the mortgage of lands, and that those lands had been forcibly taken from them, and were now in the enjoyment of the East India Company. It was a case that appeared to him well worthy of the consideration of the House, and he hoped that those native gentlemen would not be compelled to return to India with the conviction that they had trusted us and been deceived—with the small consolation that two or three Members had exerted themselves on their behalf. The defence set up was only worthy the petty chicanery of an unscrupulous attorney.

Sir JAMES W. HOGG said, the question resolved itself into this, whether the case was or was not one of an exceptional character. As stated by his right hon. Friend, the claimants were men of high character; he could bear testimony to that himself. They were engaged in trade at Bombay, and being desirous of establishing a mercantile concern in the territory of the Nizam, they went there, and were employed in collecting the revenue, receiving a commission for their trouble. It was very well understood in the native States that those who were employed in collecting the revenue were expected to make occasional pecuniary advances. The Nizam called upon these native gentlemen to make him an advance, and in their petition they stated that, not having the money themselves for this purpose, they were obliged to borrow it in different parts of India, for which they had to pay high rates of interest. Having borrowed the money themselves, they advanced it to the Nizam, charging a still higher rate of interest. At last their creditors insisted upon payment; they therefore went to the Minister of the Nizam, and they received some land by way of security. This was the old story of the Nizam. He borrowed from everybody, and paid nobody; and ever and anon, when creditors were importunate, he assigned some territory, of which he left them in possession just so long as he thought sufficient to enable them to repay themselves. As soon as that time arrived, he assembled his Rohillas or Arabs, and turned the party out. This was always the case. Now, these parties had been warned by the British authorities; they knew the danger they incurred, and also the advantage they would obtain provided they succeeded according to their anticipations; and they incurred all the risk with their eyes open. This really was the whole case. They had not been paid, and the Nizam said, they had been in possession of territory long enough to repay themselves. A large sum, they said, was due to them; and from their respectability he believed it probable that a considerable sum was due; and he should be happy if, either publicly or privately, he could, consistently with his sense of duty, take the view of their claims which had been presented to the House this night. He was quite of opinion that the case was one of great hardship. It was an appeal to sympathy and benevolence; but the question was, whether, consistently with public duty and policy, the House could give vent to those feelings, and compel the Nizam to pay these gentlemen in preference to hundreds, he might say thousands, of others whom he had treated in the same way? There was no difference as to the authority given to these parties by the Bombay Government when they proceeded to the territory of the Nizam. If General Fraser had anticipated that on such a letter as was given to them, this claim would have been founded, he could not have written more diplomatically; for what did he say? Why, in his letter of May, 1835, all that he said was—

> "The Governor in Council being of opinion that any interruption to the trade should be removed, as far as practicable, will comply with your request, so far as to grant you a letter to the Resident at Hyderabad, requesting him to use his endeavours to obviate the evil complained of; and you will do well to deliver the letter personally, in order to explain matters to the Resident, so as to enable him to represent things in their true light to His Highness the Nizam's Minister."

Afterwards he returned to Bombay, and when again proceeding to the territory of the Nizam, they presented another petition to the Bombay Government, soliciting a further letter of introduction to the Resident. This was the second and last letter of the Bombay Government. The petition was transmitted to the Resident, and the Bombay Government wrote this letter:—

> "In transmitting to you the enclosed copy of a petition from Pestonjee Merjee, dated 30th July last, stating that he intends proceeding to Hyderabad on a mercantile speculation, and soliciting your aid and support in furtherance of his objects connected therewith, I am directed by the Honourable the Governor in Council to request that you will be pleased to extend such attention to the petitioner as you may think proper."

This was the foundation of the present application to the House: nothing but a direction from the Bombay Government to give these gentlemen, then proceeding to the territory of the Nizam, just so much assistance as the Resident might think proper. They went; and now he came to the point upon which the hon. and learned Member who made this Motion chiefly relied. It was said they had a mortgage. It was not a mortgage they possessed; it was only an assignment of certain lands, of which the Resident at the time knew nothing. It was not alleged in the memorial from these parties that the Resident was even aware that there was going to be such an assignment. They went to the Minister, and they represented to him how they were pressed by their creditors. The Minister said, that he could not assist them in giving any assurance to their creditors; but he would assign some of the lands to them; and in order to show that the assignment was in good faith, he agreed that the assignment should be deposited with the Resident. But the Resident himself knew nothing about the matter. Then the question that arises is, why should this document find its way into the possession of the Resident at all? That question was answered by the memorial. The parties were pressed by their creditors, and they had to consider how to silence them. Their object, then, in getting the assignment placed with the Resident was, that they might get a copy of it attested by him, to show their creditors—not that the British Government had anything to do with their debt, but that the British Resident verified the transactions between them and the Minister of the Nizam. But the Resident knew nothing at the time of this. When these gentlemen asked for a copy of the assignment, the Resident declined it. Then they went to the Minister. The Minister interfered; and then General Fraser, upon the application of all the parties interested, gave a copy. This was the main point relied upon. The next point relied on was, that the Resident had interfered to prevent payment of the money due, and diverted it from the proper course. He (Sir J. Hogg) begged to say that the Resident had not interfered. An application was made to the Resident, and why was that application made? Because that money was to be collected by the commanding officer of the station, and by that officer it was to be paid to these gentlemen by order of the Minister. The Resident said, "I will not interfere in matters which do not concern me. I will not be instrumental in giving orders by which an act of injustice may be committed." And he refused to interfere unless he received an order to that effect from his Government. Again, when they were turned out of their lands, he expressly told them he could not interfere without instructions from the Government. It appeared, then, that the assignment was not granted until all the money had been advanced and paid. How, then, could it be pretended that the execution of the document had anything to do with the money which had been advanced long before? They sent a petition to the Governor General through General Fraser. General Fraser sent this petition to the Nizam, hoping that he would pay attention to it; but he regretted to say this act of kindness had not the desired effect. The petition then went to Lord Hardinge, who said he could not interfere to compel a Native State to repay money advanced by private parties under the rule of British authority. No State in Europe would interfere with another State to enforce repayment of money advanced by its subjects. This was well understood in European policy, and it had been acted upon by the noble Lord now at the head of the Home Office. No interference whatever had taken place in the cases of Spain, Portugal, Michigan, Mississippi, the South American States, and in other instances, beyond a civil note and request that attention might be paid to the claims of British subjects. If this was the policy in Europe, where the States are nearly on a par with each other, how much stronger must it be in India where the British authority is paramount, and where interference becomes dictation. His hon. Friend had read to the House a paragraph from a despatch from the Court of Directors, but he did not say that the despatch was written by the Court without that paragraph. Mr. Canning put in that paragraph. It was inserted in the case of the house of Palmer, who founded their claim upon being British subjects. The Court of Directors entertained a different opinion from the Board of Control with reference to this claim. The Board of Control said that the British Resident had suggested the payment of the debts, and that this amounted to a kind of tacit recognition that would justify the British Government in interfering. The Court of Directors, however, refused to sign the despatch, although ordered to do so, and said they would go to the Court of King's Bench rather than sign it. It had been asked, what was the remedy in such an extreme case? Lord Grey was then Minister; and upon communication with the President of the Board of Control, the case was regarded by the Government as one that ought not to be entertained, and the despatch was never signed. Other cases had been mentioned by his hon. Friend, who had quoted a great many expressions from Lord Metcalfe. It was with profound astonishment that he heard his hon. Friend represent Lord Metcalfe as the advocate of interference. No man protested more strongly against interference than Lord Metcalfe. Was the case of Hyderabad like the present? It had been stated that the 37 *Geo.* III. prohibits British subjects from making advances to Native subjects. The law says that money shall not be advanced without the consent and permission of the British Government. Palmer's house had not that sanction and permission; but the transactions which they carried on were of that character of exorbitancy, and so oppressive to the country of the Nizam, in the opinion of Lord Metcalfe himself, that he interfered, notwithstanding that they had the permission of the Government, and put down that establishment which he thought injurious to the interests of the country and of the Nizam. He regretted that the argument of the President of the Board of Control had been entirely misunderstood and misrepresented. What the right hon. Gentleman had said was, that the petitioners, having founded their claim upon the fact of their being British subjects, were put out of Court by the 37 *Geo.* III. which rendered it penal for a British subject to advance money to a Native Prince. But suppose they were not British subjects. He hoped the House were not going to direct the Indian Government to compel Native Princes to repay money advanced to them by gentlemen not subjects of the British Crown. Let them remember what took place in the case of the Nabob of the Carnatic. The debts of that Prince were alleged to amount to about thirty millions. When the East India Company took possession of his territory, a Committee was appointed to investigate the claims against him, and the result was, that little more than two millions and a half were substantiated. The rest of his supposed debts were repudiated as utterly unfounded, consisting of charges of commission and exorbitant interest of 20 and 30 per cent. Suppose that one of these fraudulent creditors had come before the House with a bond for the amount of the debt due to him—for they all had bonds—the House would probably have been asked, as in the present case, to interfere, and to saddle the Nabob with the whole thirty millions. He entreated the House not to give its sanction to the doctrine which had been so strongly urged upon its attention that evening. It was opposed to the uniform policy of the Indian Government during the last sixty years. Every Act of Parliament relating to India condemned it, and the Governments of Lord Hardinge and of Lord Dalhousie, as well as two successive Presidents of the Board of Control, had agreed to oppose it. It had been said during the course of the debate that some vague hope or expectation had been held out to the petitioners, that if they returned to India, their claim would receive the favourable consideration of the Indian Government. He did not believe that either Lord Broughton or the former Chairman of the Court of Directors had ever trifled with the petitioners in such a manner; and for his own part he could only say that, while he had received them with that courtesy, kindness, and sympathy, which their respectability, their talents, and their misfortunes, deserved, he had never held out to them the slightest expectation that their claims would be favourably considered by the Indian Government.

Mr. BRIGHT said, that no person could have listened to the able speeches which had been made upon either side without coming to the conclusion that this was a case well deserving consideration, and one which the House, although it might not find itself in a position to decide as to what should ultimately be done with it, at all events would not hesitate to refer to some judicial and competent tribunal. They had heard from the right hon. Gentleman the President of the Board of Control, and from the hon. Member for Honiton (Sir J. W. Hogg) most conclusive testimony as to the character and services of the petitioners; and it was only fair to infer that gentlemen of such respectability would not bring forward a fraudulent or an unjust claim. The petitioners had come to this country twice, and had travelled from 25,000 to 30,000 miles in the prosecution of their claim, the facts of which, he might venture to say, were not disputed at all. He thought that the statement of the hon. Member for Honiton (Sir J. W. Hogg) was, on the whole—unlike some of his statements in that House upon Indian subjects—a very fair one; and it showed that the facts brought forward by the hon. and learned Member for Leominster (Mr. J. G. Phillimore) were for the most part admitted to be true. The case lay in a very narrow compass. They were not asked to decide whether the East India Company should pay the money due to the petitioners out of their own coffers, or whether they should go to war in order to compel the Nizam to pay it—but simply to refer the whole case to a tribunal of high character, where men of the highest legal attainments would preside, and where no decision would be come to which could be dictated by any feeling adverse to the interests of the East India Company. It was not denied that the petitioners were British subjects, though not born in this country—that they had lent large sums of money to the Nizam—that some portions of those sums had been expended in a service tending directly to support the policy and interests of the East India Company—that the Nizam gave them such security as was commonly given in India under such circumstances, namely, an assignment of certain portions of territory, out of the revenues of which they were to be paid the principal which they had advanced, and the interest which had accumulated upon it. The hon. Member for Honiton rather stickled at the term "mortgage," because he knew it involved a legal and permanent claim on the part of the petitioners upon the territory assigned to them, until their debt should be entirely satisfied, and because he felt, also, that it was impossible for the East India Company justly and in equity to lay hold of property already in pledge, and to satisfy their own debt out of it, when other parties had a legal and equitable claim upon it. It was not denied that after this security had been given, and had been possessed and enjoyed for a considerable period, it was withdrawn by the Nizam by force. The hon. Member for Honiton admitted that the Nizam assembled his Rohilla, or Arab bands, and turned the Parsee merchants out of their lawful possessions by force of arms. But whilst all this was going on, there were other claimants upon the Nizam besides these gentlemen—among whom were the East India Company themselves. In the year 1851 the debt owing to the Company by the Nizam had amounted to upwards of 600,000*l*. But the position of the Company was entirely different from that of the

Parsee claimants. The Company had a large army, and the whole power of the Government at their backs. They accordingly proceeded to wrest from the Nizam payment of the debt owing to them; and the security which they seized for the balance was a considerable portion of territory, in which was included some part, if not all, of the territory which had been previously assigned to the petitioners as security for their debt. Now the President of the Board of Control (Sir C. Wood) had rested a great portion of his argument upon the assumption that these gentlemen had been guilty of a breach of the law in lending money to a Native Prince; but the hon. Member for Honiton, who came so valiantly to his rescue, had entirely rejected that argument, and had admitted that the petitioners had not been guilty of a breach of the law in lending their money to a Native Prince. He was only astonished that the President of the Board of Control should have endeavoured to mislead the House by an argument which, if he had looked at the question at all, he must have seen was not a sound argument, or one which he should have offered to the House. But, even if it were true, they should bear in mind that the condition of the Nizam was one of a peculiar character. He was scarcely in any sense what might be called an independent Native Prince; he was, in point of fact, a puppet monarch, maintained on his throne entirely by the Indian Government—his Prime Minister had been in several cases appointed by that Government—the Indian Government had the power of making him observe his engagements—and his Government was so execrably bad, that, if it were not for the support given to him by the Indian authorities, he would long ago have been dethroned, and somebody else would have reigned in his stead. If he understood the position of those Parsee gentlemen in this country, it was this. They did not assert that they had a legal claim against the India Company for the money due to them from the Nizam; they did not insist that the India Company should go to war with the Nizam for the purpose of forcing payment of this debt; but, considering that they were subjects of this country—subjects of the Indian Government—and considering the relation in which the Nizam stood to the Indian Government, there could be no doubt whatever that the Indian Government had it in its power, without doing injury to any one—without in any degree violating the policy which they had constantly pursued towards the native States whenever it was for their own interest—to insist on the Nizam continuing the security which he had given to those gentlemen until their debt and the accumulated interest had been paid. He said there was, in the character of those gentlemen, in the opinion of General Fraser, in the facts admitted on all sides, and in the course they had taken in appealing to the Indian Government in the first instance, in their having come to this country to appeal to the Indian authorities here, in their having been sent back to India by the Court of Directors with the impression that their claims were to be favourably considered—and in having again returned to this country to make a final appeal to the House of Commons—a *primâ facie* ground for a fair and impartial inquiry before any tribunal in this country competent to consider a case of this nature. The House knew that a vast number of officers and troops had recently perished in the swamps of Pegu for the satisfaction of a claim of 900*l.* He did not seek that these gentlemen should be recompensed in that way; it was not necessary; but he did say that if the Indian Government were to intimate to the Nizam that he should repay what had been advanced to him for his and their own service, it would be paid. This case was a proof of the necessity of that which he had lately importuned the House to grant—the appointment of some tribunal to which reference could be made for the decision of cases like the present. If these gentlemen, who had advanced money which had been used for the service of the State, and had spent large sums in promoting cultivation, and against whose character and conduct no suspicion rested, were to come here for justice without being able even to obtain an hearing, that fact would produce an unfortunate effect in India; and the Indian Government would lose more thereby than they could possibly lose by any decision of the Judicial Committee of the Privy Council. He was afraid there were many things to make the intelligent Natives of India feel that the Government was not so careful of their interests as it should be. But if the House rejected the fair and moderate proposition of the hon. and learned Member for Leominster, no intelligent Native could any longer look for a fair investigation of the grievances he might complain of. These gentlemen did not now ask to have this claim of 300,000*l.* paid either by the Government of India or the Nizam. All they asked for was that the case should be investigated by eminent and learned Judges, who could not be adverse to the Indian Government, but whose sympathies would be for justice; and when it had been so investigated and considered by them, no doubt such recommendations would be made to the Government as would settle the matter for ever. If the Judicial Committee should say that the Indian Government could take no steps in the matter, then these Parsee gentlemen would return to their own country satisfied that they had had at least a fair hearing before an impartial tribunal, and the case would be set at rest for ever. They had not now to consider what was to be paid, or the persons who were to pay; but when they remembered that these gentlemen had travelled over 30,000 miles to get justice—that they were their fellow subjects—the subjects of the same Queen—that they were made Her subjects by the force of English arms, and that as such they asked to have their case referred to a tribunal entrusted with the decision of great cases like theirs; let it not be said that they made such an appeal to that House in vain.

Mr. WIGRAM hoped that whatever course the House might deem it desirable to take with reference to the question before them, they would not at all events consent to refer it to the consideration of the Judicial Committee of the Privy Council, because that tribunal was constituted with the special view of entertaining cases of appeal, and could not efficiently or conveniently deal with complicated cases such as that they were then discussing. With respect to cases of that character it would be much better that interference should take place directly from their own conviction, after inquiry, by means of a Bill—a mode of dealing with such subjects for which the records of Parliament furnished more than one precedent. He apprehended, however, that the real question for their consideration was, whether they ought to attach any weight to the investigation which had been made both by Lord Hardinge and Lord Dalhousie, with reference to the claims of those Parsee gentlemen. He was strongly of opinion that the greatest reliance ought to be placed upon the

decision at which those noble Lords had arrived relative to the matter; nor did he think it would be sound policy upon the part of that House lightly to interfere with that decision. The present case resolved itself into this question — whether they believed there did exist, on the part of the petitioners, a demand either against the Indian Government personally, or against the territory of which the Indian Government was said to be in possession? He thought there could not be a pretence for saying there was a legal guarantee; neither did he think there was a moral guarantee, for as to the deed in the Resident's office to which his seal had been attached, he apprehended that the seal had been attached for the purpose of identification, and not for the purpose of making himself a party; and as to the claim of a personal demand against the Government, the case was really unfounded; and to this conclusion he arrived upon the allegations contained in the petition of those gentlemen themselves. By far the better case of the petitioners was that which had been suggested by his hon. Friend the Member for Leominster (Mr. J. G. Phillimore), when he said that these gentlemen had a lien upon the property which the Indian Government had adopted. If there were any substance in their case at all, it was that. But, even so, the proper place for deciding upon their claim was a court of justice; and he (Mr. Wigram) should certainly be glad to find they had a remedy there. Upon a consideration of the whole of the circumstances, he should say that the general policy of the House in reference to interfering with cases of this sort, was one that ought to be exercised with the utmost delicacy; and not seeing any grounds for interfering in the present instance, he should, if they divided, vote against the Motion of the hon. and learned Member for Leominster.

Sir ROBERT H. INGLIS concurred with the hon. Member for Manchester in thinking that provisions should have been made in the Bill recently before the House for a tribunal to inquire into all cases of grievance. He would assume, for the sake of argument, that the House would vote in favour of this proposition; but could the petitioners obtain—he would not say a verdict or a decision—but even a hearing? The Judicial Committee of Privy Council was a Committee of Appeal; it was not a committee of original jurisdiction; and he ventured to predict that if the Motion was carried, Her Majesty could not by Her mere writ authorise the Judicial Committee to take on themselves such an inquiry as alone could be satisfactory.

Mr. INGHAM begged the House to remember that under the law which established the Judicial Committee of the Privy Council, that body was empowered to entertain any question that Her Majesty might think fit to refer to it. It had been said that it was a very inconvenient tribunal for taking evidence; but in the present case it would not be called upon to take evidence, but only to pronounce an opinion on documents already in the possession of Members of that House. He thought it was incumbent on the Company to satisfy the claims of those gentlemen, seeing that the Company had knowingly become possessed of land which had been previously pledged to them; and he should, therefore, certainly give his Vote in support of the Motion.

Mr. HUME thought no one could have listened to this debate from the commencement, as he had done, without being satisfied of the absolute necessity for inquiry in this case. The opinions upon it were so various that even the right hon. Gentleman the President of the Board of Control differed with the hon. Baronet the Member for Honiton, while the hon. and learned Member for the University of Cambridge (Mr. Wigram) differed from both, so that the matter was all uncertainty, and all these contradictions fully proving, as he had remarked before, the absolute necessity for a further investigation of the whole case. But the hon. and learned Member for the University of Cambridge argued that neither this House nor the Judicial Committee of the Privy Council was competent to decide upon the case. Well, but if that was so, which he (Mr. Hume) would not believe, who could decide it then?

Mr. WIGRAM: The hon. Member for Montrose had misapprehended his argument. What he said was, that if the House could be satisfied with the justice of the case, it was perfectly competent to deal with the claim at once.

Mr. HUME observed that then came the absurdity of that position, for how could they be satisfied with the case without an impartial and fair inquiry into its merits, when they all differed about it? The fact was, the House could not be sufficiently informed and satisfied in cases of this nature without full inquiry; and it was to be regretted that advantage had not been taken of the Government of India Bill to relieve the House of these discussions by creating a tribunal as he (Mr. Hume) had proposed should be established, to whom all these disputes and claims could be referred. This was not the debt of the East India Company, but of the Nizam, or it could have been enforced in the ordinary courts of law in India; but although it was not the debt of the Company, yet it was secured upon property of which the Company had since got possession; and no possession of property could be claimed without taking the burdens and liabilities upon it. The Company had not done so; but they were to all intents and purposes morally bound to see it repaid. The Company, however, admitted the wrong, but refused to apply the remedy where it could only be obtained; and it was this ground chiefly that induced him to support this Motion for inquiry. He trusted the House would never admit an injustice without providing means for redress. Such ought to be the course of a great Company like the Government of India.

Mr. E. BALL had listened attentively to this debate, and with an anxious desire to arrive at a just conclusion upon the case, and he must say, that upon the whole he saw no reason why the claim of these gentlemen ought not to be satisfied. They were, in his opinion, cruelly treated when they were sent back to India under the expectation that their case would receive the consideration of the Company. That was conduct which no honest individual would have been guilty of; and in matters of this nature, he, for one, could recognise no distinction between a public Company and a private individual. It was the duty then of the Company to have seen that this claim was satisfied before they obtained possession of the land upon which it was received; and he trusted the House would make good that deficiency by granting the inquiry now asked for.

Mr. MANGLES thought the hon. Member for Cambridgeshire (Mr. E. Ball) had entirely mistaken the conduct and functions of the Home Government. The reason why these gentlemen were told that their claim would be entertained by the Government of India, was not for the purpose of getting rid of them, as the hon. Member for Cambridgeshire seemed to suppose, but it was because the Home Government made it a practice not to interfere primarily in these matters. How could the Home Government have held out any hope to these gentlemen, when it was ignorant of the merits of their case? No expectation either one way or the other was held out to them, but they were simply told that their case must originate in the first instance with the Government in India. With regard to referring this case to the Judicial Committee of the Privy Council, he could see no advantage that would result from such a course, because even if the Council decided in favour of these gentlemen, there was no legal power to enforce the decision. But supposing the case was referred to this tribunal, who was to be the defendant? Certainly not the East India Company, for they clearly were not the debtors, while inasmuch as the loan was made to the Nizam in his capacity of a sovereign and independent prince, how was a decree against him to be enforced. To interfere at all in the matter, would be contrary to the recognised foreign policy of the British Government of India, and he hoped it would not be entertained for a single moment. A word upon one other point, and he should have done. These gentlemen were to have received interest for their money at the rate of 18*l.* per cent; and he put it to the House whether it was at all likely that, stipulating for such extravagant interest as that, they could possibly have been under the impression that they were to receive the security of the East India Company for the repayment of the money, besides that of the State to whom the money was advanced, the lawless condition of which, involving extreme risk of loss of principal, was the sole cause of the very high rate of interest?

Question put, That the word "now" stand part of the Question.

The House *divided* :—Ayes 111; Noes 69: Majority 42.

COLONIAL CHURCH REGULATION BILL.

Order for Second Reading read.

LORD JOHN RUSSELL said, he would now move that this Bill be read a Second Time on Monday, with the object of giving the House an opportunity of seeing several clauses which had been prepared by his hon. and learned Friend the Solicitor General, who had paid great attention to the subject, and which, it was thought, would effect in an unobjectionable manner all that was necessary for the purpose of the Bill. These would be laid before the House either to-morrow or the next day. He believed that no Member of the Government meant to propose the second reading of the Bill, but it was in the hands of an hon. Gentleman opposite.

Motion made, and Question proposed, "That the Bill be read a Second Time upon Monday next."

MR. KINNAIRD said, he objected to the postponement of the consideration of the Bill. He had such a strong feeling against the measure that he should oppose it at every stage. The hon. and learned Solicitor General himself had assured him that the Bill in its present form was most objectionable, and that nothing but a new Bill would meet the circumstances of the case. He was very much surprised to find a Government which, at the commencement of the Session, had assured the House that they would not sanction anything like an interference with the freedom of the Colonial Legislatures, helping on such a Bill as this; and he appealed to the hon. Member for Kidderminster (Mr. Lowe), and to the right hon. Baronet the Member for Southwark (Sir W. Molesworth), to say whether it would be acceptable to the Colonies. He should at once move that the Bill be read a second time that day three months.

MR. HADFIELD seconded the Amendment. He considered that the House had already wasted sufficient time this Session on questions of religious controversy affecting this country, without entering into colonial disputes. He believed that there was not a single Colony which would consent to accept a Church Establishment.

Amendment proposed, to leave out the words "Monday next," in order to add the words "this day Three Months."

SIR ROBERT H. INGLIS would support the Amendment, but upon grounds entirely distinct from those advanced by the last speaker. He considered that this was not a period of the Session at which the House could enter upon the discussion of a measure affecting interests so large and important.

The SOLICITOR GENERAL said, the objects of the Amendments which it was the intention of the Government to introduce into the Bill were—first, to preserve the most perfect equality among all religious sects and denominations in the Colonies; and, secondly, to leave to the Colonies the free and uncontrolled management of all their affairs, both ecclesiastical and civil. He hoped, therefore, that hon. Gentlemen would be content to postpone their opposition to the Bill until the Amendments were upon the table.

Mr. VERNON SMITH said, he wished to know who was the real father of this Bill? There seemed to be no one who would own himself its parent, although the hon. and learned Solicitor General might, perhaps, be regarded as its putative father. According to the statement of that hon. and learned Gentleman, however, he intended to propose amendments which would completely change the character of the Bill. Now he (Mr. V. Smith) would ask the House whether, upon the 8th of August, they would be prepared to enter upon the consideration of an entirely new measure? and he would also ask if the hon. and learned Solicitor General wished to bring forward any Bill on this subject, why he did not introduce it on his own responsibility, or postpone the introduction of a measure until next Session? He (Mr. V. Smith) regarded this Bill as an interference with self-government in the Colonies, and it had been so denounced in the public prints by Sir James Stephen, whose opinion on the matter was well entitled to consideration. He (Mr. V. Smith) thought the table of the House ought not to be loaded with new Bills, night after night, at this advanced period of the Session.

Lord JOHN RUSSELL said, that, undoubtedly, if the House chose to reject this Bill at once, it was perfectly competent to them to do so; but he did not think the House could maintain that they would not, even at this period of the Session, enter upon the consideration of new Bills, when they were night after night sending up Bills to the other House of Parliament. Only that night they had sent up three Bills to the other House, from whom he hoped those measures would receive due attention. The right hon. Member for Northampton (Mr. V. Smith) seemed to consider that it was too late in the Session to attempt to legislate on this subject; but he (Lord John Russell) must own it appeared to him that there were matters of great moment with reference to the position of the Church in the Colonies which ought to be the subjects of legislation either at the end of this Session or at the beginning of the next Session of Parliament. He thought they ought to place the Church of England in the Colonies in the same position as any other religious sect. In Canada, for instance, there were Wesleyans, Baptists, and Presbyterians, who possessed certain rights and privileges; and was it unfair that the Church of England should enjoy privileges of a similar nature? Did his right hon. Friend mean to say that, if the Church of England was not established in the Colonies—and he (Lord J. Russell) would not vote for such establishment—that Church should be deprived of rights enjoyed by denominations based upon the voluntary system? If that was the right hon. Gentleman's view, he (Lord J. Russell) differed from him entirely. He considered that if the various religious communities were allowed to be upon a footing of equality in the Colonies—none of them being established—it was only just the Church of England should have the same privileges, as other religious bodies; and that if Acts of Parliament existed which deprived the Church of England of such privileges, those Acts ought to be so modified as to give that Church the same liberty as other religious communities. He thought that a measure which would effect that object by two or three clauses, might very easily be passed in the course of the next week. He did not think it was fair that, because a very able letter from Sir James Stephen had appeared in the newspapers against this measure, the House should at once condemn the Bill, and refuse to hear anything further on the subject.

Mr. HENLEY said, that no one seemed to know who had charge of this Bill. They did not even know who had put it down for a second reading. [Lord J. Russell: I don't know.] It seemed plain that the Government would not have anything to do with the Bill in its present shape; and he (Mr. Henley) would ask, therefore, whether there was any prospect of legislating satisfactorily and effectively on the subject during this Session?

Mr. ROUNDELL PALMER said, he thought that a clamour was raised against this Bill by some hon. Gentlemen who were desirous of creating a prejudice against the measure out of doors by misrepresenting its character. The question had been asked in a manner which he considered was not very respectful to such a body as the bishops of the Church of England, for whom he believed that House generally entertained respect, with whom this measure had originated. He thought it was perfectly well known that the Bill was the result of the mature and deliberate consultation of the bishops of the Church of England in this country, and of several of the Colonial bishops, who met to consider by what means they might best accomplish the objects desired by the members of the

Church of England in the Colonies, without endeavouring to introduce the principle of a Church Establishment into those Colonies, or interfering with the rights of other denominations of Christians. The Bill was certainly not open to those terms of contumely and reproach which had been used respecting it; nor was it open to the charge of seeking to obtain any special privileges for the Church of England in the Colonies. It was intended merely to place that Church in communion with the Church in the mother country, without interfering in any way with the religious freedom of other sects in the Colonies. That might be effected by various methods; but all of those who desired that the Church of England in the Colonies should remain in close communion with the Mother Church in this country would agree with him that, whatever changes ought to take place, they should not vitiate the essential principles of that communion. It was the common object of the Colonial Church and of themselves to maintain that religious identity between the Church in the Colonies and the Church at home, and he did not see how their spontaneous action, consistently with the principles of Colonial legislation, could be in any way adjusted without some measure of the Imperial Parliament. The difficulty arose from the fact that the Colonial Churches were in law considered offshoots of the Church of England, and that they ought, therefore, to be bound by the same regulations as the Mother Church. So far as the present Bill was concerned, he had never seen it until it had passed through the House of Lords; but he would assert that there was no foundation whatever for the belief that it was desired by a side wind to obtain for the Church in the Colonies all the powers and privileges of the Church at home.

The CHANCELLOR OF THE EXCHEQUER said, being responsible, not, indeed, for the provisions or terms of the Bill before the House, but for having drawn the attention of Parliament to this very important subject, and it being also his opinion that this measure had not been fairly attacked in the discussion that evening, he thought it right to say a few words before the question was put. He thought it was not at all difficult to explain in general terms the form which this Bill had assumed. He believed that the positive character of the provisions of the Bill, which were objected to as tending to create an Established Church in the Colonies, was really a fault in the Bill which had arisen mainly from the desire on the part of the promoters to avoid that class of objections which was made against his previous propositions on this subject. In a former Session of Parliament he brought in a Bill for the purpose of liberating the Church in the Colonies from the real or supposed disabling effects of Imperial Statutes, and so far to place it in the position of dissenting bodies in the Colonies; and he then added to that declaration of the law or repeal of the disabling Statutes some further clauses containing certain restraints. The objections taken to that Bill by hon. Gentlemen opposite were, that in consequence of its leaving so much power in the hands of the bishops, clergy, and laity in the Colonies, the stability of the Church would be affected, several colonial Churches would be created, and, possibly, a separate Church might be created in each colonial diocese. It had been asked who was the author of the present Bill? The Bill had been agreed to by the whole bench of bishops, and it had been introduced into the other House by the Archbishop of Canterbury. When the latter was absent, the Bill had been in the hands of the Archbishop of York. Looking at the character of its provisions, he did not doubt that all the provisions which had been introduced by the right rev. Prelates, who might, perhaps, not be such colonial philosophers as they were in that House, but who were all earnestly desirous of maintaining the connexion between the Church at home and the Church in the Colonies, had been introduced for the purpose of establishing the principle which his Bill had attempted to give. The issue had been raised by him on former occasions in that House, and would be raised again upon it—"In what manner do you propose to proceed with regard to the Church in the Colonies?" Were they, or were they not, bound to maintain for the Episcopal Church in the Colonies the same regulations and the same *status* as the Church possessed in the mother country? The substantial question to be answered was, whether it was fair or not that the members of the Episcopal Church in the Colonies should be separated from the Mother Church, and, if that were so, whether they should be allowed to fall back upon what might be popularly termed the natural liberty enjoyed by the members of other religious communities? That was the real question at issue. But when the House came to decide upon that issue, they certainly would not adopt so unjust a course as to strip the Colonial Church of all its rights and possessions, and continue at the same time all its disabilities and restraints. The latter were not altogether imaginary. An effort had been made by a colonial Prelate, who was respected and esteemed by all who had the honour of his acquaintance, and whom he had the privilege to call his friend—he alluded to the Bishop of New Zealand, by whom the attempt was made to draw up regulations for the conduct of religous matters within his diocese. When that bishop arrived in his diocese he found himself in contact with great multitudes of the aboriginal inhabitants of the Colony, who had been christianised by the labours of missionaries, and for whose benefit it was absolutely necessary that some regulations should be framed. He held meetings on the subject, and after considerable discussion and deliberation regulations were drawn up and sent to this country, which on their arrival were submitted to the legal authorities, who at once declared them to be illegal and invalid. Such a state of things ought not to be allowed to exist. That was the question of principle, and although the present Bill was not the Bill he wished to see, he must say that its present character was, in a great measure, to be attributed to the nature of the opposition which was offered to his Bill. He considered that his noble Friend (Lord J. Russell) had taken a reasonable course in proposing that the Bill should be read a second time on Monday next, when the House would have an ample opportunity of discussing it on its merits. It dealt with a question which could not be settled by detailed and complex legislation on particulars, and which might, he believed, be very easily contained in half a page. He should have been very glad if the House had agreed to adopt such a principle as he had described; but he must admit that the House had manifested a disinclination to-night to enter upon such an important question at so late a period of the Session. It being so, he would not simply express a hope, but a firm belief, that the House would give a fair reception and a full consideration to some such measure at a future time for the purpose of giving the Church fair play in the Colonies upon the footing of an established body. Admitting that it was quite impossible to settle matters of detail at this advanced period, and as the House had manifested an unwillingness to enter on the subject at present, he was obliged to say, on behalf of himself and of the Government, that he would not put the House to any trouble by dividing on the second reading of the Bill, but would consent to let the subject stand over till the next Session of Parliament.

Mr. NEWDEGATE said, he objected to the House proceeding with the measure at this time of the year, while he fully recognised the necessity of some legislation on the subject in respect to the Colonies, the union of whose Church with the Mother Church of this country he was most desirous to preserve.

Question, "That the words 'Monday next' stand part of the Question," put, and *negatived*.

Words *added*.

Main Question, as amended, put, and *agreed to*.

Second Reading *put off* for three months.

The House adjourned at half after Two o'clock.

HOUSE OF COMMONS,

Wednesday, August 3, 1853.

Minutes] Public Bills. — 1° Militia Ballots Suspension, and Militia Law Amendment.
3° Naval Coast Volunteers.

EPISCOPAL AND CAPITULAR ESTATES BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Mr. WIGRAM said, that though he did not wish it to be understood that he did not concur in the general views expressed by the noble Lord who had brought forward this measure, yet he was opposed altogether to the Bill in its details, and he thought it extremely undesirable that the House should read it a second time. He was as desirous as the noble Lord to render Church property as conducive as possible to the spiritual benefit of the community. The circumstances which had occurred in the country had affected Church property, like other property, and it had risen in value. Vast towns also had grown up for which no adequate provision was made in respect to spiritual purposes, and he concurred in the noble Lord's view, that where one branch of the Church was provided with more than it needed, the surplus should be applied to supply the districts where spiritual destitution existed. Still, he thought that there were strong reasons against the Bill. In the first place, at that late period of the Session, it was quite certain that the prosecution of the Bill could not answer any useful purpose, for it was certain that the Bill could not go further than the second reading. Another reason was, that it was well known that an existing Commission was issued by the Crown for the purpose of inquiring into the state of cathedrals and collegiate churches. The noble Lord, on introducing his measure, seemed to consider that that Commission did not exactly reach the subject of the present Bill—namely, the management of the estates; but that, he was satisfied, was an error on the part of the noble Lord, as the Commission was drawn up in the widest terms, the Commissioners being directed to inquire into the state of Cathedrals and Collegiate Churches, and "matters connected therewith." The House would recollect that there had been passed this Session an Act called the Cathedral Appointments Act, which, on the very ground that that Commission had power to inquire into the management of the estates, expressly provided that no part of a certain capitular property should be applied to the common fund until the Cathedral Commission made their Report. Another reason for not proceeding with the Bill at the present moment was, that a year or two ago an Act passed for facilitating the enfranchisement and purchase of ecclesiastical estates, and, as that Act would expire in the course of next year, the whole subject must then necessarily again come under discussion. Under all these circumstances, great inconvenience might arise from proceeding with the Bill at the present time. Besides this, he thought that there were some great objections to the Bill itself. It might be said that some of these objections referred to matters of detail; but the Bill so depended on the machinery that the objections could not be removed without the whole measure being reconstructed. The two leading objects of the Bill were to give fixed incomes to the bishops, and to transfer the property of sees and chapters to the hands of the Ecclesiastical Commissioners. The proposal of fixed incomes to the bishops, as provided in the Bill, was a most objectionable one. It was not proposed to give them variable incomes, such as the clergy possessed under the Tithe Commutation Act, but to give them fixed incomes not variable at all. What the effect might be in a few years, it would be impossible to say; and in a case of this kind their legislation ought to be of a permanent character. If the Bill were to pass, it would place the annual income of the bishops in great jeopardy; for, after providing that they should have a fixed income, the 9th section required the Ecclesiastical Commission to make up the fixed amount. Now, in consequence of the great grants made by the Ecclesiastical Commissioners, out of a desire to carry out the objects for which they were appointed, he very much feared they were, as far as the funds of the Commission were concerned, in an embarrassed and insolvent state. The existing fund would afford no provision. Then it would be said that it was intended to transfer to the Commissioners all the property of the sees and chapters. How was it proposed to get the income out of the property? At present the income was got by granting leases and taking fines on renewal; but by the 28th clause the Commissioners were prohibited from granting leases. [The Marquess of BLANDFORD made a remark, which was understood to be in correction.] At all events, the income of the bishops depended on whether the Commissioners had funds in their hands or not. The only remedy given to the bishops for enforcing their claims, was a power given by the 13th section, to enter and receive the rents if the rent-charge were not paid; but that did not, in his opinion, include a power of taking fines on renewals. He should not detain the House by entering further on the details. With respect to the scheme generally, it proposed to transfer the whole of those estates to the Estates Commissioners for ever. By the 15th and 16th clauses it gave them inordinate powers over the disposal of those estates. It proposed to transfer all authority in the matter to a London board—a course which was not favoured by experience, though it had been tried in the case of the Woods and Forests. It was quite certain that the measure, if carried into effect, would involve those estates in large and ruinous expenses. The law expenses and the surveyors' expenses of the Church Commission last year amounted to no less than 9,732*l.* He could not help thinking that the present scheme threatened an enormous waste of Church property. There was no prospect that it would give satisfaction to the country, and it would be a great violation of the duty which the Members of that House, as provident persons, owed in this their generation to those who should come after them, if they did not maintain that great institution, the Church of England, with its property, and transmit it unimpaired to future times. If there were abuses, they might be remedied; but to any such sweeping scheme as the present he was opposed, as unnecessary. He further thought it undesirable at this time of the Session to proceed with the Bill. He did not wish to commit the House to disapprobation of its principle; and, if he could competently do so, would substitute for the Motion of which he had given notice, that the Bill be read a second time that day three months, a Motion that the House do now proceed to the other Orders.

Sir ROBERT H. INGLIS said, it was his intention to second the Motion of his hon. and learned Friend. At the same time he was bound to own that he did not agree with his hon. and learned Friend, except in regard to the motives of his noble Friend. To the object, and to the means by which his noble Friend desired to attain that object, he was, and always had been, irreconcilably opposed. He held in his hand petitions signed by the members of ecclesiastical bodies in almost every diocese of England, expressing in the strongest terms their sense of the inexpediency of the measure and of its injustice—if injustice and inexpediency could ever be separated. The proposition of his noble Friend, if it were carried out, would have this result, at least, that the property of the oldest landowners in the kingdom (and, without disrespect to the House of Blenheim, it might be said that the property of those landowners were their's one thousand years before an acre of land could have been held by the house to which the noble Lord belonged) would be transferred wholly to the charge of three laymen sitting in London. And this was a proposal made by a member of a Commission appointed to make inquiry on the subject! Member though he was of that Commission, his noble Friend did not rise to state that he spoke the opinions of any human being but himself. That Commission had not made a Report. Whether the majority might agree or differ from his noble Friend was uncertain; but one was entitled to assume that he had brought forward the Bill on his own sole responsibility. This, then, was a Bill which took away the property of the oldest landowners in the kingdom—which, on the principle of centralisation, comprised all the management of that property in one body and in London—which was brought forward at a time when an Act bearing on the same subject had been so recently in operation that its effects could not be divined, and when a Commission was sitting which had not yet made its Report. Independently of those considerations, which ought to be conclusive, he (Sir R. H. Inglis) could not but recollect that the House last night refused to consider a Bill which had passed the House of Lords, and which was introduced into the House of Lords under the name of the most rev. Primate of all England. That Primate he held in the greatest respect; but, though the Bill came from the House of Lords—though it came with the personal weight and authority of the Archbishop of Canterbury, whose name was on the back of it, yet the House of Commons imperatively felt that this was not a period of the Session at which we could take into consideration such a Bill, however matured it might have been by the other House of Parliament. The Bill of which the noble Lord had now moved the second reading, was the work, he verily believed, not of the Commission, but of the noble Lord himself. He (Sir R. H. Inglis) wished the question had been limited to the single point, whether the House should give a second reading to the Bill at a time when they knew that they could not bring it into law. By the second reading they would be committed in some degree to the principle; but it would be impossible to enter on the consideration of the details; and the author of the Bill, with all his parental affection for it, could not anticipate anything for it but a premature decease. Under these circumstances he should cordially second the Amendment.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words 'upon this day three months.'"

Question proposed, "That the word 'now' stand part of the Question."

Mr. SIDNEY HERBERT said, that the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis) had come to the same conclusion with the hon. and learned Gentleman the Member for the University of Cambridge (Mr. Wigram), but they differed very much as to the reasons for arriving at that conclusion. He must add to the number of those who differed in their reasons for taking the same course. He entirely disagreed from the hon. Member for the University of Oxford, who held that the present system was the best. It was seen every day that the system of having the learned Bishops to act as land agents to the Church was one which was excessively faulty in itself; and, if it did net expose those Prelates to temptations in dealing with their landed estates which might give rise to great scandal, still it exposed them to suspicions which were very unjust. He therefore quite agreed with his noble Friend opposite, that this was a system which required revision by Parliament. But he had great doubts whether his noble Friend had hit on the proper mode of dealing with the subject. His noble Friend did not affect to be the organ of the Commission, or assert that this Bill represented the opinion of any Gentleman except himself, or those whose names were on the back of the Bill; but he (Mr. S. Herbert) must express the opinion that, looking to the period of the Session, it was not desirable to press the second reading. He knew how anxious his noble Friend was to get the Bill read a second time, because his noble Friend thought the second reading would admit and pledge the House to the principle of the Bill. That was the very reason why he (Mr. S. Herbert) objected to the second reading. The principle, as had been remarked, appeared to be twofold. Even supposing the noble Lord right, it was impossible that Parliament could entertain any plan till the Commission of which the noble Lord was a member should have reported, and to which the consideration of the subject had been delegated. In a Bill which passed the House in the present Session—the Cathedral Appointments Bill—there was a clause directly militating against the noble Lord's Bill, because it postponed the power of transferring estates to the Commission. It was possible that the Capitular Commission might make recommendations for dealing with capitular estates; but, under all these circumstances, he (Mr. S. Herbert) hoped the noble Lord would not press the second reading. It would be with pain that he (Mr. S. Herbert) should vote against the Bill, which he should not wish to be compelled to do, knowing that it would be a matter of mortification to the noble Lord that a work on which he had bestowed so much labour, and with reference to which no one could doubt the excellent motives that actuated him, should be summarily ejected. But it would be very dangerous, he repeated, for the House, by assenting to the second reading, to pledge itself to the principle of the Bill.

Mr. GRANVILLE VERNON said, he gave full credit to the noble Lord for the excellence and sincerity of the motives which had actuated him in bringing forward this measure. It was well deserving of consideration, but he objected to the manner in which it had been introduced to their notice. He earnestly hoped that in a future Session Her Majesty's Government would take the subject into their own hands, and that the solution of a question of such great importance would not be left to an individual Member of that House, who, with the best intentions, must necessarily be partially and imperfectly informed. Had the noble Lord any knowledge of what the views of the clergy generally were upon this question? He (Mr. Vernon) regretted much that that House had no means of knowing in any authoritative form what those views were. It seemed strange that the Established Church was the only corporation (if he might use the term), the only body to whom the privilege was denied of deliberating and discussing its own wants and necessities. He did not, of course, wish to revive the anomalies of the old Convocation; but he believed that very unfair and unfounded impressions existed as to the objects of those who sought to call some such deliberative assembly into action. He trusted that means might yet be devised by which the Church at large, including both laymen and ecclesiastics, might be enabled to consult upon such matters as this present measure, and to give to Parliament, with all the weight of authority, a formal exposition of their opinion. He believed that if such a right were given to the members of the Church, the hands of the Queen's Government would be materially strengthened in the promotion of some really practical measure of sound and searching reform.

The Marquess of BLANDFORD said, he deemed it necessary to explain some points to which the hon. and learned Member for the University of Cambridge (Mr. Wigram) had adverted in terms which might tend to prejudice the question in the minds of many persons. The first objection which the hon. and learned Member had urged against the Motion for the second reading of the Bill was, that at this late period of the Session it was impossible the Bill could pass into law, and that, therefore, it was not advisable to take any step with regard to it, inasmuch as no practical advantage could result from the fact of its being advanced merely a single stage, while they might, by consenting to the second reading, be affirming a principle which they might hereafter deem it advisable to reject. Now he (the Marquess of Blandford) was of opinion that, in assenting to the second reading of the Bill, the House would be doing no more than affirming the principle that those lands which were at present in the hands of ecclesiastics should be placed under the management of laymen; and he felt assured that the House could have no possible objection that the incomes of those connected with the Church should be secured to them in a manner which would be more befitting their spiritual character and duties than the mode in which the payment of those incomes was now regulated. The preamble of the Bill proposed that—

> "Such arrangements should be made as to secure to archbishops, bishops, and the several members of chapters, dignitaries, and officers of cathedral and collegiate churches respectively, fixed instead of fluctuating incomes, in a manner most befitting their spiritual character."

He would remind the House of the amount of time and labour bestowed at present on the management of the property to which the Bill related; and he would ask whether the arrangement which at present subsisted, or an arrangement which secured the incomes of those persons in a manner "most befitting their spiritual character," was the preferable one? The Bill also professed to provide that they should have fixed instead of fluctuating incomes. It was true that the Bill proposed to vest Church estates in the hands of the Estate Commissioners. He did not ask the House to go further than to affirm those broad and general grounds for the measure which were contained in the preamble. It was said that a Commission had been issued by the Crown, and that no further steps should be taken till a Report had been made by that Commission. He would only ask whether that was any new argument on questions of this nature; whether, whenever a question was brought forward against which it might be convenient to enter objections, the same argument was not invariably used—that a Commission was sitting on the subject, and that it was necessary to suspend all further proceedings till the inquiry of that Commission should have been completed? If the House were to be swayed by that consideration, it would be almost impossible to proceed with public business, because to arrest anything of an inconvenient tendency it would only be necessary to issue a Commission. Had there not been sufficient inquiry—were there not ample sources of knowledge on the subject of his Bill—to enable hon. Gentlemen to form their own conclusions, when conclusions had, he might say, been already formed by the great body of the public out of doors, such as acted seriously to the prejudice of the Established Church? A Commission had already reported on the subject. The Commission appointed to inquire into episcopal and capitular revenues had the whole question under its deliberate consideration, and recommended that the property should be vested for the time being in the hands of a central body, in order that the lands might be taken out of leasehold tenure and reduced to rack-rent tenure. A Bill was founded on the Report of that Commission connected with the future management of leaseholds. It embodied all the principles of management which the Commission thought it advisable to recommend. That Bill was brought into the House of Lords, referred to a Committee, and rejected by their Lordships. Another Bill omitting the whole question of management, was passed. That subject was ignored; and the Bill ultimately emanating from the Commission had reference only to the leasehold tenure of the property of the Church. If, then, there had been a Commission which had already inquired, and whose recommendations, though laid before Parliament, had not yet been adopted, where was the use of waiting for the Report of another Commission? The argument founded on the existence of a Commission was entirely set at rest by the facts which he had now stated, and which he hoped would have their due weight and influence with that House. It was stated by the hon. and learned Member (Mr. Wigram), that the 13 & 14 *Vict.* would soon expire. But he would beg to inform the House that that Act did not involve the present question; it involved a very important question as to what should be the future character of lessors or lessees, but not the question as to who should have the management of the property. That Act had reference solely to the leasehold property of the Church, and to the mode of determining that tenure, which mulcted the Church of so much of its revenue. When that Act expired, it would be for Parliament to decide whether the principle on which it was framed should be continued, or a principle of a more compulsory nature be substituted. He differed, therefore, from the hon. and learned Gentleman, who thought that no opinion ought to be taken on the present Bill, because next year the Act of the 13 & 14 *Vict.* must be brought under consideration. The principle of the Bill, it had been said, was, that the bishops should have fixed incomes. Now, the hon. and learned Member said, he objected to the principle of granting fixed incomes to the bishops. Why, the fact was, the bishops had fixed incomes already, and that by the most humiliating species of legislation that could possibly be enacted. There was no Act which could more express distrust of the bishops than the Order in Council which now applied to their incomes. They were required to make a half-yearly return of income. If a fine exceeded 100*l.*, the terms of it must be submitted to the Commissioners for approval. In certain cases, if the fine should be equal, or more than equal, to their half-yearly income, the whole might be paid to the Commissioners, who might then pay back to them that which was necessary for their lawful income. No legislation could be more humiliating to the bishops than that which at present existed. He proposed that bishops should make a half-yearly return of certain kinds of income which the Commissioners could not well collect, and then the Commissioners would pay out of the proceeds of the estates the sum necessary to supply the allotted incomes of the bishops. The Bill could not introduce a control which exceeded that maintained by the existing regulations, and at the same time it freed the bishops from all the care and distraction which the charge of large estates must bring on spiritual persons, whose attention ought pre-eminently to be paid to the growing spiritual wants of the community at a time when, year after year, population and intelligence were increasing. When such was the case, Parliament ought to take means to relieve the bishops from the cares, and more especially the secularising cares, which attended the management of estates. The hon. and learned Gentleman supposed that there would be no funds from which the incomes of the bishops might be made up. While the leases under the old tenure were being brought to a close by enfranchisement, the means at disposal were employed in buying up the leaseholds of other properties, so that properties were brought into immediate rackrent. The income of the see was not diminished, though the area of the property was curtailed, so there would be ample funds. The hon. and learned Gentleman wished to infer from a serious charge which appeared in the last Report of the Commissioners that a great deal of mismanagement had taken place. He called attention to a charge of upwards of 9,000*l.* for law expenses and surveying, and the inference appeared to be that the administration of the Commissioners was expensive. There was a Return which explained those charges. They were charges which were incurred at a particular time—at a time when those estates were undergoing the transition from leasehold to rackrent tenure, and large properties were sold and bought. Those charges were in themselves of the most moderate description. The sums were large, but the sums to which the charges related were also large. The solicitor's bills and others were taxed. The charges of Messrs. Pickering and Smith, including travelling expenses, were 10*s.* 6*d.* per cent. Those of Messrs. Clutton were 8*s.* 10*d.* per cent. Messrs. Clutton and Messrs. Pickering and Smith said, their remuneration for receiving rackrents and for general management was 4 per cent on the rackrents, and 5 per cent on the reserved rents, payments to local agents, and incidental disbursements. There were charges incident to the present system which did not appear in any public return, such as the Septennial Return, and which were of an onerous nature—namely, the fees paid on the renewal of leases. In 1839, evidence was given before a Committee of that House, that these ranged from six guineas to twenty guineas, and that in some cases the fees exceeded the annual value of the lease itself. The leases held under the see of Durham were 594; and if all those were renewed in one year, the sum which would be received on those leases, taking thirteen guineas as the fee on each, would amount to 7,722*l.*, which was about 6 per cent on the amount received from the renewals. The average yearly value received from fines of all episcopal property during the last septennial period was 89,599*l.*, 6 per cent on which amounted to 5,375*l.*, and, with the cost of other agencies, 8,547*l.*, the total cost of management of episcopal property would be for one year 13,922*l.* One mode which had been recommended for the administration of the property of the Church was to divest the bishops and chapters of all episcopal property, leaving at their disposal such a portion of the estate only as might be necessary to secure to them their allotted income. Now he would ask the House which method was most like confiscation—that which he proposed, or that to which he had just referred? It was not his intention to take from the bishops or the chapters one acre of their land. He did not propose to transfer the fee which it was of importance that those bodies should possess. All he sought was to invest the Commissioners with the power of managing their estates, and he should ask the House to consider for a moment the nature of that body to whom he proposed to entrust that power. The plan formerly applied to episcopal property was, that certain charges were affixed to episcopal incomes, and a bishop was allowed to have a margin—whatever he could make beyond that charge. Then there was an alteration—a bishop was to have an income independent of that arrangement. With respect to the plan for giving bishops certain estates which should be sufficient to give them their incomes, there would begin a system of confiscation; and it was impossible to say how far that would proceed. The Archbishop of Canterbury had now 15,000*l.* a year, and if all his estates were taken away except so much as would yield 15,000*l.* a year, another Parliament might propose to reduce the income and estates to 10,000*l.*, and another to 5,000*l.* Now what was the nature of that body into whose hands he proposed to transfer the management? Parliament itself had shown the greatest possible confidence in the Estates Commissioners. They had been appointed in 1850 for the purpose of acting as a check upon the Ecclesiastical Commissioners, and had been empowered to make Reports of their proceedings, independently of the other members of the Ecclesiastical Board. That fact was sufficient to show how great was the reliance which was reposed upon them by the Legislature. The Bill which he had the honour to submit to the consideration of the House, proposed to call that body to the exercise of still more important functions than those with which they were at present invested. It provided that they should have the power of examining witnesses upon oath respecting the value of the property with which they had to deal, and of entering upon other forms of inquiry necessary to the proper discharge of their important duties. They would, in fact, be made trustees of Church property, for the general benefit of the Church; but more especially for the advantage of the parochial clergy. Fears might be entertained by some hon. Members with respect to the operation of such a measure; but he would remind the House that similar fears had been entertained with reference to propositions which had since their enactment been productive of the most beneficial results to the Church. In the year 1836, when the first Report of the Church Commissioners had been presented by the noble Lord the Member for the City of London to that House—a Report, by the adoption of the suggestions contained in which the best consequences to this country had been produced—the hon. Baronet the Member for the University of Oxford (Sir R. H. Inglis) stated, that, so far as he was concerned, he would be no party to the introduction of that Report in the House of Commons, because its tendency was, he believed, such as was likely to prove fatal to the best interests of the Church. He (the Marquess of Blandford) could not help thinking that the fears of hon. Members with respect to the operation of his Bill were equally without foundation as those which had been entertained by the hon. Baronet in 1836; and he believed that the House, by giving its assent to the principle of that Bill, would be only giving an energetic response to the voice of the public—a voice which would continue to be raised to the danger of the Established Church, unless that House, even at that late period of the Session, should, by an authoritative declaration—pronounced by their assent to the Motion for the second reading of the measure before them—affirm its willingness to relieve the Church from the obloquy which had been cast upon it, and their desire to place it upon a footing more consistent with the proper discharge of the high duties for which it was destined, than that upon which it at present stood.

Sir BENJAMIN HALL said, that whatever difference of opinion there might be with regard to the manner in which Church property was to be dealt with, every one was agreed that the time had come when some steps should be taken to cause that property to be administered in the manner best calculated to contribute to the usefulness of the Church. Feeling that, he was obliged to his noble Friend (the Marquess of Blandford) for the care he had taken in the preparation of this

Bill, and the attention he had paid to the general subject. Whatever interested parties might say of others, no one would venture to assert that his noble Friend was an enemy to the Church. His object could only be to make the property of the Church available for its legitimate purposes; and those who had objected to the precise means he had adopted, but agreed in the principle, ought not to object to the second reading of the Bill. He wished to call attention to the progress which had been made in the reform of the Church in the last two or three years. Every one was now ready to take part in that reform; but three years ago any Member of that House who took such a step was denounced as an enemy of the Church, and desirous of despoiling the Church of her revenues. It was on that ground that the hon. and learned Member for Cambridge University wished the Bill to be rejected, and he said it was an evil to give fixed incomes to the episcopate body. He (Sir B. Hall), however, thought that a great desideratum, and if they had fixed incomes, and were paid quarterly, and were not continued as "Land Agents to the Ecclesiastical Commission," which was the term used by the right hon. Secretary at War, much of the obloquy which had fallen upon them would have been avoided. The hon. and learned Gentleman (Mr. Wigram) said, that if they were to receive fixed incomes, they would be in a worse position than the working clergy, who received fluctuating incomes under the Tithe Commutation Act; but he (Sir B. Hall) believed that the clergy would prefer having fixed incomes. The hon. and learned Gentleman might rest assured that both bishops and members of capitular bodies would be eventually placed upon fixed incomes, and the sooner the better, to avoid those comments on their proceedings, which bring discredit on the Church. Let him call the attention of the hon. and learned Gentleman to some cases which had been brought before the public in the newspapers. Had the hon. and learned Gentleman read a leading article in the *Times* of that day, where would be seen traced the progress of a reverend gentleman, from the tutorship of a bishop's son, to a prebend of that bishop's see, and from thence to the bishopric of Durham; and if the hon. and learned Gentleman would trace his proceedings up to the present time, it would be found that his conduct had been such as to bring disgrace and obloquy on the Church of which he was a member. It would be impossible that such things could be perpetrated, if the Bill of his noble Friend became law. That gentleman was formerly tutor to a Bishop of Lincoln, whose sons were the greatest pluralists in the Church; the bishop made the tutor Prebendary of Leighton Buzzard, and ran his life against leases, which fell in, and he put the living up for sale at Garraway's, where it fetched a very large sum of money. He (Sir B. Hall) believed that the reverend gentleman seldom appeared during the whole of his long incumbency, in the church of Leighton Buzzard; and the chancel, which it was his duty to keep in repair, had been in a state of dilapidation, and such was the conduct of the parish, that in 1840 or 1841, the hon. Member for the University of Oxford (Sir R. H. Inglis) presented a petition with reference to the condition of Leighton Buzzard, complaining of the destitution of the parish, and the miserable state in which the clergy and the chancel were left by a gentleman who had sold the prebend for between 30,000*l.* and 40,000*l.*, by public auction, at Garraway's. That was a most monstrous proceeding, and one which never could occur again if the Bill of his noble Friend was passed. On the appointment of Dr. Maltby to the See of Chichester, he vacated the prebend; his successor put new lives into the leases, and he afterwards sold the property to the Ecclesiastical Commissioners, so that a stop was put to the continuance of such things in that prebend. So far for a member of the capitular body. He (Sir B. Hall) would now trace this reverend gentleman through his various grades as a beneficed member of the Church. He became Bishop of Chichester, and was translated to Durham, in 1836. In that year an Act was passed, by which it was intended that the episcopal body should receive fixed incomes, which, however, might fluctuate slightly, and in order to meet the case of the bishopric of Durham, the Act was made retrospective, and the present prelate of that see was brought under the operation of the Act. He was to have 8,000*l.* a year, and the property of the see being valued at 19,200*l.*, after giving up 2,000*l.* a year to the See of Ripon, he was to pay over 11,200*l.* to the Commissioners, and retain 8,000*l.* a year. The moment that was done, a correspondence ensued (which may be seen in the Parliamentary Paper, No. 400, Session 1851), which did no credit to the right reverend prelate, who was its author, and which was a trial of strength and skill between the Ecclesiastical Commissioners and the Bishop of Durham; the Commissioners trying to get him to pay the full sum of 11,200*l.*, and he trying to pay less; and at length they decided that he should pay 11,200*l.* a year, when the Bishop intimated he should be ruined, and that he would not be able to get the income assigned to him out of the property of the see. But what had been the case? In the last year of his Septennial Return, instead of 8,000*l.* he got 24,000*l.* net income. That was not the intention; and yet he had got 24,000*l.* instead of 8,000*l.*, notwithstanding his paying 11,200*l.* to the Commissioners, and his lugubrious lamentations that he would be ruined if he had to pay the sum demanded by the Commissioners. It was, therefore, desirable that the Episcopal body should have their incomes fixed, and not continue, as the hon. and learned Member for the University of Cambridge desired, with fluctuating incomes, and the power of taking more than the spirit and intention of the Legislature assigned to the sees. This subject was making great progress, and in consequence of the exposures which had been made in 1851, an Order in Council was passed, dated August, in that year, which fixed the incomes of the Bishops appointed after a certain date; but there was one provision in the Order in Council which ought to be looked into by the Government and the Ecclesiastical Commissioners; and it was, that when a lease fell in, and a greater fine than 100*l.* was levied, it was to be approved by the Ecclesiastical Commissioners. But there were rumours that leases were granted of most valuable property to friends and relations of the bishops, in which case no fines were levied, and the spirit of the Order in Council was evaded by these right rev. prelates; and in order to show that in many cases private interests were more cared for than the interests and welfare of the Church, he would mention one case more of a property at Rickmansworth, belonging to the Bishop of London, who had run his life against the leases, which fell in, and instead of the property which became available being applied to provide for the spiritual wants of the place, the Bishop, under the power he possessed, granted leases for twenty-one years to trustees for the benefit of his family, and so that property did not go to the uses of the Church, but to the family of the Bishop. This certainly was a strong case, because the Bishop had much more than 10,000*l.* a year, which was the income assigned to his see independent of this lease, and yet he could not resist the temptation of endowing his family instead of the Church with the property when it fell in to him. In the district of Rickmansworth, one or two churches had been built, and if the right rev. Prelate had done his duty to the Church, he would have endowed these places of worship with the property which was worth 1,500*l.* a year, instead of taking it away for twenty-one years for the use of his own family. If the Bill of the noble Lord had been law, this proceeding on the part of the Bishop of London could not have taken place. With regard to the management of the property of capitular bodies, he would mention one case which was worth a hundred arguments. The property of the Dean and Chapter of Westminster was of enormous value. As an instance, he would take a single street. In the street in which he (Sir B. Hall) lived, Stanhope-street, Mayfair, there were in it fifteen houses all belonging to the Dean and Chapter of Westminster, which were worth 8,000*l.* a year, and which he believed were rated to the relief of the poor on an assessment of nearly that value; but in consequence of the enormous fines that were levied, the Chapter received only 150*l.* a year from the street. The fines were of course, pocketed by the Chapter, which fines amounted to many thousands of pounds, and the real Church was deprived of the proceeds of the property, that individuals might be enriched. He (Sir B. Hall) would not say more at present. He hoped that this Bill would be allowed to pass the second reading, or, at any rate, that the noble Lord (Lord John Russell), would give an assurance to the House that the matter would be considered by the Government during the recess, with a view to future legislation in the next Session. If that assurance was given, it would be for his noble Friend to consider whether he would press his Bill. The subject could not be forgotten, for the real friends of the Establishment were determined that matters should not remain as they now were. All he (Sir B. Hall) could say was, that in the course he had pursued in these matters, his only object was to endeavour to make the Church a blessing to the country; and he believed that its usefulness might be extended by a better distribution of its property, and by taking away from the Bishops and other Church dignitaries that temptation which they could not resist, and by which they had fallen, and placing them upon fixed instead of fluctuating incomes.

LORD JOHN RUSSELL said, he was extremely sorry that the noble Lord opposite had not thought it proper to yield to the suggestion of his (Lord J. Russell's) right hon. Friend the Secretary at War, that he would postpone this measure until a future period. He was of opinion that it would be far better, at that late period of the Session, seeing that the measure under their consideration could not pass into law in the course of the present Session, that the noble Lord should consent to its postponement. He was the more anxious that the noble Lord should still adopt that course, because, if he should press his Motion to a division, he (Lord J. Russell) should most undoubtedly feel it his duty to vote against the second reading of the Bill, and in taking that step he might be conveying a false impression both to the House and to the country of the sentiments which he entertained with reference to the principle of the noble Lord's measure. That was a principle which he was by no means certain might not be a very fit principle for the adoption of Parliament on some future occasion. He would not now say whether or not, in his opinion, the principle was expedient for the adoption of Parliament; all he would say was, that if, at this period of the Session, the second reading of the Bill was pressed, he must, as a matter of public convenience, vote against it; and this necessity he did not wish to have forced upon him. He should not have troubled the House further on the subject, but that the hon. Member for Marylebone (Sir B. Hall) had made some observations which he thought it as well to correct. The hon. Member seemed desirous of conveying the impression that he had been made a martyr, a victim to obloquy on all hands, as the proto-propounder of the principle that the revenues of the Church should be applied in the manner most calculated to promote the great purposes for which the Church was established. The hon. Member was quite mistaken if he supposed that the idea originated with him. About twenty years ago, a Commission was appointed by Sir Robert Peel, then Minister of the Crown, of which the especial object was, to consider the episcopal revenues and capitular revenues, the mode in which parochial instruction was given, and the manner in which the revenues of the Church might be rendered more useful for Church purposes. That was the object of the Commission; that Commission made several Reports, and various Bills were brought into Parliament founded on those Reports; and the subject which the hon. Member for Marylebone conceived to be a new one was not quite new, and that which had exposed him to so much obloquy was discussed in 1836 and in 1837, and that principle which his hon. Friend had imagined himself a martyr by espousing, was a principle that had been adopted by a great majority of the House of Commons in those years. He (Lord J. Russell) was obliged to go back somewhat further, and to point out on what principles that House and the Government originally proceeded. The original principle to which Parliament adhered was that principle which was stated by Mr. Burke, namely, that they had no more right to inquire into the income of a bishop—mentioning as an instance the income of the Bishop of Durham—than they had to inquire into the income of an individual proprietor of large fortune. It was said that it was beyond their legislative power to interfere in such matters. But that principle, by the Report of 1835, was entirely abandoned; and it was admitted, if these revenues could be made more useful for the purposes of the Church—although life interests were to be respected—that a new application for such purposes was to be allowed. In the application of that which was then a new principle, the bishops who were then on that Commission felt very great difficulty. It was thought there was something in the new arrangement by which it might appear that the bishops were merely receiving salaries for public objects; it was thought the revenues of the bishops should still be connected with the land—that the bishops should still have the power of managing those estates, and whatever Parliament and the Commissioners might think proper to be the income of the bishops, it should be allowed to fluctuate according to the revenues and rents. It followed from the adoption of that principle, that all the bishops on the Commission pressed upon the lay Commissioners that they should be subject to fluctuation one way or the other with respect to those incomes. He would take as an instance that example which his hon. Friend had given—certainly not for the first time—and which it was always painful to him to give, namely, the case of the Bishop of Durham. He must mention, however, a circumstance that was not known to his hon. Friend. The Commissioners had laid down this principle—that the incomes were to fluctuate when they came to a certain amount; and they endeavoured to fix such an amount of property as they intended to give, but of course they frequently failed in fixing the precise amount. Some of the property gave more, some less, than the Commissioners had anticipated. The Bishop of Ely, the Archbishop of York, and some others, received less income than the Report and the Act of Parliament intended they should receive. When the bishopric of Durham became vacant, and Dr. Maltby, the then Bishop of Chichester, was appointed to that see, of course he knew nothing of it. Mr. Gressley, who had been for many years the manager of the property for the former bishop, was sent for, and the Commissioners asked him if he thought the new bishop could, out of the revenues of the see which were assumed at 21,000*l.* give up 2,000*l.* a year to the diocese of York, and pay also 11,000*l.* to the Commissioners; and he recollected Mr. Gressley said, that from his knowledge of the property he did not think he could pay so much, and that if he should pay so much, there was great danger the income would not be sufficient; and in justice to his family he ought to protest against paying so large an amount. It was for the Commissioners to follow the opinion of Mr. Gressley on the subject if they thought proper; but he did not convince them, and they insisted that the whole of the sum should be paid. Dr. Maltby naturally took his opinion of the value of the see from Mr. Gressley. He knew nothing of it himself; he was not to be blamed for listening to the opinion of Mr. Gressley, though it so happened that while in many instances the income fell short of that which the Commissioners decided upon, in the instance of the Bishop of Durham it very considerably exceeded it. It seemed to be an opinion prevalent with the public, that while the bishops whose incomes fell short should not receive one shilling more than the estates would give them, those receiving more should not get the benefit of it; but that, he thought, was not a fair principle, because those who received more were entitled to receive it, while those who received less received the income with the charges upon it. His hon. Friend never stated the circumstances fully, and it would be well if he looked into the circumstances on the one side and on the other; but he never attempted to diminish his fame by looking fairly into the question: however, he was happy to console his hon. Friend with the assurance that at least in future cases no such discrepancies would occur. The plan adopted by the Commissioners was, he thought, a definite plan, and his hon. Friend talked as if that plan were still in operation; but it would appear he did not recollect that it was the subject of inquiry by a Committee of that House—that measures were taken by the Government over which he had the honour to preside on the subject, and the result was that while those who took their sees under the arrangement made in 1836 had been left subject to that arrangement, because they could not properly or legally take their property from them, there had been a new arrangement made, by which each archbishop and bishop would receive the sum which Parliament had annexed to their respective sees, and would receive no more than that sum. Before the present Archbishop of Canterbury, who came within the new arrangement, was appointed, he had himself had an interview with the most rev. Prelate, who expressed not only his concurrence, but his wish that his income should be neither more nor less than what Parliament had assigned to the see, his feeling being, that Parliament having, in its wisdom, affixed a certain amount as the just income of the see, it would not be satisfactory to him to receive any larger amount than that which had been thus deliberately determined upon by the Legislature. With regard to the Archbishop of York, he believed he was not subject to that arrangement; but he had understood that he had since voluntarily come into that arrangement, and he likewise received an income as settled by Parliament. He believed that in all future cases, by the arrangement made by the Estates Commissioners under the authority of the Act of Parliament, each archbishop and bishop would receive the amount which Parliament had ordered to be affixed to his see, and neither more nor less; so that source of complaint would be entirely removed. There was a question in what amount the sums should be paid, and that was a question between the noble Lord's Bill and the arrangement that at present existed. He thought it was a question for Parliament hereafter to consider, and he owned he had not himself looked very strictly and attentively to the working of the system as it was at present adopted. He remembered an objection had been made on the ground that the revenues would not receive the same attention as formerly; but that objection was removed, because the Church Estates Commissioners had power to superintend the grant of leases and the disposition of property, so that they could forbid the granting of any leases. He was not satisfied that it would be an improvement to alter the system, however much it might be a fit subject for consideration. The complaint which the hon. Member had made against the Bishop of London, with respect to certain church property at Rickmansworth, was not quite fairly stated. Some time since, when the question was raised in that House, the Bishop of London sent him a statement as to what he had done with the property, and though he (Lord J. Russell) did not remember the particulars, it appeared to him that the Bishop of London had acted very fairly and justly. Having made that statement, he should be sorry if he did not think there was still a chance of inducing the noble Lord to withdraw the Bill. The noble Lord deserved very great credit for introducing the subject, and he (Lord J. Russell) was far from saying that the principle of the Bill might not be a principle that Parliament might hereafter adopt; but he should be sorry to come now to a decision on the point, and he should be sorry if that decision should appear to be more adverse to the noble Lord's proposition than he (Lord J. Russell) should wish it to be.

Mr. AGLIONBY said, he cordially concurred in awarding to the noble Lord the Member for Woodstock all praise for the zeal, industry, and ability he had displayed in bringing forward this measure; and if the noble Lord, instead of following the advice of the noble Lord the Member for London, should think it right to go to a division, he had not the slightest hesitation in saying that he should vote for the second reading of the Bill; for although it was in vain to expect that it could be carried through this Session, it was still of some importance to have the sanction of that House, if possible, to the principle of the Bill now, and then to have it circulated throughout the country in the recess, with a view to its reintroduction next Session. The noble Lord (the Marquess of Blandford) had stated that he thought he had succeeded in convincing the House and the public that there would be no confiscation either of episcopal or capitular property by this Bill. He wished the noble Lord had gone a little further, and shown that neither would there be any confiscation of the property of Church leaseholders. He hoped that this would not be the case; though he should like to have seen the point made more clear than it was. The fourth clause was the pivot upon which the principle of the Bill required amendment. It involved the just rights of those laymen who were the holders of church and ecclesiastical leaseholds. He desired to see all church property placed in the hands of the Church Estate Commissioners, in whose judgment he could confide.

The Marquess of BLANDFORD said, that after the strong feeling which had been expressed on this subject by hon. Members, and really out of respect to the House of Commons, whom he did not wish to see expressing an opinion adverse to the great principle of the Bill—particularly as he believed many Members were really inclined to support it, although they objected to his proceeding with it at this late period of the Session—for these reasons he should not proceed any further with the Bill at present. At the same time he was glad to say he had obtained the permission of the Government to lay the same Bill on the table of the House, without opposition, at an early period next Session.

Amendment and Motion, by leave, *withdrawn*.

Bill *withdrawn*.

EXPENSES OF ELECTIONS BILL.

Order for Committee read.

Mr. CRAVEN BERKELEY, in moving that Mr. Speaker leave the Chair, with a view to the House going into Committee on this Bill, said, it was his belief that it had at last been so modified as to meet the views of hon. Members generally, and he hoped, therefore, that there would be no further objections to it. It was now a Bill merely to prevent the use of bands, bellringing, and colours, at elections.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. COWPER said, the hon. Member was mistaken in supposing that the Bill as it now stood was unobjectionable. He (Mr. Cowper) still entertained many objections to it; and he would venture to suggest to the hon. Member, that at this late period of the Session he should proceed no further with it, particularly as it was generally anticipated that in the following Session the whole question of elections would be taken up by the Government.

Colonel SIBTHORP said, he should move, in pursuance of notice, that the Bill be deferred for three months. He had read the Bill carefully over, and he thought he had designated it as it deserved when on a former occasion he had called it a mean, low, dirty Bill. It was a dangerous and delusive measure; it was a trap set for unwary men who might suddenly find themselves to have been guilty of an offence which they had had no intention of committing, and therefore subject to serious pains and penalties. It restricted the liberty of the subject, and yet it had been brought in and fathered by one who professed to be an extreme Liberal, and by another who professed to be a Conservative. The Bill, he was persuaded, would do no good; and therefore he begged to move that it be postponed till that day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Mr. W. BROWN said, he should support the Bill with the greatest pleasure. He could conceive nothing more likely to warp the judgment of electors than the excitement of the colours and emblems used at elections; and he thought it important, therefore, that they should be abolished.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided:*—Ayes 85; Noes 19: Majority 66.

Main Question put, and *agreed* to.

House in Committee.

Clause 1 (Candidates employing bands, bellringers, or flagmen, &c., at Elections, to be disqualified).

Mr. COWPER said, that the House had declared by a large majority in favour of the principle of diminishing the expenses of elections, to which, having gone through an election contest himself, he had no sort of objection. But he must say that he thought this clause had been drawn in too stringent a form. As it at present stood, it appeared to him to be a mere snare for candidates who might find themselves guilty of violating the law without knowing it. It was made an offence by the clause, for instance, "to hire, employ, or engage any band of music, or any musical instruments." Now, he could conceive many instances in which a man might offend against this clause without being aware of it. He might give money, for example, to a German band playing in the street; and if this fact were taken advantage of by his antagonist, he might be deprived of his seat for so innocent a circumstance as that. What he should propese was, that the penalty of 100*l.* should be substituted for disqualification. The Bill would still prohibit what was considered to be a great evil; but it would prohibit it by the imposition of a money payment, which would not be so harsh or unfair as causing a candidate actually to forfeit his seat.

Amendment proposed, in page 1, line 18, to leave out from the word "shall" to the end of the Clause, in order to insert the words "for every such offence forfeit the sum of 100*l.* to such person as shall sue for the same, to be recovered as any debt of that amount may by law be recoverable," instead thereof.

Mr. CRAVEN BERKELEY said, that the effect of the Amendment would be this. Supposing a very wealthy man happened to be a candidate, he would pay the fine of 100*l.* with as much pleasure as he would pay the same sum in the form of bribery, and the nuisance of bands and colours would remain the same as before. He hoped, therefore, the Committee would not consent to the Amendment.

Mr. MALINS said, that they had already so many pains and penalties, and so many grounds for making elections void, that he was exceedingly unwilling to add another to the list. He trusted, therefore, that if the Bill went through Committee, it would be with the Amendment of the hon. Member for Hertford, and not with the clause as it then stood, which would have the effect of causing the seat to be void. The House having now affirmed that general principle, he would suggest that they should suspend legislation on the subject till they saw the Reform Bill which the Government had intimated their intention of bringing forward next Session.

Mr. AGLIONBY said, that the suggestion of the hon. and learned Gentleman to postpone the Bill till next Session came rather too late, he thought, after it had already gone through Committee once, and been amended and again recommitted. For himself, he would rather take a good thing when he could get it, than trust to any Government for what they would do next Session. The hon. and learned Gentleman had declared there were so many pains and penalties that he was sick of them, and yet he supported the Amendment of the hon. Member for Hertford, which did not abolish the penalties, but merely substituted one penalty for another. He (Mr. Aglionby) confessed he cared very little which of the two penalties was adopted, though as he found the penalty of disqualification already in the Bill, he thought it better to support the clause as it stood.

Mr. W. BROWN said, he hoped the clause would pass without the proposed Amendment, because he thought it most objectionable that any stimulus should be given to the passions of the people at elections.

Mr. F. SCULLY must say, that he thought the best course would be to postpone legislation upon this subject until the next Session of Parliament, when the whole question of a reform of the representation was to be brought before the House.

Mr. WALPOLE wished to put a question to the Government as to the bearing this Bill would have with regard to agency on the part of candidates or Members. The maxim of law being, *Qui facit per alium facit per se*, he wished to know whether, supposing agents appointed generally to manage elections did any of the acts alluded to in this Bill, the candidates for whom they acted would be liable to be unseated?

Sir JAMES GRAHAM said, he thought the best course would be to give up this Bill, and to proceed as soon as possible with the next order on the paper, the Lunatics Care and Treatment Bill. He entirely concurred in the recommendation of the hon. and learned Member for Wallingford (Mr. Malins) that, on the whole, it would not be advisable to proceed further with this measure during the present Session. He (Sir J. Graham) was aware, from experience, of the great abuses which took place with regard to the use of flags and banners at elections; and not only was the employment of great numbers of flagmen by opposing parties a means of corruption, but it frequently led to serious breaches of the peace. He thought it would be impossible, in a measure dealing with the question of the representation generally, to overlook the employment of flagmen, but he would be sorry to see provisions adopted affecting the seats of Members on account of bells being rung or music being played. The question which had been put by the right hon. Member for Midhurst (Mr. Walpole) was one of considerable importance. It was well known to hon. Gentlemen that the Election Committees had carried the construction of agency very far, and he had no doubt that under this clause the general principle of agency would apply, unless the House provided otherwise. He did not know, under the general construction of the clause, how any candidate would be safe, and he must say that he had no inclination to interfere with the celebration of local triumphs after the old English fashion.

Mr. H. T. LIDDELL said, he entertained strong objections to the Bill, because the mere fact of a band of music performing in any town or village where an election was going on, or within ten days after such election, might endanger the seat of a Member who had been elected by an overwhelming majority.

Mr. MALINS said, there could be no doubt, that under this clause, a candidate who hired a band of music through an agent would forfeit his seat. He thought it was most desirable that elections should be conducted peaceably, and that electors should have an opportunity of fairly and dispassionately expressing their opinions in favour of the candidate whom they desired to support. He begged to suggest to the right hon. Gentleman (Sir J. Graham) whether it would not be desirable, for the purpose of insuring peaceable elections, to do away with the system of open voting, and that, instead of the present mode of taking the votes, voting papers should be sent round to the houses of the electors. As the general feeling of the House seemed to be in favour of postponing the whole question until the next Session, he should beg to move that the Chairman do now leave the chair.

The Question having been put,

Mr. F. H. BERKELEY said, he was astonished, after this measure had been so fully discussed and approved of by such large majorities, that Gentlemen, led on by a Minister of the Crown, should now stand up and attempt to pull it to pieces in detail. He knew by experience that there could be no worse system in the world than that which now prevailed at elections in this country, and that flagmen, and banners, and bands of music tended to keep up a state of feeling which ought, by every means, to be discouraged. The people, instead of considering who was the best candidate, were now led away by this kind of display, and, in too many instances, fixed upon the colour and not upon the man. This state of things helped to keep up a sort of feudal system in the counties, where the tenantry were driven like sheep to the poll, under a banner inscribed with the words, "The tenantry of the noble house of So-and-so." The people had to follow their clique, and to sacrifice their honest opinions in favour of those who had the power of compelling them to do so by means not strictly constitutional. These tenantries, who formerly followed their leaders on predatory excursions, were now led by their landlords to the poll, and compelled there to do violence to their consciences. ["No, no!"] Such was the fact; and if they were to enter upon an inquiry it could be proved to demonstration. Would the right hon. Gentleman (Sir J. Graham) get up and say that a measure would be brought forward next year to put an end to this state of things? [Sir J. Graham: I don't think it probable.] He had always thought that there was a very poor chance of the people getting any Reform Bill next year that would satisfy them, and the observation of the right hon. Baronet confirmed his fears. For his own part, he should support the present Bill, which he recommended his hon. Relative to press; and if it were rejected the blame would not rest on his shoulders.

Mr. E. BALL said, he must deny that the tenantry were driven to the poll by their landlords in the manner described by the hon. Gentleman who had just sat down, who had stated what was utterly contrary to fact. Did the hon. Gentleman not know that those things of which he complained were commonly done, not with the wish, but in opposition to the wishes of candidates; and that if they had their will there would be no treating, and no lavish expenditure beyond the legal and necessary expenses of the election? He (Mr. Ball) believed that the consequence of this and similar measures would be that the better class of men would be prevented from entering that House, and that their places would be supplied by others who would condescend to flatter and cajole the multitude, and who would make intrigues more frequent, and expenditure more lavish.

Mr. VERNON SMITH said, he thought it rather hard that, after all the discussion that had taken place on the subject of this Bill, the First Lord of the Admiralty should raise an objection to its principle at this stage. He would, notwithstanding, suggest that the measure should be postponed until next Session, as it would be merely a waste of the time of the House to persevere with it after what had fallen from the right hon. Baronet.

Mr. COWPER said, that there was a large class of persons having votes, many of whom were not able to comprehend the details of public questions, and he thought it no disadvantage that such persons should have the assistance of party symbols to guide them. If they were to obliterate all party distinctions, so that the voter should not be able to distinguish between the Blue and the Orange parties, he would soon lose all concern in the election, except so far as his own interest was concerned. He (Mr. Cowper) believed that in the absence of wiser views on political subjects amongst a large body of the electors, it was well that men should have the distinctions of party to guide their consciences.

Sir De LACY EVANS said, he was in favour of the principle of the Bill; but the question was whether the mode proposed by the Bill was the best mode. He thought that the penalty of losing the seat was altogether disproportionate to the offence.

Mr. CRAVEN BERKELEY said, that having been supported on every occasion by large majorities, it was not his intention to withdraw the Bill.

Mr. GEACH said, that there was a large class of the community whom they would not admit to the franchise; but they had a right to express their opinions, and what means had they except by assembling in processions of showing their sympathy for one candidate or the other?

Motion *negatived.*

Question put, "That Mr. Speaker do now leave the Chair."

The Committee *divided:*—Ayes 47; Noes 84: Majority 37.

Question put, "That the words proposed to be left out stand part of the Clause."

The Committee *divided:*—Ayes 48; Noes 73: Majority 25.

Mr. H. T. LIDDELL said, that with a view of nullifying the operation of the Bill, he should move that the word "shillings" should be substituted for "pounds."

After short discussion,

Mr. WILSON PATTEN would suggest, that as this was almost the last Wednesday they would have this Session, they had better not waste any more time upon a Bill of this nature. There was a Bill of the right hon. Gentleman the Member for Midhurst (Mr. Walpole), in which the country took ten times as much interest.

Mr. W. F. HUME said, he entirely concurred in the propriety of postponing this Bill until next Session, and he should therefore move that the Chairman report progress, and ask leave to sit again that day three months.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again.

The Committee *divided*:— Ayes 66; Noes 45: Majority 21.

House *resumed.*

Committee report progress; to sit again this day three months.

The House adjourned at two minutes before Six o'clock.

HOUSE OF LORDS,

Thursday, August 4, 1853.

Minutes.] Public Bills.—1ª Merchant Shipping; Burials (beyond the Metropolis); Duties on Horses let for Hire; Universities (Scotland); Employment of Children in Factories; Drainage of Lands (Ireland) Act Amendment; Dublin Carriage; Turnpike Acts Continuance (Ireland); Naval Coast Volunteers; Registrar of the Privy Council.

Reported. — Entry of Seamen.

3ª Parish Vestries (No. 2); Municipal Corporations Act Amendment; Burgh Harbours (Scotland); Summary Jurisdiction (Ireland); Petty Sessions (Ireland); Highway Rates; Sheriff Courts (Scotland).

Royal Assent. — Succession Duty; Common Lodging Houses; Convicted Prisoners Removal and Confinement; Savings Banks Annuities; Coinage Offences (Colonies); Colonial Bishops Act Extension; Patronage Exchange; Taxing Officer, Common Law Business (Ireland); Bankruptcy (Scotland); Land Revenues; Copyholds; Customs Duties; Dublin Parliamentary Registration; Stamp Duties; Stamp Duties (No. 2); Resident Magistrates (Ireland); Turnpike Trusts Arrangements; Sheep, &c. Contagious Diseases Prevention; Battersea Park; Westminster Bridge.

GOVERNMENT OF INDIA.

Lord WYNFORD presented a Petition from the East India Company in General Court assembled, under the common seal. The petitioners complained that the Bill now before their Lordships, though professedly founded on principles of continuing the government of the East India Company, actually deprived the Company of their undoubted right to elect their own Directors, by providing, first, that the number of Directors to be elected should be greatly reduced; second, that those retained should be selected in a manner highly objectionable; and, thirdly, that to the Directors so selected were to be added a certain number of gentlemen chosen by the Ministers of the Crown from among persons who had resided ten years in India; that the number of Directors had been fixed in the Bill without any distinct inquiry as to the nature and extent of the functions to be discharged, in the absence of any recommendation by any Committee of Parliament, and in the face of the solemn protest of the Court of Proprietors and of the Court of Directors; that in the opinion of the Court, the extent of our Indian Empire, the various condition of its inhabitants, the changes necessarily resulting from the political circumstances of the country, and its relation to England, and the actual emergencies of the public business, urgently required that the Court of Directors should be rather strengthened than weakened; that while they had no pretensions to claim as of right any share in the administration of Indian affairs, and no disinclination to have associated with them in the choice of the Directors any persons to whom Parliament might see fit to confer that duty; and while they disclaimed all desire to meddle with the government of India, unless their participation therein was beneficial to that country and to England, yet they solemnly protested against a course of proceeding to be justified only by the existence of proved delinquency; they therefore prayed their Lordships to preserve unabated the efficiency and independence of the Court of Directors, and to amend the clauses proposing to reduce the number of Directors, and authorising the appointment of nominees by the Crown. In presenting this petition, he (Lord Wynford) must say that, considering the increased duties required of the Directors by the new provinces which had been attached to the empire since the last Charter was granted, it was too much that their Lordships should be called on to reduce the number of that body. Indeed, he thought it would be more consonant with their duty, seeing the extent of business to be accomplished, to increase rather than diminish the numbers of the Directors. He wished their Lordships to observe that this petition did not emanate from the Court of Directors, but from the Court of Proprietors, and that the only desire of that body was to see the affairs of India properly administered, and the government of India in connexion with this country firmly established.

Earl GRANVILLE said, he was quite sure that the House would receive with respect any representations that were made on this subject from any large body of Her Majesty's subjects; but at the same time he thought the effect of the change proposed to be made in the constituent body of the Directors was not such as to call for the strength of language used in the petition just presented by the noble Lord. With regard to the nomination of a portion of the Directors by the Crown, the object of the Government was not to strengthen their own hands in the government of India—for by the existing law it was well known to their Lordships that the absolute power resided in the hands of the Government—the object was to secure the services of some of the old servants of the East India Company, who declared that the annoyance, delay, and expense of the canvass, prevented them from becoming candidates for the Directorship. With regard to the number of Directors, he could not concur in what had fallen from the noble Lord. He thought that eighteen was a very large number for carrying on the executive government of any country, however large it might be; and the actual reason for having eighteen instead of twelve was, that it was believed the larger number would, to a certain degree, be less likely to be influenced by other than considerations of public interest than a smaller body. He trusted that the House would receive with respect the representations of the petitioners, but that in any division that might take place they would not yield to their request.

SUMMARY JURISDICTION (IRELAND) BILL.

Bill read 3ª.

On the Question that the Bill do pass,

The Earl of CLANCARTY *moved* the Clause, of which he had given notice, as follows:—

> "Any Owner or Occupier of Lands contiguous to any Public Road, Footway, Railway, or Canal who shall allow any Ragweed, Thistles, or other noxious Weeds to flower or seed on the boundary Fence of his Land adjacent to such public Way, after Eight Days Notice given to him by the Surveyor of such public Way to have the same removed or severed from the soil, and any future Contractor for the Repair of any public Road, or any Railway or Canal Company incorporated by Act of Parliament, who shall fail of cutting or causing to be cut at the proper Season such noxious Weeds as aforesaid growing upon any Part of such public Road, Railway, or Canal Banks, after Eight Days Notice to have such Weeds cut or otherwise destroyed, shall be liable to pay a Fine not exceeding Forty Shillings."

This, he observed, was the first attempt ever made to enforce by legislative enactment that attention to the extirpation of noxious weeds in Ireland that was so necessary to good farming. There was precedent, however, to be found for it in the law of Scotland, especially the Road Acts of 4 *Geo.* IV. c. 49, and 1 & 2 *Vict.* c. 43. Scotland was now the instructor of Ireland in agriculture; her example in enforcing the extirpation of weeds should therefore not be disregarded. If the Scotch farmer required the protection of the laws from the injury of having his land sown with thistles, docks, and ragweed, through his neighbour's neglect of cutting them at the proper season, how much more was such protection necessary for the Irish farmer. No one could have travelled in Ireland at the present season of the year without remarking the luxuriant growth of weeds that border the highways, and overspread the sidings of railways, ripening their seed to be wafted by the breeze over the surrounding fields, and rendering unavailing the best efforts of industry to keep the land clean. It was most important, therefore, that the duty of a timely attention to the cutting of noxious weeds, that might interfere with agricultural improvement, should be enforced. The penalty proposed was not a heavy one, but would probably be found sufficient to do away with an evil much complained of, but incapable of correction without the aid of legislation. He would, therefore, pray their Lordships to give the sanction of their approval to the clause he had proposed.

Lord MONTEAGLE supported the clause.

Clause *added.*

Bill *passed.*

ENTRY OF SEAMEN BILL.

House in Committee (according to order).

The Earl of HARDWICKE said, he hoped this Bill would be advantageous to Her Majesty's naval service; but, at the same time, he feared that there was little chance of inducing seamen to enter for the extended period of ten years, unless some considerable immediate advantages were held out to them, their dispositions leading them to prefer immediate to prospective advantages. He congratulated the Government on retaining the power of impressment, believing that, whatever might be said with regard to it, when the emergency arose they would never want public support for using the only available means effectually to protect the maritime interests of this country.

On Clause 8,

The EARL of ELLENBOROUGH expressed a hope that if the Bill, when in actual operation, should be found not sufficient to obtain an adequate number of men for the service of the Royal Navy, its provisions would be extended. Our Navy at the present moment was precisely in the condition that the French used to be. It was suffering from a want of men, and from that cause it was not so efficient as the Navy of Great Britain ought to be.

EARL GRANVILLE said, that, in his judgment, the Royal Navy was never in a more efficient state than it was at the present moment, and this Bill would increase that efficiency, as it would prevent that perpetual shifting of crews by which men were thrown adrift just at the moment when their services had become most valuable to the country.

Clause *agreed to.*

Bill *reported,* without amendment.

NATIONAL EDUCATION (IRELAND).

The EARL of CLANCARTY rose, pursuant to notice, to inquire of the noble Earl at the head of Her Majesty's Government at what time the Report of the Commissioners of National Education in Ireland, for 1852, would be laid before Parliament; also, at what time the following Returns may be expected to be laid upon the table of the House, namely—Returns respecting Education in Ireland, moved for on the 7th of March and the 18th of April respectively; and Returns moved for on the 3rd of June last respecting Crime in England, Scotland, and Ireland respectively? The return of the state of crime had been moved for for the purpose of illustrating the comparative condition of Ireland as regarded education, and to show that education had retrograded, instead of progressed, through the increase in the amount of crime. He had frequently had occasion to complain of the great delay and irregularity which had taken place in laying before their Lordships the annual reports of the Commissioners of National Education in Ireland. The object of these reports was to give that information to Parliament which the Government and the Commissioners owed to their Lordships; but they were made with such extreme irregularity, and they were laid on the table at so late a period of the Session, that it was quite impossible they could be made available for the purpose of enabling Parliament to judge as to the faithful and effectual administration of the public grants for the promotion of education in Ireland before the supplies for the year were voted. The correspondence which he (the Earl of Clancarty) moved for was one of a peculiarly interesting character at this moment, as not only the opponents of the system, the great body of the Irish clergy, the whole Protestant population of Ireland, and a large number of the Roman Catholic population, were awaiting with the greatest possible anxiety the final issue of the question to which it referred. It had, moreover, been stated, even by those who were friendly to the system of national education, that it had failed in its main features, that it had failed as a system of united education, and that it had failed as affording any foundation for religious instruction. In addition to this he must remind their Lordships of the present dismemberment of the Board. And yet, in the face of all this, the noble Earl on the other side of the House (the Earl of Aberdeen) had come forward and stated, and reiterated his statement, that this system of education was one of the greatest blessings that had been conferred upon Ireland. Under these circumstances it was right that the House should be informed of the grounds on which the statements of the noble Earl could be supported, and that the fact should not go forth upon his mere assertion, when the contrary could be proved from the returns he (the Earl of Clancarty) had moved for. It was impossible to overlook the fact, that at the present moment the Board of National Education was at issue with respect to a particular and important principle, as to whether the objection of a single child should be sufficient to exclude a particular book from the school. This, he conceived, afforded sufficient ground on which the division had taken place in that body, and some of its most respectable and influential members had withdrawn. It was, consequently, necessary that their Lordships should be accurately informed in what manner this system, as described by the noble Earl, had been the greatest blessing ever conferred upon Ireland. If it was such a blessing to Ireland, why did not the noble Earl extend it to England and Scotland? To such an extent did the system receive the approval of the Government, that in Ireland it was almost made a penal offence for a clergyman to open a Scriptural school. By doing so he was debarred from promotion in the Church, and all encouragement was withheld from schools whose instruction was based on the Sacred Volume. With regard to the operation of the system of National education, so far as he (the Earl of Clancarty) could get at the facts, its results had not been to improve the moral character or the intelligence of the people. Though he granted there was not a falling-off in Ireland in the number of those who were capable of reading and writing, yet the increase in districts which had come under his observation was very small indeed. He held in his hand a return which he had that day received from Clare, in which county education was carried out almost exclusively by the National Board. According to that return he found that the number of persons in the county of Clare who were unable to read and write was 54 per cent of the whole population in the year 1841, and that in the year 1851 that proportion was reduced to 53 per cent. Thus in ten years there had been a gain of one per cent in the number of persons who, in that county, were able to read and write. On the other hand, it was a remarkable fact that in the civic districts of that county there was an absolute increase of ignorance, for whereas in the year 1841 the number of persons in those districts who were incapable of reading or writing was 34 per cent, in the year 1851 it had increased to 44 per cent. But in the rural districts it appeared that whilst the number was 56 per cent in 1841, it had decreased to 53 per cent in 1851. From the county of Cavan, however, he was bound to say the report was rather more favourable; but it should be borne in mind that there were many schools existing in that county which were connected with the Church Education and other Protestant institutions. It was the circumstances which had attended the National system of education that had induced him, for truth's sake, to speak with such strong reprehension of the manner in which the question had been treated by Her Majesty's Government; for he confessed that he at first looked to them with considerable hope and confidence that they would have endeavoured to place the system on a more satisfactory footing. The noble Earl concluded by putting the questions of which he had given notice.

The Earl of ABERDEEN: The noble Earl would forgive him if he did not on that occasion deem it necessary to enter into a discussion of the existing National system of education in Ireland, but confined himself simply to replying to the questions of which the noble Earl had given him notice. He should be quite ready, at any time when the noble Earl should think proper to introduce that subject substantially before the House, to enter upon a discussion of it; but at present he must be permitted merely to repeat that, in his opinion, that system—he would not say was the greatest blessing ever conferred upon Ireland, because the blessings conferred upon Ireland had been so numerous that he did not know how to estimate them—but he could certainly say that it was one of the greatest blessings that had been conferred upon that country. And more: he would also say that he thought it one of the most beneficial acts ever performed by the noble Earl (the Earl of Derby), whose absence from this House at this moment they had occasion to regret. Postponing, then, any discussion upon the merits of that subject to a future and more suitable occasion, he would proceed to answer the question of the noble Earl. It was unnecessary for him to say that Her Majesty's Government could have no possible object in delaying or evading any return of the description which the noble Earl had referred to. The time certainly seemed to be great that had been occupied in complying with the order of the House, and the delay appearing to him to require explanation, he wrote to the Secretary of the Educational Board on the subject. In reply, that gentleman stated that the most important portion of the information called for could not be furnished from the official records; that, therefore, it became necessary to communicate with the managers of all the National schools in Ireland; that it had taken very considerable time to obtain replies, to examine the various documents received, and to abstract and classify the information they contained; that the return generally was of so complicated and voluminous a nature, that the Commissioners had been obliged to employ a number of clerks, at extra hours, in its preparation; and that besides this return, four others had been called for by Parliament, and that the forthcoming nineteenth report of the Commissioners was also in progress. In consequence the official staff had for some months past been employed in these duties from half-past six until half-past nine, in addition to the usual office hours; that it would be utterly impossible to have the entire returns ready before the end of the Session, but that every exertion should be made to produce them with as little delay as possible. The noble Earl would thus perceive that the delay arose really from mechanical difficulties. He (the Earl of Aberdeen) had, however, been furnished with one portion of the returns for which the noble Earl had moved, and although it formed part of the appendix to the forthcoming nineteenth report, and it might be considered somewhat irregular to lay a portion of the appendix on the table when the report itself might be expected to be shortly produced, yet, in order to allay the impatience of the noble Earl, he should be happy to show that portion to him. He hoped to lay the nineteenth report on the table before the end of the Session. But with regard to the return moved for by the noble Earl, it was so voluminous, and required so much time in its preparation, that he must be content to wait. He could assure him, however, that no improper or unnecessary delay should take place.

The Earl of CLANCARTY said, the noble Earl was perfectly aware that, five months ago, he readily complied with the application for the production of those papers; and before he (the Earl of Clancarty) brought the Motion forward, the noble Earl the Secretary of State for Foreign Affairs stated the Government were ready to produce them. He declined to accept the appendix to the forthcoming report offered him by the noble Earl (the Earl of Aberdeen) inasmuch as it did not contain the information he wanted.

The Earl of ABERDEEN thought he had given a reasonable explanation of the delay which had taken place by reading the letter of the Secretary of the Board.

House adjourned till *To-morrow.*

The Earl of Aberdeen.

HOUSE OF COMMONS,

Thursday, August 4, 1853.

Minutes.] Public Bills.—1° Registrar of Meetings; Female Convicts; Loan Societies; Apprehension of Offenders Act Amendment; Marriages, Holy Trinity Church, Hulme, Validity; Stock in Trade Exemption; Ecclesiastical Jurisdiction.

2° Defacing the Coin; Linen, &c. Manufacturers (Ireland); South Sea and other Annuities, Provision for Payment, &c.

3° Poor Relief Act Continuance; Insurances on Lives; Land Tax Commissioners Names.

BEDFORD CHARITY ESTATE BILL.

Order for Second Reading read,

The ATTORNEY GENERAL, in moving the Second Reading of this Bill, said, he wished to explain that its object was to improve and amend the administration of the charity. The funds to be dealt with by this trust, which were originally only 40*l.* a year, had now mounted up to 12,000*l.* annually. The trustees, as the affairs of the charity were at present administered, were many of them persons filling a very humble sphere in life. Great patronage rested with them. They exercised considerable influence over the scot and lot voters, and the elections to the office frequently led to turmoil and political excitement. The scheme proposed by this Bill would remedy all these abuses, and since it had been approved of by three Attorney Generals, besides the Court of Chancery, and had received the sanction of the House of Lords, he hoped the House would experience no difficulty in passing it.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Sir JOSHUA WALMSLEY (in the absence of the two hon. Members for the Borough) said, he had been requested by several of the inhabitants to represent to the House their repugnance to the present Bill, which they stated to be adverse to the wishes of nineteen out of every twenty of the ratepayers. Sixteen hundred out of eighteen hundred householders had petitioned against the Bill, and certainly when he looked at its provisions he thought the House ought to hesitate before they passed it. He was surprised to hear the hon. and learned Attorney General state that some of the trustees were men in the lower walks of life, and consequently that they ought not to be in such a position. He had yet to learn that poverty was to be an exclusion from such trusts—but was this so? One of the persons of whom his hon. and learned Friend had spoken, had, it is true, been insolvent, but he had paid his debts in full, and was now a man of means. Another, represented as a turner, was the owner of several houses in the borough. The hon. and learned Gentleman had stated that some of the inhabitants had petitioned for a new scheme, but not for such a scheme as the present. He said it was desirable to alter and amend the distribution of the funds: this was so far correct, and the inhabitants agreed to some of the proposed changes in such distribution. The only changes, however, the Bill proposed in the distribution of the funds, were to reduce the number of marriage portions from forty to twenty-eight, to do away with the good-apprentice fee of about 200*l.* a year, and the distribution of 500*l.* a year to the poor. All these were in accordance with the will of the founder, but were not objected to by the inhabitants. The Bill left 11,000*l.* out of 12,000*l.* a year totally untouched. It had been said that some mal-appropriation had been made; this was adverse to the Report of Lord Brougham's Commission, which reported favourably of the charity. It was equally adverse to the statement of the present Recorder, who stated in writing—

> "He was satisfied, under the existing system, the charity, upon the whole, had been well and honestly administered, and that nothing could be proved to have been done either by the present trustees or their predecessors to justify so great a change as that which was recommended."

The present constitution of the trust was a most popular one, and the trusts, he was led to believe, had been well administered under it. There were twenty-four of the Town Council, of course popularly elected, the Lord Lieutenant, and the two borough and two county Members, with the two Masters of the school, and the Recorder, making thirty-two. To these were added, eighteen trustees elected by the inhabitants by ballot, making fifty trustees in all. It was proposed to supersede this Board by substituting six aldermen, and twenty-four persons selected by the Lord Chancellor from the inhabitants residing within four miles of the borough, and these twenty-four persons, so elected, were to be trustees for life. Even for the six aldermen they were indebted to the House of Lords, who inserted them in the Bill proposed by the hon. and learned Attorney General. That such a scheme should be supported by a liberal Attorney General, greatly surprised him (Sir J. Walmsley), and could only arise out of some idea of political patronage to the Chancellor himself, which the hon. and learned Gentleman might look to, or for want of due consideration of the real bearing of the Bill. It appeared to him (Sir J. Walmsley) to be adverse to the spirit of the age; was contrary to the wishes of the inhabitants, and was a vicious system of self-election, which had led to much of the mischiefs attendant upon our charitable trusts. They had now before the House a Charitable Trusts Bill, the Commissioners under which were to propose schemes for the future management of those trusts. If they were to be such schemes as the present, there would be little or no improvement, but in some cases the reverse. Though he were alone, he should feel it to be his duty to oppose what appeared to him to be so unconstitutional a Bill; and he therefore moved that it be read that day three months.

Amendment proposed, to leave out the word "now," at the end of the Question, and to add the words "upon this day three months."

Sir FREDERIC THESIGER said, that this charity was founded in the reign of Edward VI., and at that time the Corporation of Bedford were appointed as the trustees. Various Acts of Parliament passed since then had introduced new trustees, and what he thought had led to the vicious system which now prevailed was the law which allowed eighteen of the trustrees to be annually elected by the scot and lot voters of the borough. This law had enabled needy men to get into the trust, and the consequence was that while many relatives of these trustees had become recipients of the charity, one of the trustees himself was actually an inmate of the almshouses which the charity supported. It was hardly likely that such men could administer the charity with strict impartiality, and hence this measure had been introduced at the earnest entreaty of some of the most respectable and influential inhabitants of the borough.

Question put, "That the word 'now' stand part of the Question."

The House *divided:*—Ayes 70; Noes 8: Majority 62.

Main Question put, and *agreed to.*

Bill read 2°, and *committed,* and referred to the Committee of Selection.

CHARITABLE TRUSTS BILL.

Bill, as amended, brought up for consideration.

The SOLICITOR GENERAL said, he thought it necessary to propose an Amendment in the 60th clause, under these circumstances. The clause provided that the Act should not extend to the Universities of Oxford, Cambridge, London, or Durham, or to any college or hall therein. Now, the London University was peculiarly situated. That institution had the power of sanctioning and increasing within its own compass any place of education in conformity with the principles of the University, and in a manner to merit the approbation of the trustees and governors. If the words remained as they now stood, "any college or hall" might exempt from the operation of the Act any of those educational institutions which receive the sanction of the London University, and are thereby brought within the provisions of the Statute, and constitute a component part of that University. He proposed that the Act should not extend to the Universities of Oxford, Cambridge, the University of Durham, or any college or hall in the said Universities of Oxford and Cambridge.

LORD JOHN RUSSELL said, he had now to propose, in the 60th clause, after the exemptions of cathedral or collegiate churches, to extend the exemption to funds for the exclusive benefit of persons of the Roman Catholic persuasion.

Amendment proposed—

> "To add to the Amendment in page 23, line 28, after the words 'religious worship,' the words 'or any funds applicable to the benefit of any persons of the Roman Catholic persuasion, and which shall be under the superintendence and control of persons of that persuasion.'"

Motion made, and Question proposed, "That those words be there added."

SIR FREDERIC THESIGER said, he viewed with very great regret and alarm the course which had been now adopted with respect to this Bill, because, although the words were few they were pregnant with mighty consequences, and involved a most important principle; and he must entreat the attention of the House to the period at which the noble Lord had thought proper to propose this most formidable Amendment. The Bill was introduced into the House of Lords under the auspices of the Lord Chancellor. It received the most careful consideration of a Committee of that House, consisting of persons pre-eminently qualified to judge of a measure of that description. It had the entire sanction and approbation of the Government, and it came down to the House of Commons substantially in the same form in which it had passed through the Committee of the other House. The second reading of the Bill took place without the slightest intimation that there was any intention on the part of the noble Lord to introduce an Amendment of this description. The noble Lord asked the House to be permitted to take the second reading, and to reserve the discussion until the time when the Bill should be in Committee; and the House acquiesced in that suggestion. The noble Lord only the other day, on going into Committee, intimated his intention of proposing this Amendment, and had it not been for the right hon. Member for Oxfordshire (Mr. Henley), that important alteration might have been carried in a House which, without straining a metaphor, had had the greater part of its lifeblood drawn from it, and was not at this period of the Session in a very active state of existence. The noble Lord stated that his ground for making the alteration was, that the Roman Catholics had intimated to him the apprehension they entertained that under this Bill some of their trusts might be found to be within the law against superstitious uses, and that these trusts might be liable to forfeiture and penalties; and the noble Lord, therefore, deemed it necessary to frame a provision to guard against these consequences, and he proposed that these trusts should be exempted, promising that he would on a future occasion introduce some law with regard to superstitious uses. Now these apprehensions of the Roman Catholics had been expressed at a very critical period. The Bill had been for a long time in the House of Lords. It was similar to a Bill which had been previously introduced. Its provisions were well known. It was apparent then that the danger apprehended by the Roman Catholics was not a new one; and yet when there was a full attendance of Members the Roman Catholics reserved the expression of their fears, and only brought them forward at this late period, and under the peculiar circumstances which he had mentioned. The noble Lord might have easily allayed these apprehensions, instead of encouraging and adopting them. The noble Lord said, "You are not taken by surprise, because similar exemptions have been introduced into other Bills for establishing Commissions to inquire into charities." And in support of that statement the noble Lord referred to the exemptions introduced into the Bill of 1835. The noble Lord was perfectly correct, and had rather understated his argument. In every Bill which had been introduced on that subject, there were these and other exemptions, to which he would call the attention of the House, in order to show the force of the argument in favour of the present exemption. He would first take the Act 5 & 6 *Will.* IV., passed in 1835, which was—

> "not to extend to the Universities, nor to Cathedral or Collegiate churches, nor to any funds belonging to any persons of the Jewish persuasion, or to the people called Quakers, or to persons of the Roman Catholic persuasion, and which shall be under the superintendence and control of persons of such persuasions respectively."

The noble Lord said that no claim for exemption had been set up by any member of the Jewish persuasion, or by any of the people called Quakers. Now, what did the noble Lord mean by that observation? Did he mean to say that the Quakers, and persons of the Jewish persuasion, had the same right to exemption as the Roman Catholics? If that was the noble Lord's meaning, did he intend to say that justice was only conceded to those who demanded it? And if he meant to say they had no other right of exemption than members of the Jewish persuasion or Quakers, then he must perceive that his arguments drawn from these exemptions were of no avail; for if they did not apply to other persons introduced into the Act as exempted, they would not apply to the Roman Catholics. But the fact was that the previous Acts were Acts for the institution of preliminary inquiries, and not for purposes of permanent legislation. He wished to remind the noble Lord of the Bills which had been introduced from 1844 downward, for the purpose of establishing a Board for the Administration of charitable trusts. In 1844, 1845, and 1846, Bills were introduced in the House of Lords by Lord Lyndhurst. In 1847, 1848, 1849, and 1850, Bills were introduced under the Government of the noble Lord by the late Lord Cottenham. In 1852 another Bill was introduced by the noble Lord and his Government, which Bill was taken up by Lord Derby's Government, who endeavoured to pass it into a law. Now, he would ask the noble Lord if any of these Bills contained any exemptions respecting Roman Catholic trusts? If these Bills never contemplated such exemptions, surely that was an argument more forcible than any which the noble Lord had drawn from the exemptions in the Acts passed, not for the purposes of legislation, but merely for the establishment of preliminary inquiries. The noble Lord said, his reason for introducing this exemption was, that the Roman Catholics are apprehensive that in consequence of the searching investigations to be instituted by the Commissioner it may appear that certain trusts are illegal, and that they may come within the law against superstitious uses, and be declared void. And one would imagine, from the observations of the noble Lord, that an entirely new law was introduced by this Bill with respect to the Roman Catholics. But the law would not be changed in the slightest degree by this Bill, the object of which was merely to provide for the better administration of existing trusts, and did not change the law respecting them. At present any person might be a relator, and impeach a Roman Catholic trust, and if any such trust should be found to come under the Statute with respect to superstitious uses, it would be the duty of the Lord Chancellor to declare it void. But no information was likely to be filed on any such ground. If the noble Lord should succeed in carrying his Amendment, he would do the most mischievous act towards the Roman Catholics which could possibly be imagined, and he (Sir F. Thesiger) would establish that assertion by an authority to which Roman Catholic Members would be disposed to pay some respect—he alluded to an hon. and learned Gentleman formerly a Member of that House, who, in 1847, proposed to introduce a Bill for the regulation of Roman Catholic trusts. On that occasion the hon. and learned Member said—

> "The trustees of Roman Catholic charities may be guilty of any amount of maladministration without the Roman Catholics, for whose benefit the trust was created, daring to ask relief, because the issue of an application with that object may be a declaration that the charity was *ab initio* illegal, and continued illegal."

Now the noble Lord, by exempting Roman Catholic trusts from the operation of this Bill, would continue that state of things which was considered so prejudicial and mischievous. Now what would be the state of the Roman Catholics supposing this Bill to pass in its original state—including Roman Catholics in its operation? No proceeding could be instituted with respect to any trustees except by permission of the Commissioners, or *ex officio* by the

Attorney General. Now he would seriously ask hon. Members whether they believed, with the feeling which now existed with regard to these trusts, that the Commissioners would sanction any proceedings to impeach the validity of the trust of the Roman Catholic body, on the ground of its being a violation of the law against superstitious uses; or whether any Attorney General was likely to sanction an *ex officio* information on any such ground. If it was visionary to think such proceedings would be instituted, did not the noble Lord by this proviso leave the Roman Catholics in the helpless and crippled state which had been described by the hon. and learned Member whose remarks he had quoted; and would he not leave them in such a situation as to prevent them from complaining of any abuses or maladministration on the part of these trustees? The noble Lord appeared to him to be proceeding in a manner contrary to his expressed opinion: like a rower, he appeared to be turning his back on the course he was pursuing. The noble Lord said, "I think the operation of the Bill ought to include Roman Catholic trusts, but what I propose to do is this—I propose at this period of the Session to exempt them altogether, and at some future indefinite time I will bring forward a measure which will bring them within the operation of the Bill, and determine the question with regard to superstitious uses generally." It was very well for the noble Lord to give a pledge of that kind; but what security had the House that the noble Lord would be in a position to be able to fulfil that pledge? The noble Lord was not at the head of the Government. Strictly speaking, he was not a Member of the Government. The opinions of the majority of the Cabinet with regard to the Roman Catholics were perfectly well known. And he would ask how could the House be secure that the Cabinet might not be of opinion that the exemption of Roman Catholic trusts from the operation of the Bill was a part of the natural development of that policy which the Cabinet intended to pursue with regard to the Roman Catholics? What security had the House that the noble Lord would be permitted to introduce a Bill of that kind? And if the noble Lord should be permitted to introduce it, what security was there for his being able to carry it through the House? Why should not Roman Catholics be content with a declaration that if this Bill should be found to affect their trusts some measure to secure them against danger would be introduced? Now, if he (Sir F. Thesiger) believed that the Bill would prejudice Roman Catholic trusts in an improper manner, he would gladly assist the noble Lord in framing any Bill to protect them against that danger. But he thought a much more reasonable course might be pursued than that proposed by the noble Lord. This Bill was introduced into the House of Lords under the sanction of the Government, and it was never suggested there that any such exemption was necessary. It came down to the House of Commons substantially as it was framed by the House of Lords; and he would ask whether it was fair now at this period of the Session and in the present state of the House, that in such a measure there should be introduced such an important and formidable alteration, and whether the proper course would not be to leave the Bill as it was? Believing, as he did, that it would not be injurious to the Roman Catholics, let them remain as was originally intended, included under its operation; then, as he had previously stated, if there was found any real grievance, or any the slightest danger to their trust, let the noble Lord come forward with a healing measure. To that measure he (Sir F. Thesiger) would give his cordial assistance; and he believed that the general feeling of the House would be in favour of preserving Roman Catholic trusts intact. Under these circumstances, and for these reasons, he should feel it his duty to resist the addition of the words proposed by the noble Lord, and he called upon the House to pass this Motion in its integrity.

Lord JOHN RUSSELL: I think, Sir, notwithstanding what the hon. and learned Gentleman has said, that if the House should be of opinion that any class of Her Majesty's subjects would run any great risk of being injured in their property, or in the application of that property to charitable and beneficent purposes by the enactments of this Bill, this House would give a favourable hearing to any apprehensions and complaints upon such a subject. I cannot think that it is sufficient to say, supposing that there is that just ground of apprehension and complaint, that, because there have been Bills introduced for several years which have not contained any exemption of this description, therefore "whatever may be the evil and the injury to you, you have found it out too late; you must submit to the depreciation of your property; you must submit to any evil consequences that may ensue, because for several years you have not made an appeal upon this subject, when Bills which related to it had been introduced into this House." I cannot conceive the justice of making such an answer. I cannot conceive the House of Commons saying to people, "We admit that you are injured—we admit that you are wronged, and we are about to pass a Bill that may wrong you; but, because you have never appealed before, your appeal now shall be valueless." If that be the case, the real question really is, whether or not this Bill might work an injury to Roman Catholics in respect of their trusts. I must admit that it is in many respects a question of confidence on one side, and of suspicion on the other; but I think I shall be able to show that the suspicion on the part of the Roman Catholics is a justifiable suspicion, and that it ought to be listened to by this House. The point, as it has been stated to me, is this—and I will not deny that it has been stated to me by a Roman Catholic barrister—many of these Roman Catholic charities are void in point of law. The hon. and learned Gentleman (Sir F. Thesiger) says, that I did not mention this subject on the second reading of the Bill. Well, I will tell the House how this matter has proceeded, and what is the fact. When I moved the second reading of the Bill, I was entirely ignorant that any complaint of this kind could be made, and I moved the second reading not expecting that there was any such grievance to be complained of. It was only just before we proposed to go into Committee, that I was informed that these apprehensions were entertained; and as soon as I was so informed, on moving that Mr. Speaker leave the Chair, in order to go into Committee, I stated to the House those apprehensions, and I stated that in the course of the Bill I should propose words exempting Roman Catholic charities from the operation of the Bill. Therefore, I gave to the House the first notice that I could possibly give with respect to this subject, and when in the course of the Committee it was suggested that the House required further time for deliberation, I immediately assented to that further time being given. The hon. and learned Gentleman has taken advantage of some words that I used with respect to Jews and Quakers, whose charities were exempted from the inquiries under the Bills of 1818 and 1835. I mentioned that there was no complaint on the part of Jews and Quakers; but if there had been a complaint, I should have required, as I do in this instance—first, that they should feel themselves aggrieved, and next, that they should show adequate reasons for exemption; and if they had failed to show that, I should have refused the proposition on their part. I propose it now on the part of the Roman Catholics, not merely because some parties on their behalf complain, but because I think that they have good grounds for their apprehension. I do not know that there is any law by which the charities of Quakers and Jews are in any way rendered illegal; but there are such laws with respect to Roman Catholics. Why, at the very time that that last Act of 1835 was passed, enacting that there should be further inquiries as to charities, and when, after the Roman Catholic Relief Act had passed, Parliament thought it right to exempt Roman Catholic charities from that investigation, there was a decision by a very high authority, the late Lord Cottenham, who was then Master of the Rolls, that a bequest for masses for the dead was a bequest for a superstitious use, and was, therefore, void in law. That was declared to be the law at that time. Now, look how far the operation of that decision may extend, for I do not believe that since 1835 there has been any Act rendering legal those Roman Catholic charities. We have had this very day a question with respect to a large property of 12,000*l.* a year (the Bedford Charity Estate) which both my hon. and learned Friend the Attorney General and the hon. and learned Gentleman opposite (Sir F. Thesiger) said, was mismanaged under the present state of the administration of that bequest. Now, let us suppose that that 12,000*l.* a year had been left by a Roman Catholic, and that at the same time there had been a provision in the deed that at certain times in the year there should be masses said for the repose of the soul of the founder of that charity. I take it that the strict construction of the law, though undoubtedly it might be argued in a Court of Equity, would at least render doubtful the whole application of that sum of 12,000*l.* a year, and a bequest for founding a useful educational institute, perhaps of the very best kind and under the best regulations, might thus be defeated and set at nought by that provision in the deed for the occasional saying of masses, which would bring it under the law of superstitious uses, I do not wish to expose the Roman Catholics to that danger. But the hon. and learned Gentleman says it is quite sufficient security for the Roman Catholics that they should have the faith that the Attorney General, upon the part of the Crown, will never think of bringing a suit to set aside those Roman Catholic charities on the ground of superstitious uses; and at the same time the hon. and learned Gentleman says, "What security have we that any Member of the present Government will propose to apply this law to Roman Catholic charities in future? Why, if you have no security for that, and if the hon. and learned Gentleman founds a great part of his argument upon the fact that there is no positive security that a Bill will be brought in subjecting Roman Catholic charities to the beneficial provisions of this law, then I say that so likewise the Roman Catholics have no security that the Attorney General—I will not say the hon. and learned Gentleman opposite (Sir F. Thesiger), but such a one as the hon. Member for North Warwickshire (Mr. Newdegate) might be if he were a member of the legal profession—might not think it his bounden duty to proceed against charities which, according to his views, were promoting purposes that were mischievous and superstitious. One would have thought that no security was greater with respect to institutions belonging to Roman Catholics than that contained in the Roman Catholic Relief Act, providing that that Act specially shall not extend to convents or females. There seemed to be there a very sufficient security. There seemed to be a very safe provision enacted by law, and there was also by custom as well as by law an immunity for those private houses where Roman Catholic ladies agree to live together. But that security has not been sufficient, and has not prevented an attempt to investigate and inquire into the mode of life of those ladies who have entered those private houses. I say, then, that there is just reason for the Roman Catholics to suspect what may be done under the provisions of this Act. I said that I proposed to exempt them for the present, because I thought it too late at this period of the Session, especially as this Bill came from the House of Lords, to introduce other provisions upon the subject. But I will read to the House what the provision was that was proposed by the Master of the Rolls when he was a Member of this House, and when, in 1847, he proposed to regulate Roman Catholic charities. By the second clause of the Bill which that hon. and learned Gentleman introduced, he proposed to enact—

> "That no use, trust, or disposition of real or personal property now limited or made, or hereafter to be limited or made, to or for any charitable purpose for the benefit of Roman Catholics within Great Britain or Ireland, or any other part of Her Majesty's dominions, and in conformity with the doctrine, discipline, canons, laws, and usages of the Church of Rome, shall merely for or by reason of such purpose be, or be deemed to be, superstitious, unlawful, or void."

SIR FREDERIC THESIGER: Was that Bill discussed in this House?

LORD JOHN RUSSELL: I am not aware whether it was discussed or not. The words are evidently very wide, and it is obvious that I could not propose words of that kind without exciting a great deal of discussion. If I proposed, on the other hand, to limit them, the limitation also would require a great deal of discussion, and would provoke contending feelings on the part of Protestants and Roman Catholics. I think every man would agree, and I believe the hon. and learned Gentleman himself will not deny, that these Roman Catholic charities ought not to be set aside merely on account of their coming within the law of superstitious uses. At the same time, I doubt not that there are Roman Catholic charities which, whether justly or not, some hon. Gentlemen opposite would declare to be so mischievous and so opposed to their own views of national policy, that they would never consent, by such a large clause as that, to give them the validity and the force of law. If that be the case—if I cannot, on the one side, relieve the Roman Catholics from the just apprehension that their charities may be rendered null and void by the provisions of this Act, and if I cannot, on the other hand, frame a clause by which those charities may be saved from such consequences —I think it is a case for exempting them for the present from the operation of this measure. The hon. and learned Gentleman says that they will have the same security under the proposed law that they have under the existing law. But it is a very different thing silently to connive at the violation of the law as we do in many respects—both the Government and the law officers of the Crown are continually permitting violations of the law to take place, because an exact observance of it in every respect might occasion such a scene of discord as would make the country hardly tenable to those who have to live in it—but, as I was saying, it is a very different thing silently to permit the violation of the law, and to have brought before you by inspectors, by persons appointed under this Act, and by Reports laid before both Houses of Parliament, a decided and clear violation of the law. Would it not be the case, then, when such a Report was laid upon the table of this House—when it was shown that certain charities were clearly void in law, and when in the opinion of many they ought to be void in law—that we should be called upon to put the law in force, and that the Attorney General would be accused of a violation of his duty because he had not proceeded in the Court of Chancery to set aside those charities for superstitious uses? These appear to me to be sufficient reasons why for the present we should exempt these charities from the operation of this law. The hon. and learned Gentleman says that there is no security that they would not be for ever exempt. I understand that an hon. and learned Friend of mine, the hon. Member for Newcastle-upon-Tyne (Mr. Blackett), mentioned an intention of proposing that there should be an exemption for a limited time. To that I do not object. If the time is proposed to be limited, and if two years is mentioned as the time during which Roman Catholic charities should not be subjected to this Act, I think that that would give time to the House to consider the question, under what limitations and restrictions, or in what manner, those Roman Catholic charities should be brought within the operation of the law. I believe myself that the greater part of the Roman Catholic body desire that there should be some public Act requiring an examination and supervision of those charities, in order to prevent the abuses which, in Roman Catholic charities as well as in all other charities, are apt to occur; but, for the present, certainly, I cannot think it safe for Roman Catholics to be subjected to the provisions of this Act; and though their claim has been made very lately, it has been made upon the authority of a gentleman of great weight and intelligence. The hon. and learned gentleman who made this representation to me is a Roman Catholic barrister, with whose character the hon. and learned Gentleman opposite is very well acquainted. I need not mention the name of that hon. and learned gentleman; but he is entitled to credit, both from his knowledge of the law and on account of his high character; and it is his opinion that it is not safe for the Roman Catholics to be included in this law. For these reasons I must defend the proviso which I have moved.

Mr. NEWDEGATE said, that the noble Lord seemed to think, if there was any danger to be apprehended to Roman Catholic charities, that he (Mr. Newdegate) was the most likely person to cause it. Now, he thought if any danger were to occur it must come from the Government, because it was impossible any proceedings could be taken without their sanction. And as it was clear they would not be out of office before next Session, they could give a guarantee that there should be nothing done in derogation of the just claims of the Roman Catholic community, which would afford a valid security; meanwhile they might forego their present intentions as to the positive exemption of Roman Catholic charities from the guardianship of the law against abuse, which they proposed to extend to all other similar property. The proposal of the noble Lord to exempt all Roman Catholic charities from the operation of the ordinary law of the country, was to allow them to fall under the absolute control of a foreign Power, which was attempting to enforce its tyrannical authority in this country against the will of the Legislature, the Sovereign, and the people. Evidence had been given before the Mortmain Committee by Roman Catholic priests and laymen, which showed that the only security which Roman Catholics had for their trusts being carried out according to the intention of the donors, and the rights and wishes of the recipients, was the protection extended to them by the law of England. He could not conceive a more inopportune moment for the intended withdrawal of the protection of the law of England from all trust property held by English Roman Catholics, for charitable and religious purposes; it was notorious that Cardinal Wiseman, the temporal as well as spiritual plenipotentiary and representative of the Pope, had been intruded upon this country, contrary to the law of this country and of Europe, and that this foreign agent was using at this moment his plenary powers to grasp for his master, the Pope, and to appropriate according to the decrees of the Roman Propaganda, the whole of the property held in trust by the English Roman Catholics; while a similar process was being carried out by the Cardinal's fellow agent, Legate Cullen, in Ireland. He hoped that House would not consent to open the door wider for the Cardinal or the Propaganda to interfere in the affairs of the people of this country. He thought this proposed exemption from the action and protection of English law within England involved a most dangerous principle: as a Protestant he looked on it with the utmost jealousy. So far from wishing to injure Roman Catholic charities, he had come down prepared with a proposal to secure them against any proceedings under the Acts relating to superstitious uses, on account of any facts that might be ascertained by the Commissioners under the Bill pending the proceedings of the Commission, and provided that the trusts were eventually made conformable to the law of England. He hoped the right hon. and learned Gentleman (Sir F. Thesiger) would take the sense of the House on the question.

Mr. HEADLAM said, he begged to express the gratification with which he had heard the concluding sentences of the noble Lord's (Lord J. Russell's) speech, for while he thought it would be unjust at once to include Roman Catholic charities within the operation of this Act, he was convinced that it would be extremely undesirable to exempt them for ever from participating in so beneficial a measure. Now that the noble Lord had made this concession, he strongly impressed upon the House the expediency of at once accepting it.

Mr. BOWYER said, he willingly joined in the desire which had been professed by the hon. Member for North Warwickshire (Mr. Newdegate) to protect from confiscation the charities of Roman Catholics; but he must say he infinitely preferred the practical remedy proposed by the Government. He asked for that remedy, and he accepted the Amendment, not because he desired exceptional legislation, but because these Roman Catholic charities being already the subject of exceptional legislation, it was necessary that they should be protected in the manner now proposed.

Sir FREDERIC THESIGER said, he could not accept the new Amendment, because it appeared to be a violation of principle, and an admission that a different system of legislation was to be applied to Roman Catholic charities to that which was applied to others.

Motion, by leave, *withdrawn.*

Amendment proposed—

"To add to the Amendment in page 23, line

Mr. Newdegate

28, after the words 'religious worship,' the words 'nor shall this Act, for the period of two years from the passing thereof, extend or be in any manner applied to Charities or Institutions the funds or income of which are applicable exclusively for the benefit of persons of the Roman Catholic persuasion, and which are under the superintendence or control of persons of that persuasion.'"

Motion made, and Question put, "That those words be there added."

The House *divided*:—Ayes 87; Noes 76: Majority 11.

Other Amendments made; Bill to be read 3° on Monday next.

THE OFFICE OF SPEAKER.

Sir ROBERT H. INGLIS said, that in desiring to call the attention of the House to the Report of the Committee with respect to the Office of Speaker, he should wish to act in conformity with the doctrine of his right hon. Friend and Colleague (Mr. Gladstone) that the man who at this period of the Session made a long speech was an enemy of his country; he would therefore trespass but a short time on the patience of the House. He was the more induced to conform to that rule, inasmuch as, having repeatedly brought the subject incidentally before the House, having brought it before the House in a somewhat more formal manner on the 17th of last November, having on that occasion received encouragement from the right hon. Gentleman who then led the House (Mr. Disraeli) and having, at the same time, received encouragement from the noble Lord who now led the House, he was induced, in the month of February, to introduce a Motion for a Committee, and that Committee having been granted by the House without any division, and that Committee having met and agreed to the Report which had been presented, he considered that he was in a position to call the attention of the House to the subject as one on which there had been no opposition. The House itself had admitted the evil, and the necessity for a remedy. Nor had he heard of any objection to the Report of the Committee, except one in which individually he concurred—namely, that it did not go far enough in providing a remedy. When he found that the Committee could not unanimously and cordially concur in the larger measure of relief which he desired, but were ready to adopt a plan which met a great many of the existing evils, he should ask nothing more of the House than that it should adopt the Report of that Committee. His own opinion was that the best plan would be to place in the Chair, in the event of their being at any time unhappily deprived of the services of Mr. Speaker, some one to discharge all the legal functions of that office; but the Committee had judged otherwise, and had agreed to recommend the House to place in the Chair a gentleman who might discharge all its duties within the House, but not exercise any of the other functions belonging to the office of Speaker. While they ought to be thankful, on the one hand, for the long continuance with them of the right hon. Gentleman, the tax on his time and strength might be carried to a length at which any human being's time and strength might fail. Last month the House sat twenty-two days; they were 228 hours in session, giving an average of more than ten hours to each day of public service. The right hon. Gentleman had taken the Chair at noon as well as at the second meeting of the House. He had sat in that House several days for more than 14 hours. In the first week of July he sat on Monday 10 hours, on Tuesday 15¾ hours—Wednesday was excepted—and on Thursday and on Friday 15¼ hours, and 13¼ hours; in the second week he sat 11¾, 8¾, 14, and 14¼ hours. It was needless to trouble the House with all the details. It was enough to state that the attendance given by Mr. Speaker was such as very few other human beings, such as very few other Members of that House, afforded; and it was not in regard to himself alone, deeply and justly as the House valued his services, that a measure was required; but the most selfish of them all would desire any measure which should tend to secure the continuance of his presence. Remembering the warning addressed to them by his right hon. Friend and Colleague, he had not said another word more than he had deemed necesssary in submitting that the House should concur in the Resolution of the Committee:—

> "That, whenever the House shall be informed of the unavoidable absence of Mr. Speaker, the Chairman of the Committee of Ways and Means do take the Chair for that day only:
>
> "And, in the event of Mr. Speaker's absence continuing for more than one day, do, if the House shall think fit, and shall so order it, take the Chair in like manner on any subsequent day during such absence."

Lord JOHN RUSSELL said, that in seconding the Motion of his hon. Friend, he would not make this a personal question, because he believed there was only one opinion in that House as to the value of the services of Mr. Speaker; but, considering it as a general question affecting the performance of the functions of that House, he thought they would be blind to the consequences of the very great labour imposed upon the occupant of the Chair if they did not adopt the recommendation contained in the Report of the Select Committee. It was of the utmost importance that, in case of the absence of Mr. Speaker, supposing the business of the House to be of great and urgent interest, they should be able to proceed without delay, and should not have merely to address the Clerk, but some person who should be able to preside over their deliberations. The opinion of the Select Committee, in which he entirely concurred, was, that they should only carry the remedy as far as it was absolutely necessary, and should avoid any measure which would at all fetter the discretion and choice of the House in case of a vacancy in the office of Speaker. They were anxious that the House should not, by any previous resolution or decision, be at all committed to any particular candidate for the office, but should choose that person who, at the time, should appear best qualified to fulfil the important functions which belonged to the Speaker of that House. He thought the Committee had been successful in their proposal. They proposed that only for one day should any person assume the Chair in the absence of Mr. Speaker—that afterwards it should be entirely in the choice of the House whom they should place there —and that the person whom they should appoint to supply this temporary vacancy, should be one who, as Chairman of Ways and Means, had already an official and recognised position in that House, and who, upon the return of Mr. Speaker, or upon the election of a new Speaker, would fall back upon his former situation. He had great pleasure in seconding and supporting the Motion of the hon. Baronet, and trusted it would meet with the concurrence of the House.

Mr. BRIGHT said, he quite agreed with the noble Lord that it was not desirable to carry the remedy further than was absolutely necessary; but he was not sure that the Committee in the present instance were not doing so; at least, although he had been in the House about ten years, he had not known any occasion—certainly not more than one—in which the House had not been able to sit in consequence of the absence of Mr. Speaker. That might have been a hardship to the right hon. Gentleman, however, and so far might be cited as an argument in favour of a change. But his object in rising was for the purpose of saying that, if the Chairman of Ways and Means was to have a new dignity, it would be desirable to have him appointed in a different manner from that which had hitherto prevailed. When the hon. Member for Kilmarnock (Mr. Bouverie) was appointed to the office of Chairman of Ways and Means, very few Members of the House knew anything about it; for he was nominated by the noble Lord the Member for the City of London without previous notice, and in an inaudible tone of voice. He spoke thus freely, not out of any discourtesy towards the hon. Member for Kilmarnock, whose intimate acquaintance with the forms of the House they all knew; and who, if he were to be again appointed, would have his cordial support, but because he desired to call attention to the subject now, in connexion with the Report of the Select Committee upon the office of Speaker.

Mr. DISRAELI said, he had felt it to be his duty, having been a Member of the Select Committee, to express the opinion that the Resolutions now before the House were expedient, and that this proposition was, of all, the best which the Committee could submit to the House. Almost every combination of circumstances that could occur with reference to the subject of these Resolutions was well considered by the Committee before the Resolutions were adopted. They provided for the occurrence of circumstances which all whom he addressed sincerely hoped might not be in their experience. With respect to the objection of the hon. Member for Manchester, it did not appear to be valid; nor was he (Mr. Disraeli) aware that it was unknown to any party of Gentlemen in that House, that the hon. Member for Kilmarnock would be proposed by the Minister as Chairman of the Committee of Ways and Means. It had always been the practice on the first Committee of Supply to propose that the Member who was to act in that capacity should take the Chair. It had been his (Mr. Disraeli's) duty when he had the honour of a seat on the Treasury bench, to propose a Gentleman, and he followed the precedents. The noble Lord (Lord J. Russell) was perfectly aware of his intention on that occasion, and approved the name he brought forward, as it had been put to Gentlemen sitting on the Opposition side with himself, to approve the proposal which the noble Lord made on the appointment of the hon. Member for Kilmarnock. But there was ample opportunity of expressing disapproval. There were occasions on which divisions had taken place on the appointment of a person to that office, and no other notice had been given than that given by the noble Lord and others who had held the same office. It was not, in his opinion, expedient to alter the customary arrangements of that House when they answered the purpose which they were desired to serve. The mode of electing the Chairman of the Committee of Ways and Means was the ancient mode; and if the hon. Member for Manchester wished to have an opportunity of differing from the Minister on that subject, he might depend upon it that, however low the tone of voice in which the Minister might propose the name, he would not lose an opportunity of expressing an opinion. He had only, in the observations which he had offered to the House, expressed the general feeling of all those hon. Members with whom he had conferred on the subject.

Mr. HUME said, he was one of those who had objected to the appointment of the Committee, and he had done so on the ground that for such a long period so few instances of absence of the Speaker had occurred when his services were required. He was also of opinion that in all cases where a deputy was appointed, the principal was apt to take a little licence. He did not rise on the present occasion to oppose the measure before the House, but to express a hope that during the next Session there would be more time to get through the business without converting night into day. He could not think that it was advantageous that Members of that House should return home daily between 2 and 3 o'clock in the morning, and have to leave again to be at the morning sitting at 12 o'clock. He strongly objected to these midnight sittings, and should, if he were in the House next Session, when he knew he would get a majority, put a stop to the sitting at 12 o'clock. It was not right that, as at present, at the close of the Session Bills of importance should be brought forward in a hurried manner, and adopted without discussion.

Sir JOHN PAKINGTON said, he did not rise to make any exception to what had fallen from his right hon. Friend near him.

He was glad that the Committee had been appointed, and completely concurred in the Resolutions to which they had come, and which were now before the House. It was, perhaps, wise to adopt such a course at a time when no danger was to be apprehended, and when Mr. Speaker, notwithstanding the extreme labour of the Session, seemed to be not in the least affected in health, but as competent as ever to discharge his duties. He agreed with the hon. Member for Montrose (Mr. Hume), that it seemed an extraordinary thing that in 200 years there had been so few instances of the House being deprived of the services of the Speaker. He could only draw the inference that the office of Speaker was a particularly healthy office. It could not be healthy on account of the hours which were kept, so that he supposed it must be from early dining. But, whatever might be the cause, he hoped that Mr. Speaker might long remain in perfect health. His object however, in rising was not so much to express his concurrence with the Resolutions as, on an opportunity like the present, when the rules of the House were, in a measure, under consideration, to submit to the noble Lord the leader of the House whether he might not think it advisable during the approaching recess to consider the propriety of renewing that Committee upon the forms of the House which had sat some years ago, and which had made several recommendations, some of which were adopted, with great advantage, by the House. He could not help thinking that the House would be of opinion that they had outgrown some of the more ancient forms of conducting business, and that the business of the House had so increased that it had become time to take some step to alter the present state of things. Business of great importance was brought on night after night at an hour when a large portion of the most able and influential Members of the House, worn out with fatigue, had left their places, and the remainder were discharging their duties at a sacrifice of convenience, to which he thought it most unwise and unnecessary that hon. Members of that House should be subjected. It was the duty of those who conducted the affairs of this country to see that the forms of transacting business were not such as to deter competent men from endeavouring to obtain a seat in that House. The noble Lord the Member for London would agree with him that the Committee to which he had referred had had the advantage of the best evidence. Mr. Speaker himself had given evidence, and had offered several suggestions, which had been discussed, and those adopted which were deemed advisable, and which would not encroach too much on the established forms of the House. He thought that since the time of the sitting of that Committee, circumstances tended to show that other alterations would be advisable, in order to shorten the progress of business, and put an end to the inconvenience to which he had adverted. The hon. Member for West Surrey (Mr. Drummond) had touched upon the subject on a previous occasion, and, although he did not wish to pledge himself to all that had been urged by that hon. Member in favour of an autumn sitting, he still thought that if, instead of meeting in the first week of February, Parliament were to meet in the second week of January, it would be beneficial as regarded the despatch of public business. He thought that it would be very desirable that a Committee should consider the desirability of abridging some of the forms of the House, and thus shorten the transaction of public business.

Motion *agreed to.*

GOVERNMENT OF JAMAICA.

Lord JOHN RUSSELL: Sir, before I move that you should leave the Chair, in order that the House might resolve itself into a Committee of Supply, I wish to state the intentions of Her Majesty's Ministers with respect to the government of the island of Jamaica. I am not going to enter into a history of those dissensions between the House of Assembly and the Legislative Council of Jamaica, which have led to the suspension of the whole legislative functions in that colony. I will only state, upon that subject, that the House of Assembly passed Bills in reference to the revenue and to the finances of the island, and for carrying on the public service, which appeared to the Legislative Council to be of so objectionable a character, that they refused to them their concurrence. The consequence was, that the Governor in Council then felt obliged himself to suspend the meetings of the Assembly; and the whole machinery of legislation in the island has thus been arrested. Now, in looking at any question relating to the condition of the West India Colonies, we must, no doubt, always bear in mind that during the last twenty years two very great changes have taken place in those colonies; changes which were enforced by Acts of the Imperial Parliament, and which were generally repugnant to the feelings of the proprietors in the West Indies. One of those changes was the total abolition of slavery, without, as the colonists thought, any compensation having been made to them adequate to the loss they had sustained from that measure; and the other was the adoption of that commercial policy under which foreign sugar has been allowed to compete with colonial sugar in the markets of this country. These two great changes led to much objection and complaint on the part of the colonists. They led, likewise, I must say, to some loss to them at the time the changes were effected, although I think that they were founded on sound principles, and that the Legislature did well to adopt them. But, in any case in which discontent has arisen in any of the Assemblies of the West Indies, I do not think it is advisable to push to an extreme the rights of the Imperial authority. With respect, however, to the last of the two changes to which I have adverted, I beg leave to point out the difference which exists between the three most important West India Colonies, British Guiana, Trinidad, and Jamaica. The colonies of British Guiana and of Trinidad have listened to the advice and the opinions of the Government at home, and many of the evils which they suffered at first have been redressed, as far as the export of their sugar and the state of their industry are concerned. This result is shown by the official statements of the exports of sugar from Guiana and Trinidad in the year 1852, as compared with their exports of sugar in the year 1840. There were exported in the year 1840, from Guiana, 579,000 cwt. of sugar; and in the year 1852, there were exported from that island, 838,000 cwt. of sugar. There were exported in the year 1840, from Trinidad, 245,000 cwt. of sugar; and in the year 1852, the exports of sugar from that island, amounted to 483,000 cwt. Taking these two colonies together, it appears that their exports of sugar, which had amounted in the year 1840 to 824,000 cwt., had amounted in the year 1852 to 1,321,000 cwt.—being an increase of 497,000 cwt.; or considerably more than 50 per cent in the exports of 1852, as compared with those of the year 1840. But a very different result is apparent in Jamaica. The exports of sugar from that island amounted to 517,000 cwt. in 1840, and amounted to only 511,000 cwt. in 1852. There is a similar difference observable in the number of immigrants into the three islands. It has been the policy of this country, in compliance with the desire of the colonists, to encourage the importation of immigrants into our West Indian possessions, in order to supply the want of labour occasioned by the abolition of slavery. I find that the number of immigrants imported into Guiana from 1840 to 1852, was 49,000; and that the number of immigrants imported into Trinidad during the same period was 24,000, making in the whole 73,000; while the total number of immigrants imported into Jamaica during the same period of twelve years, was only 14,000. There is, therefore, a very obvious difference between the state of those colonies, although there has been no difference whatever in the Imperial legislation by which they are affected. If slavery was abolished in Jamaica, it was likewise abolished in Guiana and Trinidad; and if foreign sugar was admitted into competition with the sugar of Jamaica, it was likewise admitted into competition with the sugar of Guiana and Trinidad. But there are some circumstances connected with the constitution of Jamaica which have at all times been a source of difficulty, and have in these latter years been a source of very great embarrassment, and which have finally ended in that total stoppage of legislation to which I have already called the attention of the House. I have said that I do not mean to enter into a history of those disputes, or to say that at a particular time the Council was right, and the Assembly was wrong, or to question the particular acts of the Governor, on the one side, or of the Assembly on the other. But I must observe that there are certain—I will not call them laws or provisions of the constitution of Jamaica, so much as established practices of that constitution, which have operated very injuriously in that colony. We have from time to time to take into consideration the want in our various colonies of any representative institutions such as we think, and very justly think, tend to the benefit of the colonies, as well as to the benefit of the mother country. But in Jamaica, what we have to complain of is, not the absence of representative institutions, so much as the perversion of representative institutions to purposes which are not consistent with the welfare of the colony at large. We all know that in this country, according to the practice of this House, no vote of money is made except on the proposal of some Minister of the Crown, and that the Crown, has, in fact, the initiative in all money grants. Those grants are here made to the Crown, and officers appointed by the Crown have the collection and the management of the expenditure of the grants, subject to the control and, if necessary, to the censure of this House. But in Jamaica, these wholesome rules have been departed from. Not only have the House of Assembly in that colony the general raising and the appropriation of the supplies, but they have for a very long period of time taken into their own hands the management of those sums, and the general disbursement of the expenditure. Now, this practice has led to very great abuses. It has led to what I think very lavish expenditure at particular times, and to grants of money far in excess of the means of the colony; and it has led, at other times, to attempts at economy not consistent with justice after the expectations which the Assembly itself had held out. That leads me to the notice of another error which has been committed, and that is, that while there have been laws in Jamaica providing for the permanence of certain offices, the holders of those offices have only been paid by votes from year to year. The consequence has been that after persons had accepted high judicial and other offices on the faith of what were supposed to be permanent acts of the Legislature of Jamaica, their just expectations were disappointed by the votes of money falling far short of those expectations, and not allowing them to obtain the salaries which had been promised to them in accordance with the permanent Acts which had been passed. I do not, as I have already said, wish to enter into the merits of those votes. It is perhaps natural for an Assembly having the entire control of these matters from year to year, to act as the House of Assembly in Jamaica has acted. But it is obvious that no servants of the Crown can be expected to accept those situations on the faith of their permanence, and afterwards submit to have their salaries taken away or reduced very considerably. Latterly the great subject of dispute in that colony has been the proposal to take away 25 per cent from the salaries of these officers. Amidst the difficulties which arose, it, of course, became a question what was the course which should be taken by Her Majesty's Government with respect to the state of the island of Jamaica; and in referring to that subject, I must beg to call the attention of the House to an extract from a message of the late Governor of Jamaica, Sir Charles Grey, to the Assembly in May last, in which he points out the evils of the existing system, and suggests a remedy for their removal. His Excellency says—

> "With the prospects which are before us, it is perhaps of little present use to say what might be done by a single-minded effort for the peace and welfare of the island; but as all this ruinous distraction, by the frequent recurrence of which Jamaica has been throughout its annals so unhappily distinguished, appears to me to be the direct and unavoidable result of some perversions of the model institutions of England, so I believe that the main and immediate mischief would be remedied at once by reverting in those few particulars to English rules, and by the honourable House of Assembly being contented with a power as perfectly analogous to that of the British House of Commons as it might be possible to make it, which, after all perhaps, would be found to be as great a power for every good purpose as that which it possesses at present, or even supposes itself to possess. Therefore, whensoever and in whatsoever manner, opportunity and leisure may be found or created, I recommend that your attention should be given, first, to a regulation of the civil and ecclesiastical establishments, by reductions which shall either be prospective or shall be made upon the basis of a fair and moderate compensation for existing interests; secondly, to the provision of a permanent fund for the payment of the reduced establishments; thirdly, to the enabling of the governor for the time being to employ Ministerial officers holding seats in the Assembly to bring forward Government measures in that House."

These are the recommendations of the late Governor of Jamaica—recommendations founded, as I think, on sound principles, but which, owing to the excitement produced by the contest then existing between the House of Assembly and the Executive, were not listened to or adopted by the House of Assembly. Some years ago there was a proposal made in Jamaica, and I believe it was brought before the Assembly, to the effect that they should endeavour to have their institutions assimilated to those of Upper Canada. Lord Grey, who was then Secretary of State for the Colonies, declared his readiness to adopt that proposal, and at the same time pointed out the difference which existed between the institutions of Canada and those of Jamaica; for in Canada there is a permanent provision by means of a civil list, passed by an Act of the Provincial Parliament, by which certain offices are permanently provided for; and there is also there that rule to which I have previously alluded, that all grants to the Crown should be proposed by officers of the Crown. That proposal likewise fell to the ground—it was not adopted by the Legislature of Jamaica. Her Majesty's Government now propose to act generally on the basis of that proposal. They do not propose what was in contemplation by some persons connected with the island of Jamaica; they do not propose to suspend the representative constitution of Jamaica. It is urged, I am aware, that the present Assembly being elected by only 3,000 electors out of a population of about 400,000 inhabitants of the island, affords but a very incomplete representative body. But setting aside that consideration, at least for the present, what the Government wish to do is, if possible, to induce the Assembly and the Council to agree to terms which may form the basis for their harmonious action in future. They propose, in the first place, that there should be permanent Acts continuing the grants for those offices for which it is fit that permanent salaries should be provided. I mean, of course, judicial offices and others of a permanent character. In the next place, they propose that in the Assembly of Jamaica, as in the House of Commons, no grant of money should be made except on the proposal of some person representing the Crown. It is further intended that the Crown should have some persons—I will not now attempt to point out any particular mode in which the object may be accomplished—it is intended that the Crown should have some persons who would represent it and speak its sentiments in the House of Assembly. That is effected, as the House is well aware, in Canada, by a system of what is called representative government—namely, by confiding certain offices under the Crown to persons having the confidence of the majority of the Assembly. It might not be possible, or it might not be wise, to adopt a similar provision in the island of Jamaica. But we are of opinion that there should be some person representing the Crown to propose grants of money to the House of Assembly in Jamaica, and that officers of the Crown should be the parties responsible for the expenditure of the money. It is a source of the greatest abuses that Members of the Assembly should themselves expend the money they may have voted, and the practice leads, as might be expected, to the screening of those abuses. These are the three points which we propose for the future government of the Colony: First, that there should be a permanent revenue for those officers for whom permanent salaries are required; secondly, that the initiative of money grants should always be left to the representatives of the Crown; and, thirdly, that certain Members of the House of Assembly, or persons entitled to appear before the House of Assembly, should, according to an arrangement lately adopted in another Colony, be responsible, under the Crown, for the expenditure of the public money. On the other hand, we propose to endeavour to place the finances of the island on a more sound footing than that on which they stand at present. There is a public debt in Jamaica, besides the debt which is due to this country, amounting to not less than 500,000*l.*, and upon which an interest of about 6 per cent, I think, on the average, is paid. We propose that the Imperial Parliament shall, on the recommendation of Government, give a guarantee for the payment of the interest due upon that debt, while at the same time a sinking fund shall be provided for its reduction. These two provisions, one of a guarantee, and the other of a sinking fund, would enable the Assembly of Jamaica very greatly to reduce the interest of that debt—would probably enable them to reduce it to 3½ per cent—

Sir JOHN PAKINGTON: The debt amounts altogether to 700,000*l.* ?

Lord JOHN RUSSELL: We propose to deal with the sum of only 500,000*l.* But there is another sum which we propose should be raised, and the payment of the interest on which we mean to guarantee. The difficulties which have occurred of late years in Jamaica have arisen very much on the subject of the salaries of certain official persons. Now, it is contended by the House of Assembly, standing on their fair right, that they are entitled, as Tax Bills cease every year, in proposing and carrying Tax Bills, to make any arrangement they may think fit for the reduction of salaries. It is contended, however, on the other hand, by the Legislative Council, that it would be a very violent breach of faith, that after persons accepted certain permanent offices, very large reductions, or complete abolitions, should take place in the salaries attached to those offices. Now, it appears to us that that quarrel may be settled by a proposition to the effect that to the holders of those offices, the salaries of which it is proposed to reduce, that compensation should be granted, amounting to a few years' salary; so that they might be induced to give up the prospect which had been held out to them, while the offices might be filled at once by persons who should receive such reduced salaries which the Assembly might think a sufficient reward for their services. In order to carry out that arrangement, however, it would be necessary that the Assembly should grant a certain sum for the purpose; and we do not think that that sum could be calculated at less than 50,000*l.* It is proposed, therefore, by the Government, that a loan of a further amount of 50,000*l.* in addition to the present debt of 500,000*l.*—making altogether 550,000*l.*—should be guaranteed by this House. There is another measure which we propose in connexion with this whole subject, and that is a measure which is absolutely necessary in order to give a fair chance of success to the policy which we recommend. This House is well aware that Sir Charles Grey had already discharged the office of Governor of Jamaica during the full time for which offices of the kind are held. He has fulfilled the duties of that office with very signal ability, and he was able up to the present year to prevent those faults and errors which I say exist in the constitution of Jamaica from being productive of the lamentable consequences which we see that they have at length decidedly created. My noble Friend the Duke of Newcastle, the present Secretary of State for the Colonies, in considering, among the persons holding official situations in the Colonies, who it was that might with the greatest success be able from his knowledge, his experience, and his talents to bring the different parts of the Legislature in Jamaica into harmony, and restore the constitution of that Colony to a sound state, came to the conclusion that Sir Henry Barkly, who had for several years been Governor of the Colony of Guiana, and who certainly had had as great difficulties to deal with when he first went there as one can well conceive, would be the best person to be appointed to the office of Governor of Jamaica. My noble Friend accordingly recommended Her Majesty to appoint Sir Henry Barkly to that important office; and Her Majesty's Government are of opinion that no person could be better qualified for the post. A question naturally arises with respect to the salary which he is to receive; and it would be most unfortunate if the amount of that salary should be the occasion of a dispute immediately on his appointment. But, on the other hand, it would be a very great misfortune if the office of Governor of Jamaica were, by a reduction of the salary, made of less importance than it ought to be. The salary for that office has hitherto been 6,000*l.* a year; and we are of opinion that it ought not to be reduced below 5,000*l.* a year. We do not propose that any permanent settlement should be made with regard to that salary; but there being 1,500*l.* a year now attached by a permanent enactment to the office of Governor of Jamaica, we propose to ask in Committee of Supply for 3,500*l.* a year, to make up the salary to the amount I have stated. We propose that those grants should be made for three years. At the end of those three years, it would be a question whether that salary should be permanently fixed by the Assembly and Council of Jamaica, or whether, in conformity with the opinion of persons of considerable experience and authority in these matters, the salaries of the Governors of these Colonies should all be provided by Votes of Parliament. I am not now prepared to give any opinion upon that subject. In the present state of affairs, we certainly do not wish to ask Parliament for any law in the nature of a compulsory Act to change or to suspend the constitution of Jamaica. We only ask for a vote of 3,500*l.* a year, for three years, to enable the Governor of Jamaica to submit our proposals to the Assembly and Council of Jamaica. If those proposals should be accepted, it is fair to say that the Government would then be prepared to give the guarantee I have mentioned, with the view of extricating the island of Jamaica from its present difficulties, and enabling it to proceed for the future with such retrenchments as might be thought advisable, and to establish such taxes as might be found least burdensome to the people, and enable it in future to adopt measures which I trust may lead to its permanent prosperity. The Colony of Jamaica is, as the House is well aware, a very magnificent Colony in point of soil and productiveness. I cannot myself but believe that if these unfortunate dissensions should be healed, and if we could have no such source of dispute in future—that is to say, no source of dispute which should create, as this quarrel has created, such embarrassment that the whole machinery of the Government was stopped, I believe we should see the Colony of Jamaica succeed at least as well as Guiana and Trinidad have succeeded in recovering from the depression which events that occurred some years ago have occasioned. Having thus laid before the House of Commons a statement which it was, perhaps, necessary that I should make before the close of the Session, I have only to conclude by expressing a hope that the House will agree to our proposals.

Sir JOHN PAKINGTON said, he had listened with great attention to the interesting statement of the noble Lord (Lord J. Russell) who, he thought, had done very right in giving this explanation before the conclusion of the present Session. He (Sir J. Pakington) wished to say that it was on no personal ground, and for no private reasons, that he had addressed questions on this subject to the noble Lord, but because, considering the great and dangerous crisis which had lately arisen in the affairs of Jamaica, he thought it was the duty of Her Majesty's Government to state to the House the view they took of that crisis, and the nature of the measures it was their intention to recommend. The noble Lord had commenced his observations by drawing a comparison between the three great West Indian Colonies of Guiana, Trinidad, and Jamaica, and stated the difference between the quantity of sugar exported from those colonies in 1840 and 1852. The noble Lord had also adverted to another most important element in the question—the supplies of labour which those colonies had respectively obtained. The noble Lord had not, however, alluded to another equally important consideration—the comparative price at which these sugars had been sold, and the comparative profit which had been derived by the exporters. It was not his (Sir J. Pakington's) intention to follow the noble Lord at any length in his observations on this part of the subject, for it would be impossible to do so without entering, to an extent which he thought unnecessary and unbecoming on this occasion, into the whole of what was called the West India question; neither would he avail himself of this opportunity to enter into that long-agitated question to which the noble Lord had alluded—namely, the policy of the noble Lord's Government in 1846. He (Sir J. Pakington) had repeatedly declared his opinion upon that subject, and it was well known to the noble Lord, who had to-night expressed his belief that the policy adopted in 1846 was a wise policy. He (Sir J. Pakington) thought it therefore his duty to say that he had in no degree changed the opinion he had before avowed, that the policy of 1846 was most unwise, and had proved most disastrous. If this were the fitting time to do so, he would argue the imprudence of that policy from the admissions of the noble Lord that his Government were now obliged to come to Parliament and state the remedies they proposed for wrongs and evils which, in his opinion, the noble Lord's policy had mainly caused. He (Sir J. Pakington) thought he might refer to the present ruined and depressed state of Jamaica as a fulfilment of those anticipations which he had again and again expressed with regard to what he belived would be the inevitable result of the policy pursued by the noble Lord's Government in 1846. He would not, however, go further on that subject, for it was far more agreeable to him to be enabled to say that, a great and perilous crisis having arisen in the affairs of Jamaica, and the Government of the day—of whatever party that Government might be constituted—being compelled to deal with that crisis, and to devise remedies for the state of things existing in the colony, he thought the proposals which had been made by the noble Lord on behalf of Her Majesty's Government were of a nature to which no possible exception could be taken on that (the Opposition) side of the House. He considered it the more desirable that in fairness and candour he should make this statement, because one most important, and as he thought a most indispensable, part of the Government plan, was that which related to the alterations in those financial powers which had, for a long period, been exercised by the House of Assembly in Jamaica. He had on former occasions indicated the opinions he entertained on this subject; but as the plan of the Government proposed a change in the practice of the Assembly of Jamaica with regard to matters of finance, which undoubtedly involved an invasion of those rights which a popular assembly had hitherto exercised, he thought it desirable that the noble Lord opposite and Her Majesty's Government should be fortified—as far as his declaration could have any effect—by the statement that, had the late Government remained in office, and had it fallen to his (Sir J. Pakington's) lot to deal with the crisis which happened in Jamaica—whatever concessions the late Government might have thought it their duty to make to the colony, and whatever means they might have recommended for correcting the serious evils which had arisen in the colony—they would have required, as an indispensable preliminary to those concessions and measures—not with any vindictive feeling, but for the sake of Jamaica itself, and of the future good government of the colony—a reform of this portion of the colonial constitution. He had before him two most important despatches, written by Sir Charles Grey, the one addressed to Lord Grey at the close of 1851, and the other sent to himself (Sir J. Pakington) about this time last year, when he had the honour to hold the office of Secretary of State for the Colonies. The House, perhaps, would allow him to read the clear and emphatic language in which Sir Charles Grey expressed his view of the working of this part of the constitution of Jamaica. In the former despatch Sir Charles Grey said—

> "Your Lordship is aware that the whole course of fixing, raising, and managing the public revenue in Jamaica is exceedingly faulty and perverted. The Government is in no way represented in the House of Assembly, nor has it any organ there by which any tax can be proposed, or any estimates of expenditure, or of ways and means, can be laid before the Legislature. All advice by way of message from the Governor as to particular measures is regarded as dictation, and resented as breach of privilege. No Member has more right or authority than any other to recommend the sort of taxes that are to be imposed, or the rate of duration of them; and so jealously careful is the Assembly of its privileges, that the revenues for the most part are voted only from year to year. Every Member has the right also to propose a grant or appropriation of public money, and in the course of each Session a number of miscellaneous grants, though of much less amount now than formerly, are successively authorised, without much reference to estimates, or to the ability of the revenue to bear them, and towards the end of the Session are included in one enactment, each individual Member who has a grant to propose being naturally inclined to reconcile other Members to his own measure by consenting to support theirs. Upon the whole, it may be truly said that there is no system or consistency whatever in the conduct of the financial affairs of the colony, nor any recognised organ of government or legislation which has the power to bring about effectual and comprehensive improvements."

That passage, in his (Sir J. Pakington's) opinion, gave an accurate representation of the most inconvenient and objectionable state of things which the Government of the noble Lord wisely sought to correct. He was sorry to see, however, that the House of Assembly of Jamaica seemed to cling to the present system, for, in a despatch of Sir Charles Grey, written last year, and alluding to the proceedings of the Colonial Assembly during the sittings of its last Session but one, Sir Charles Grey said—

> "The Sesssion of the local Legislature was brought to a close on the 26th of February, as reported in my despatch No. 16, March 1, 1852. It had been chiefly remarkable for the renewed pertinacity with which the Government here is entirely excluded, not only from those functions in the body of the Legislature which the Crown exercises through its Ministers in both Houses of the English Parliament, but from all guidance, even by advice, of the proceedings of the Assembly."

Under these circumstances, he (Sir J. Pakington) was afraid the House of Assembly would not willingly abandon their financial functions, even under the able administration of Sir Henry Barkly. He hoped, however, that it would strengthen the hands of the Government, and of Sir Henry Barkly, when it was known that the opinion on this subject was not confined to one side of the House alone, but that the late Government would have felt it their imperative duty, as the present Government had done, to require that the abandonment of these objectionable and anomalous functions should be the condition upon which any concessions would be made. He must also add, that, under the present state of the law with regard to the sugar duties, he doubted much, looking to the distress under which the colony of Jamaica suffered, and considering that the difficulties of the island had been and were now, to a very great degree, of a financial character, whether Her Majesty's Government could have decided upon any more effectual mode of giving relief to the colony than that which they proposed. At all events, he thought they had adopted one of the most effectual modes of relieving the colony, and he considered that, although the relief proposed to be given might appear large in amount, no danger whatever would result from it to the finances of this country. If Her Majesty's Government guaranteed the public debt of Jamaica, he believed the consequence would be to reduce the interest paid by the colony from 6 per cent to 3½ per cent, thus materially reducing the charge upon the colonial revenue. He had expected that the noble Lord would have gone more at length into the state of the finances of Jamaica, which was most disastrous. In 1847, the public debt of Jamaica, including the debt due to this country, did not amount to more than 580,000*l.*, but he believed the whole liabilities of the island were now at least 750,000*l.* In both those items, however, was included the debt due to this country, which, with arrears of interest, could not be less than 200,000*l.*, and he imagined from what the noble Lord had said, that the guarantee of the Government would not extend to that debt. Now, he did not understand why this distinction was drawn. [Lord JOHN RUSSELL: Because the interest is low.] The reason of the distinction was then at once apparent and satisfactory. He understood the noble Lord to say that the amount proposed to be guaranteed was 550,000*l.* The whole revenue of the island was now only 180,000*l.* In 1847, it was about 240,000*l.*, but since that time it had been gradually failing, and year after year it had been considerably below the expenditure. The plan of the Government, by greatly reducing the interest paid upon the debt, would materially relieve the finances of the colony, and, he had no doubt, would be accepted as a valuable boon, which would reconcile the colonists to the proposal of the noble Lord. He might observe, that it was the intention of Her Majesty's late Government to send out a Commission to Jamaica to inquire on the spot into the working of the colonial constitution, and to report their opinion as to the best mode of remedying the grievances of which the colonists complained. He was still disposed to think that that might have been the more prudent mode of proceeding. He certainly felt some doubt whether, by the action of a Governor with full instructions, the noble Lord would be able to carry out his views, and to provide that remedy for the colonial grievances which was so imperatively required, without having recourse to Imperial legislation. Perhaps, however, the noble Lord might be right, and a Governor, with full and ample instructions, might be able to effect as much as a Commission would have done. Although he (Sir J. Pakington) might feel a doubt on this subject, he felt no doubt whatever — Her Majesty's Government having decided upon sending out a Governor instead of a Commission— as to the wisdom of their choice in selecting for the office so able and energetic a man as Sir Henry Barkly. He thought the Government had only done justice to that gentleman, after the services he had rendered to the country, and the abilities he had displayed in the government of Guiana, in recommending him to the Crown for the honours he had lately received. When he (Sir J. Pakington) had the honour of holding the seals of the Colonial Office, Sir Henry Barkly was Governor of Guiana, and he could confirm—so far as his experience went—all that had been said of that gentleman by the noble Lord. Sir Henry Barkly went out to Guiana at a time when serious difficulties had occurred in that Colony, and he left it in a condition of comparative prosperity. That gentleman had, indeed, the rare fortune of having not only gained the confidence and esteem of the Crown, and of the confidential servants of the Crown, but on leaving Guiana he received proofs of regard of the most gratifying nature from the inhabitants of the Colony. He thought, therefore, the Government could not have taken a wiser course than they had done, in intrusting to Sir Henry Barkly the difficult duty which had been assigned to him. He (Sir J. Pakington) could not, however, agree with the Government in the decision they had arrived at with regard to the future salary of the Governor, except in their determination to charge the portion of the salary which was not fixed, under peculiar circumstances in Jamaica, upon the funds of this country, at all events for three years. This was, he thought, a wise regulation; but he would exercise the same caution which the noble Lord had shown with regard to expressing a definite opinion as to the mode in which this and other Government salaries should be paid. He certainly considered that there were strong reasons in favour of the opinion entertained by many competent judges that it would be better if the salaries of Colonial Governors were altogether paid from the funds of the mother country. He feared that, upon this particular point, he had the misfortune to differ from those with whom he generally acted. He must say that he thought the Government were not acting wisely in permanently lowering the salary of the Governor of Jamaica. He doubted generally the policy and wisdom of lowering the salaries of public officers. He considered that there were no cases in which the maxim that "the labourer is worthy of his hire" ought to be more rigidly adhered to than in the cases of persons holding important public offices. He had regretted the appointment of the Committee which had inquired into public salaries in this country, because he thought it was most impolitic and unwise on the part of a great country to underpay its public servants; and nothing was more strongly impressed upon his mind by the experience he had had in the Colonial Office than the importance of having able and competent men as Governors of Colonies, and, consequently, of holding out such an adequate compensation as would induce men of ability to undertake those offices. It could not be denied that the interests of this country required that the Governors of our Colonies should be, in all respects, men of statesmanlike abilities and high qualities. If they wished men possessing such qualifications to abandon the advantages open to them in this country, to expatriate themselves, and to serve the Crown in trying climates and under difficult circumstances, he thought they were bound to give such salaries as would induce men of high qualities to accept these appointments. He must be allowed to express his opinion that the whole system under which Colonial Governors were appointed might be greatly improved; and he thought that in this respect Lord Grey had set a very good example, which he (Sir J. Pakington) when in office had very humbly endeavoured to follow. He considered that there should be a more distinct understanding than now existed that the system of promotion should be regularly carried out with regard to Colonial Governors. Nothing could be more uncertain than the present mode of proceeding. A gentleman, for instance, was appointed the Governor of a Colony, his tenure of office being only for six years; but he had no security whatever that at the end of that period he would remain in the service of the Crown. He might have been long enough away from this country to destroy any chance of success in his profession —if he was a member of a profession— and, at the termination of his period of office, he found himself without any public employment, without any income upon which he could fall back, and without any pursuit to which he could betake himself. He (Sir J. Pakington) would therefore suggest whether the regular adoption of the system of promotion with regard to the governorships of Colonies might not be worthy the consideration of the Government, and whether men who had rendered long service to their country in trying climates and under difficult circumstances should not, on their return, be rewarded by such pensions as might enable them to maintain their position after they had retired from public employment. He must confess he should not be sorry to see the system commenced in the person of his right hon. friend Sir Charles Grey, who was now about to retire into private life, after so many years devoted to the public service. Having so far expressed his concurrence with the course pursued by the Government, he was sorry to add that there was one point in which he dissented from that course, and in which he thought them open to considerable censure. He adverted to the fact that, notwithstanding the well-known state of Jamaica for a very long period past, the noble Lord (Lord J. Russell) had not explained to the House the course he proposed to take until this 4th of August, 1853, and that the noble Duke at the head of the Colonial Department did not state the views of the Government on this vital subject to the House of Peers until July. Now, it appeared to him that at the time the present Government acceded to office, there was no feature of our colonial administration so pressing for immediate and energetic attention as the critical state of Jamaica. The crisis which had now arisen in that island had been anticipated a long time ago. The dissensions between the Governor and the House of Assembly had put a stop to all revenue; and, agreeing fully with the noble Lord as to the general merits of Sir Charles Grey, and of whom he did not wish to speak with the slightest disrespect, he must clearly express the opinion that in the proceedings of the Governor towards the House of Assembly there had been a good deal that was indiscreet. At all events, it must be admitted that when the threat was made, and partly acted upon, that the prisons should be thrown open, and the convicts let loose upon society, such a threat and such a course must of necessity involve the island in social disorganisation of the most alarming and the most detrimental character; and in his humble opinion, this disorganisation and this danger might have been averted had the Government done in January or February that which they had only now announced their intention of doing in July and August. When the hon. Member for Westbury (Mr. J. Wilson) made, last September, his speech on the Act of 1846, the perilous state of Jamaica was fully manifested to the House in the debate which ensued, and the cited despatches of Sir Charles Grey, in 1851 and 1852, gave ample warning of the state of things that was impending in the island. The dissensions between the Governor and the House of Assembly had been going on, more or less, for a number of years past. The Government, moreover, was bound to recollect that in July, 1854, the nominal equalisation of the sugar duties would take place—a circumstance adverted to most emphatically by Sir Charles Grey in his despatches, and which should have presented to the Government another strong reason why no time should be lost in dealing with the case of Jamaica. The noble Lord had alluded to the fact that Sir Charles Grey's period of office expired in February last. In anticipation of that event, and of the necessity of dealing with the affairs of Jamaica, he (Sir J. Pakington) had, in September last, intimated to Sir Charles Grey that he would be relieved at the close of his period of office. At about the time the new Ministry came into office the period of Sir Charles Grey's service expired, and the Government should have felt that the long dissensions between that Governor and the House of Assembly rendered it altogether improbable that his continuance in office would be advantageous to the State, and should have provided that no such continuance, even for the shortest period, should have taken place. He was of opinion that, from not having seen to this point—from not having at once dealt with the affairs of Jamaica—the Government was responsible for much of the unhappy results which had since occurred. The noble Lord was, of course, aware that a deputation from Jamaica came to this country at the close of last year to urge most strongly the very dangerous state of things in Jamaica, and to enforce the absolute necessity of providing a supply of labour. This was a point worthy of the most serious consideration of the Government. The West India question had, in fact, become, in a great degree, a labour question, and, as much as had been done for Guiana and Trinidad in that respect, every care should be taken to increase the supply of labour to Jamaica, so long as this could be done with prudence in a financial point of view. There could be no better preliminary to this most expedient course than the step now announced by the Government, of guaranteeing the island debt. There was one other point to which he would briefly advert. The right hon. Gentleman the Chancellor of the Exchequer, in his financial statement, had included the question of the refinement of colonial sugars in bond, and it had been with great regret that he had heard the subsequent announcement of the right hon. Gentleman on this point, which had so disappointed the rising hopes of the West India colonists. He (Sir J. Pakington had urged this question on the House at the close of the Session before last, or in the preceding year, and when he came into office last year he announced the intention of the new Government to confer this desired boon on our West India Colonies. It was with great regret, therefore, that he heard the Chancellor of the Exchequer announce that this boon was not to be conferred, and his regret was increased when he heard no reason assigned for this alteration of views. He did not overrate the value that this concession would represent to the colonists, when he said that it would be equivalent to a differential duty of 1*s.* 6*d.* or 2*s.* per cwt.—a concession which, in the arduous and almost hopeless struggle in which the colonists were engaged with slave-grown sugar, would be of the greatest importance. On the other hand, when 1854 should arrive, with its nominal equalisation of duties, the refusal of this concession would give a positive advantage to the slave-grown sugar in the market to the same extent of 1*s.* 6*d.* or 2*s.* per cwt.—a disadvantage to our colonial sugars of a most disastrous character. There would be then no real equalisation, but the competition against our planters would continue under most unfavourable circumstances—circumstances certainly not contemplated by the Legislature or by the people of England. He was quite aware that the sugar refiners of London, and other persons interested in the present system, had raised the bugbear cry of danger to the revenue from any change; but he would contend that, as a matter alike of justice and of policy, it was essential to grant this boon to our West India growers, the dangers to whom, and especially to those of Jamaica, from its refusal, was far more manifest than the alleged danger from concession to the revenue. He earnestly trusted that, before the period of nominal equalisation arrived, the Government would concede this power of refining in bond to the West India colonists. He had made these observations in a most friendly spirit towards the proposition of the Government, which he considered upon the whole a wise measure, well adapted to the circumstances of the Colony.

Mr. HUME said, he did not wish to enter into any of the details of the question, but having on a former occasion found fault with the appointment of Sir Henry Barkly to the governorship of British Guiana, he was bound now to admit that he had left the colony in a most satisfactory state, and in possession of an excellent Government. Looking at the present position of Jamaica, Sir Henry Barkly must indeed be a bold man to undertake the difficult situation of Governor, and if it was on no other account than that, they ought to give him every possible support. The discretion which he displayed while in his former situation was highly creditable to himself, and the Government had certainly acted most wisely in making the proposed experiment for a term of three years, thus giving him ample time and opportunity to perfect those changes which he was authorised to undertake. The root of the whole evil in Jamaica, however, was its system of finance; for no nation or colony could stand for any length of time where the principle prevailed that the parties who voted the money should also have charge of its expenditure; and he hoped the common sense of the colonists would induce them to abandon a system so ruinous and pernicious in its character. The time, however, was not far distant when Ministers would have to bring before the House the whole question of colonial government, with the view to deciding the link which should be kept up between the Crown and the Colonies. He would not say positively what that link should be; but for his own part he thought, that if the Governor, as the representative of the Sovereign, could be left without unnecessary control, and allowed to make arrangements for his government according to the circumstances of the Colony, the colonists themselves would become more prosperous and contented. He had every hope, however, that before long, under the wise and discreet course that might be expected on the part of the new Governor, the same unanimity and good feeling would be effected among the various ruling and other classes in Jamaica that had been so happily created in Guiana.

Mr. JOHN MACGREGOR said, that as the representative of a class of the community who were largely interested in Jamaica, he was anxious to express his full concurrence in the proposals of the Government. Never had a Colony been so much abused and neglected as Jamaica; but he hoped her evil days had passed away, though before she could be made thoroughly prosperous and contented, her constitution must be assimilated to that of the Canadas. With respect to the guarantee, he was in general opposed to the system; but in the present instance, considering the injurious legislation which was applied to the Colony previous to 1846, he thought they would be only doing an act of justice in acceding to the proposal of the noble Lord. He agreed with the right hon. Baronet (Sir J. Pakington) who had recently addressed them, that it would be found necessary next year to alter the law, so as to enable East India as well as West India sugar to be refined in bond. He had been unwilling to come to that conclusion; but having closely examined the matter, he was now convinced, that if they did not make this change in the law, the Dutch sugar refiners would have a considerable advantage over the refiners of sugars imported into this country. He hoped, therefore, the Chancellor of the Exchequer would take the question into his serious consideration during the recess, and see if some plan could not be devised, by which both East and West India sugars might be allowed to be refined in bond.

OCEAN PENNY POSTAGE.

Mr. MILNER GIBSON said, he wished to call the attention of the Government to a subject of some importance to the country. It could not have escaped the notice of the Government that a large number of petitions had been presented from different parts of the United Kingdom, and also from the Colonies, from Canada, the West Indies, and other of our various colonial possessions, in favour of the establishment of a cheap and uniform system of colonial and international postage. He undertook, and in fact was under a promise, to bring this subject under the consideration of Parliament, and he gave notice for a Committee on the subject, thinking that a Committee was the best mode of proceeding for the purpose of inquiring into the present state of foreign and colonial postage, and to ascertain how far it was practicable to make a uniform charge of a penny for the transmission of a letter from any part of the United Kingdom to parts beyond the sea where British mail packets touched. He submitted the proposal of this Committee to the Government; but the Session was far advanced at the time, and considering that the Government had themselves submitted a proposal to the Colonies for reducing materially the rate of colonial postage, and rendering it more uniform, he thought he should be exercising a wise discretion in not pressing his Motion during the present Session. His object, therefore, in rising on the present occasion, was to explain why he did not bring forward the Motion, and to explain that at an early period next Session he should renew the Motion, when he hoped the Government would see no objection to appoint a Committee for inquiring into the whole question of foreign and colonial postage. The right hon. Baronet, the late Secretary for the Colonies, took a deep interest in this question, so much so, indeed, that he wrote a very handsome letter to a society of which he (Mr. M. Gibson) was a member on the subject; and if the right hon. Baronet did not become a member of the society, he at all events forwarded them a donation. The right hon. Baronet felt the importance of the question whilst holding office, and he pledged himself, if he got the opportunity, to bring about a cheap and uniform system of colonial postage—

Sir JOHN PAKINGTON: No, it was the Postmaster General.

Mr. MILNER GIBSON said, that might have been so. His object was not simply confined to the question of postage rates between this country and the colonies, but involved also the question of foreign postage. Nothing could be more anomalous or unsatisfactory in that respect than the present state of things. In the United States a letter was carried 3,000 miles for three halfpence, while at home a letter was carried to any part of the United Kingdom for a penny; but the transmission of a letter across the narrow sea to Calais cost no less a sum than 9½*d.* Now, he proposed that the transmission of letters across the sea should be limited to a penny also. The present Prime Minister, on a recent occasion, when a deputation waited upon him on the subject, said, if the shipowners were prepared to undertake the carrying of letters at the uniform rate of a penny, he believed the objection to the proposal would cease. Well, now, he was prepared to state that an offer had been made by the Glasgow and New York Steam Shipping Company to carry letters from England to the United States, and *vice versâ*, at the rate of a penny per letter. They were prepared to run fortnightly steam boats, making as rapid a passage as possible between the United Kingdom and the United States; and he understood they were ready to undertake the same service to the Australian Colonies. With regard to foreign postage, he knew that there were a variety of complicated arrangements respecting postal communications; but all of these were fit subjects for a Committee to inquire into, and he should therefore propose next Session that they be referred to a Select Committee, together with the general subject of ocean postage. He would not then enter into details beyond mentioning this single fact, that the emigration which had taken place had rendered the correspondence between the working classes of this country and their relatives in foreign lands very extensive. Their relatives in the United States, Australia, and the Canadas, frequently sent letters to this country containing money for the poorer portions of their families whom they left behind; and it was stated by Mrs. Chisholm, that in one case a letter arrived from Australia addressed to a poor woman then in a workhouse in this country. The postage on the letter came to 3*s.*, and the party to whom it was addressed being in a workhouse, and having no means to pay the postage, the letter was returned to the colony. Now, it actually contained 25*l.* for the maintenance of the poor woman, who was then in the workhouse, and unable to pay the postage. This was only one of many cases of a similar kind where letters had been returned in this way, and he might therefore be excused from mentioning this simple fact, carrying as it did a volume in itself. He hoped, then, that they would be permitted to have a Committee at an early period next Session to inquire into this question; and having now given his explanation of why he did not feel it to be his duty to bring the matter forward this Session, he trusted it would be deemed satisfactory there as elsewhere.

Mr. HADFIELD said, he regretted that the subject had not been taken into consideration at once. He had had the honour of presenting many petitions from Sheffield and other places, praying that increased facility for postal communication with the Colonies might be provided, and the subject was one in which he took great interest. Before the reduction of the rate of postage in this country took place, the annual number of letters conveyed through the post-office amounted to about 75,000,000, while this year the number was expected to amount to 400,000,000; and the gross annual revenue at present was greater than it had been before the reduction was made. He most cordially agreed with the principle that the postal arrangements of the country ought not to be made mere matter of revenue, but that in a great commercial country like this the utmost facility should be afforded for postal communication.

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee.

(1.) 55,840*l.*, British Museum.

Mr. HUME said, he must complain of the vast expense of this establishment, and also of the great delay and expense in the printing of the catalogue. The catalogue already consisted of 1,200 folio volumes, and had cost 100,000*l.* It would, according to the present calculation, take forty years to complete, and would then consist of 13,000 volumes. He regretted he did not see either the noble Lord the Member for London or the Chancellor of the Exchequer present on this occasion, to explain why the recommendations of the Royal Commissioners with regard to the Museum had not been attended to. The Commissioners had recommended, for instance, the abolition of the offices of principal librarian and secretary as they now existed; the establishment of a responsible executive council instead of twenty or thirty irresponsible trustees; the appointment of one person as the responsible head of the whole establishment; and the adoption of an improved mode of keeping the accounts. None of those recommendations had been agreed to, and he wished to know the reason why. He wished the Government would turn their attention to the subject during the recess, and consider what could be done to place the establishment on a better footing than at present. He objected to the ridiculous expenditure of the public money in gilding the iron railing and destroying the English simplicity of the building. He also wished to know how there came to be such a balance as 11,000*l.* allowed to stand over. He would suggest that all purchases should be suspended until additional space was provided. He was unwilling to oppose the grant, but he wanted some responsibility, and hoped the First Commissioner of Works would be able to give the Committee some information on the subject.

Sir ROBERT H. INGLIS said, the hon. Member was mistaken in supposing that none of the recommendations of the Commission had been carried into effect. Immediately after their Report was made, a meeting of the trustees was held, which was attended by the late Sir Robert Peel, for the purpose of considering the various recommendations made, and adopting such of them as fell within the competency of the trustees, and met their approval. He considered the present board of trustees inferior to no fixed board of management which could be appointed. Amongst those who attended regularly during the past year he found the names of the Marquess of Lansdowne, the Earl of Aberdeen, the Earl of Rosse, the Bishop of London, Mr. Macaulay, and Sir David Dundas. As to the floating balance alluded to by the hon. Member, it was lodged not in the hands of the trustees but in those of the Treasury, and was merely nominal in its character, arising from one quarter of the year falling into one account, and another quarter into a different one. He had yet to learn that the authority of the Commissioners was so much superior to that of the trustees as to make it absolutely clear and indisputable that where the two differed in opinion the latter must necessarily be in the wrong. The hon. Member had recommended that no more purchases should be made until those which were already in possession of the trustees should be accommodated. With respect to this question, he had to state, that in the course of the three years which had elapsed since the Commissioners had reported, accommodation had been provided for a large portion of the collection which was before unarranged; but he confessed that there was one great department which was still imperfectly provided for—he referred to that of printed books. So great was the deficiency of accommodation for this department that the trustees had actually been obliged to decline the vote of 10,000*l.* a year, for which they had formerly asked, and to take 5,000*l.* instead; and he believed they would even take much less now; for at present they were hardly able to find room for all the books it was their imperative duty to take in, such as copyright books, presents, and the like. The plan which the trustees had urged upon the Government five or six years ago was to expend the sum of 250,000*l.* in building a new quadrangle to the east of the existing Museum. The Duke of Bedford (the lord of the soil and landlord of the houses there) was willing to make the necessary arrangements with the trustees if the Government would grant them authority to act in the matter; and, as no one could know what the disposition of another Duke of Bedford ten or twenty years hence might be, he thought it extremely important that the transaction should be entered into so long as they had the consent of the Duke. By laying out 50,000*l.* a year for five years they would obtain all that they desired, and provide, for at least 100 years to come, adequate accommodation both for the printed books and the natural history collection, besides supplying more adequate reading rooms. But up to this moment the plan had not been adopted. With regard to the vexed question of a catalogue, he begged to say, that no public library in Europe had a catalogue of such extent and variety as the British Museum.

SIR W. MOLESWORTH said, that various plans for providing increased accommodation for the Museum were some time ago referred to the Board of Works, in order that they might report upon them to the Treasury. That Board had lately given in their Report, which was now under the consideration of the Government, and he hoped that before next meeting of Parliament steps would be taken in order to provide increased accommodation for the British Museum.

MR. W. BROWN said, he must express his surprise at the statement which he found in the printed return of the number of persons admitted to the British Museum from Christmas, 1846, to 1852—namely, that while in 1850-51 the number of visitors amounted to 2,527,216, it fell in 1851-52 to 507,973. He thought there must be some mistake.

SIR ROBERT H. INGLIS said, he believed there had been a great diminution in the number of visitors to other institutions in 1851-52, as compared with 1850-51, the time of the great Exhibition, as well as to the Museum; but he begged to inform the Committee that during the last six months the increase of visitors to the Museum had been very perceptible, as compared with last year.

MR. JAMES M'GREGOR believed the cause of the diminution of visitors to arise from the fact that the doors of the Museum were not left open all the working days of the week. When visitors arrived from the country, one of their first visits was to the British Museum; but knowing nothing of the days when it was open, they often went on days when it was shut, and getting disgusted, they refused to go back. He wished the authorities would arrange that the Museum should be open for six days in the week.

SIR ROBERT H. INGLIS said, there were two classes of visitors to the Museum—those who came from motives of curiosity, and those who visited it in pursuit of science. The Tuesdays and Thursdays were reserved for scientific visitors and for foreigners of distinction—Mondays, Wednesdays, and Fridays, for the general public—and Saturdays were reserved for cleaning.

Vote *agreed to;* as were also the following Votes:—

(2.) 11,996*l.*, General Board of Health.

(3.) 15,087*l.*, Incumbered Estates Commission (Ireland).

(4.) 10,930*l.*, Lighthouses Abroad.

(5.) 2,000*l.*, Menai Straits Navigation.

(6.) 2,573*l.*, Navigation connected with Drainage, Ireland.

(7.) 5,820*l.*, British Ambassador's House, Paris.

MR. WISE said, he wished to have some explanation in regard to this vote. He observed that one of the items of the vote was a charge for fitting up the dining-room as a chapel for public service for English visitors and residents at Paris. Now, the fact was, that there were already six or seven Protestant chapels at Paris, where the English people might not only worship according to the faith of the Church of England, but might also improve themselves in the French language. The explanation he wished to have was, what portion of this sum of 5,820*l.* was proposed to be appropriated for the fitting-up of this chapel? The House was aware that in 1816 the nation had purchased the hotel at Paris from the Princess Borghese for 30,000*l.*, and had since that time allowed annually sums varying from 800*l.* to 1,100*l.* for keeping up the building. It appeared to him that a vote of this character implied some malappropriation of the public money, as he was informed that an architect made an annual survey and report, and superintended the work required to be done. He wished to know why so large a sum as 9,000*l.*, of which 5,820*l.* was to be now voted, should be required? He observed that one of the items of the vote was a charge for fitting up the dining-room as a chapel for public service for English visitors and residents in Paris, and he wished to know what portion of this sum of 5,820*l.* was proposed to be appropriated for the fitting-up of this chapel. He could not see the necessity for this arrangement, because for several years the service of the Church had been discontinued at the Embassy, and the English Ambassador had attended the Episcopal Chapel built by Dr. Luscombe, at a cost of 9,000*l.*, adjacent to the Embassy. There was also the Chapelle de Marbœuf, endowed and erected by the late Mr. Lewis Way, where the service of the Church of England was regularly performed throughout the year. There were also many other Protestant chapels at Paris, such as the

Oratoire, and the chapels where Monod and Coqueral officiated. Since 1815 there had been no chapel at the British Embassy beyond that of the dining or drawing-rooms, which he certainly thought was not desirable; but considering the proposed expenditure was simply to accommodate a few fashionable visitors of the *élite*, he objected to any outlay for such a purpose.

Sir WILLIAM MOLESWORTH explained that the dilapidated condition of the mansion, as reported by Mr. Burton, the architect, confirmed by Mr. Albano, who had been sent to Paris for the especial purpose, rendered these repairs absolutely necessary. The estimates had been formed on the report of the latter gentleman. With regard to the fitting-up of the dining-room as a chapel, he must state that previously to this representation of the condition of the embassy, the ball-room was used and fitted up as a chapel. But it was considered that to appropriate a room in which a ball was held to-night for the performance of divine service to-morrow was most indecent; therefore it was thought proper that the dining-room should be fitted up for religious worship at the British Embassy.

Mr. WISE: With reference to the fitting up of the dining-room as a chapel, he could not see that it was more decent to use that room than a ball-room. There was an English church close to the Embassy which met the wants of the public.

Lord SEYMOUR said, he wished to ask the right hon. Gentleman, who had been the inspecting architect in Paris, on whose reports to the Board of Works the sum annually required to be voted in the estimates was granted? He also begged to ask, whether any new architect had been appointed to make those annual reports, and whether any special report had been made that the former architect had generally neglected his duty? If an annual report was made, it must have been either a fabrication, or have been made without any proper inquiry as to the state of the building, and what vote was necessary for its repair.

Sir WILLIAM MOLESWORTH said, that the gentleman who was now appointed the architect was Mr. Albano, and upon whose second report this estimate was founded. The person who was the architect in Paris, and who had made the reports, was Mr. Burton.

Lord SEYMOUR said, that some of those reports were made to him when he was at the head of the Board of Works, and some of them to the noble Lord who preceded him in that office. He thought there ought to be an inquiry made by the Government, whether those reports were false or not. All that the person who was at the head of the Board of Works could do was to send a competent person to make a detailed report to him as to the state of the building; and, having received that report, he proceeded to prepare his estimate. Of course, if the report was entirely wrong, the architect who made it ought to be visited with the censure of the House.

Sir WILLIAM MOLESWORTH said, the report made to the noble Lord was made by Mr. Burton. A representation having been made to the Board of Works from another quarter, Mr. Albano was sent to Paris, and it was on the report of that gentleman that the present vote was framed.

Mr. DISRAELI said, he considered this to be an important matter. He perfectly recollected the circumstances under which this case was brought before the Treasury during the last Administration. A representation was made to the Government as to the state of the British Ambassador's residence at Paris. The representation was, in fact, made by no other person than Lord Cowley himself. The expressions in the letter of Lord Cowley were, that such was the state of the residence of the English Ambassador at Paris that it would require to be immediately looked into. It was under this state of circumstances that his noble Friend then at the head of the Board of Works (Lord J. Manners), called his attention to the subject, and the then Government thought it their duty to send a professional gentleman—he believed Mr. Albano—to make a report on the matter. But no report was ever received by the late Government from that gentleman. The late Government certainly objected to the great expenses which were considered requisite for the Ambassador's residence at Paris; at the same time it was not for them to say that the expenses were not necessary. But he must say that Ministerial responsibility appeared, in this case, to be very seriously involved. According to the statement of the right hon. Gentleman (of course he was not bringing this against the right hon. Gentleman himself as a charge) this unprecedented state of a public building, which he was sure could not be equal-led in any capital in Europe or in the world, had been brought about in consequence of a false expenditure of the public money; for a series of years there had been an estimate made by a professional man—not an English professional man—on the faith of whose estimate the House of Commons had annually voted a sum of money, in order to support and maintain the residence of the English Ambassador at Paris. The right hon. Gentleman had intimated to the Committee that for a series of years the sum so voted had never been expended; and that the consequence of that neglect had been such a state of a public structure as he did not suppose had ever been paralleled in the experience of man. Now, what he wanted to know was, who was living in the house at that time? Was the representative of Her Majesty living in the house during that series of years? Did he permit year after year a sum of money to be voted by the House of Commons for maintaining that structure, and yet suffer it to fall into an unprecedented state of dilapidation? That was the first thing he wanted to know. The second was, what was their security against such laches in future? Last year the House withheld a similar vote with regard to the residence of the Ambassador at Constantinople. The item was far from inconsiderable; but what was the case of Constantinople, and what the consequences of that item as compared with the present? This scene of outrage had taken place, not at Constantinople, but in a city which could be visited in less than twenty-four hours, and that at the house occupied by the English Ambassador. What he wanted was, for the satisfaction of the Committee, a security for the better management of this department of the public service. How had it happened, that during all these years, when an adequate sum of money had been voted for the maintenance of the residence of Her Majesty's representative at Paris, the Ambassador resident in that house had permitted the sums of money so voted not to be expended for the public service?

Mr. HUME said, he thought the character of that House required that more money should not be granted until some account was given of the money which had already been voted. The better course, therefore, would be to postpone the vote.

Mr. J. WILSON said, the Treasury was responsible for the Vote. He must admit that the whole matter was involved in considerable mystery; and he quite agreed with the right hon. Gentleman (Mr. Disraeli) that inquiry was absolutely necessary. The Committee would be acting quite right in requiring the report of Mr. Albano to be laid upon the table; and to that he (Mr. Wilson) had no objection. At the same time no good end would be answered by postponing the Vote, inasmuch as the money had already been expended—expended under circumstances which he was sure the Committee would concur in saying had justified the Government in ordering it to be done. The papers should be laid on the table, if possible, to-morrow.

Mr. HENLEY said, he thought they ought to be furnished not merely with the Report of Mr. Albano, but also with the Reports which had been made in past years.

Lord SEYMOUR said, he thought it unnecessary to postpone the Vote; but he was of opinion that the Committee should not only be furnished with the Report of Mr. Albano, but with the previous Reports of Mr. Burton, that they might see whether he had stated the house to be then in a good state of repair. They should also have a return of the sums which had been expended on this building for the last eight or ten years, and they would then be in possession of the whole facts of the case, and would be able to guard against the recurrence of what had taken place.

Mr. VERNON SMITH said, he did not see any necessity for postponing the Vote, but thought that they should be furnished not only with the reports of the architects in past years, but also with a detailed statement of the manner in which the money voted was said to have been expended.

Sir WILLIAM MOLESWORTH said, there was a clerk of the works at Paris in charge of the mansion, and an English architect was sent over once a year to inspect the building, and report what repairs were necessary.

Mr. DISRAELI said, it appeared that a sum had been annually voted for the repair of this building, and that it had never been expended upon it. He wished, therefore, to know whether the money had been spent at all, or to whom it had been paid? The case was not merely one of flagrant neglect, but it was also involved in much mystery. He did not think the Committee would be furnished with the information required unless the Vote was postponed.

Mr. J. WILSON said, he must oppose

the postponement of the Vote. Mr. Albano had reported that, in order to put the mansion in good repair, an expenditure of 9,913*l.* would be requisite. Out of this, in reply to a question from the Treasury, he had stated that it was necessary that 5,820*l.*, the amount asked for by the present vote, should be expended in the present year. The Treasury had therefore authorised the expenditure of that sum during the present financial year; and, in fact, part of it had already been laid out. The remainder of the sum requisite for the completion of the repairs would come before the House next year, when they would have an opportunity to call for further inquiry if they were not satisfied with the explanation contained in the papers that would be laid on the table.

Vote *agreed to;* as were also—

(8.) 25,750*l.*, Mercantile Marine and Steam Navigation Acts, Board of Trade.

(9.) 70,600*l.*, Merchant Seamen's Fund, Expenses of Winding up, &c.

(10.) Motion made, and Question put—

> "That a sum, not exceeding 2,175*l.*, be granted to Her Majesty, for payment of Rewards for certain Services in Suppression of the Slave Trade on the Coast of Africa."

Sir GEORGE PECHELL said, he wished to know the scale on which these rewards were to be paid. It seemed strange to have this Vote at all, as there was a special provision to pay for slaves liberated on the Coast under an Act of Parliament. By what authority, might he ask, was the money voted? Did the Admiral on the station come in for any share in the case of the slaves rescued by the *Alert* on shore? He hoped the officers and seamen would have all the benefit of the rewards.

Colonel SIBTHORP said, he did not think they could extirpate slavery as long as they encouraged slave-grown sugar. Was there any prospect of putting an end to it? He thought not. He believed the old slaveowners were much kinder to their slaves than we were to the natives for whom we exerted ourselves.

Mr. J. WILSON said, the circumstances to which the Vote referred took place in the years 1848, 1849, and 1850, when Captain Dunlop, having discovered that certain slavedealers belonging to Sierra Leone had a number of slaves in the interior of the country, succeeded in liberating a large number of them. He liberated 700 slaves, and saved from massacre 200 more, and he (Mr. Wilson) thought the Committee would feel that for services of that kind a reward should be given.

Colonel SIBTHORP said, he begged it to be understood that he did not object to the reward, but quite the contrary.

Mr. HUME said, the only instance of a similar Vote was in the case of Captain Denman, when he burned some barracoons on the Coast. The law gave to every sailor and to every man a premium for taking slaves afloat, but on shore there was no law to justify the seizure of slaves. He saw by the public papers that Major Hill, the Governor of the Gold Coast, had presided at a court-martial which resulted in the execution of two chiefs of the Fantees within the British lines. He thought that the circumstances attending the execution of those chiefs were highly disgraceful to the country. A letter had been written by Mr. Cruikshank, the Acting Governor, to the Duke of Newcastle, on the subject; and the Duke in his reply expressed a hope that there would be no repetition of those scenes. He wished the production of the papers connected with the whole subject, because it seemed to him that naval men were inclined to go out of their way for the purpose of entering upon duties that did not properly come within their province. Captain Dunlop went thirty miles into the country to capture slaves. He protested against this system of making war upon native chiefs. He wished to have the opinion of the law officers of the Crown as to the legality of this proceeding, and he would, therefore, move that the Vote be postponed until that opinion be laid before them.

Mr. J. WILSON said, that if his hon. Friend would move that the papers should be laid on the table, he should have great pleasure in laying them before the House.

Mr. BRIGHT said, the Act of Parliament directed that the compensation should be given for services rendered afloat, and the Vote now proposed was contrary to the course usually adopted. Nothing could be more disadvantageous than to reward men for going on marauding expeditions, many of which were of no service either to the negroes or to the country.

Mr. J. WILSON said, the Vote had been printed with the others, and had been before the House for three months, and it was quite competent for any Gentleman who required further information, to ask to have the papers laid upon the table; but he objected to the postponement of the Vote at that period of the Session.

Mr. VERNON SMITH said, he must protest against the doctrine laid down by the hon. Gentleman. The practice was when a new Vote was proposed to give information at the same time in respect to it.

Sir GEORGE PECHELL said, that all he asked was to be informed under what authority this money was paid to the officers and crew of the ship in question?

Captain SCOBELL said, it was stated that the payment, if made, would not be legal, and no answer had been given to that statement. If it were not shown to be a legal payment, the House of Commons could scarcely be asked to vote the money.

Viscount PALMERSTON said, he presumed these slaves were slaves on shore, in a barracoon belonging to some slave merchant, the rest of the cargo being on board ship. As rewards were given as inducements for the capture of slaves, they should adopt a liberal principle, and give the same bounty for slaves rescued from slave merchants on shore as for slaves rescued from slave ships afloat.

Mr. BRIGHT said, that by treaties with civilised nations they acquired the right to take ships and liberate slaves, and by Act of Parliament rewards were given after certain proofs of the fact. Did the noble Lord mean to say it was the same thing when men from the Queen's ships interfered with savage tribes on the coast of Africa—war, slavery, and plunder being their natural condition—and when they broke up barracoons and created as many disorders as they professed to repress? If they once admitted the principle, it would be easy to get up cases of the kind and come every year for Votes of that House. Let them settle the matter by Act of Parliament, and then the Votes would be taken on a recognised principle. But he really thought the noble Lord had in this instance presumed on the credulity of the Committee to induce them to pass this Vote.

Viscount PALMERSTON said, there were two kinds of treaties—the one class was with civilised nations, by which they established mixed Commissions and Courts of adjudicature; the other was with Native Chiefs of Africa, giving officers of Her Majesty's Navy the right of entering and seizing any slaves in their territories. The policy of the Government had been to multiply those treaties with Native Chiefs, and they now extended through the whole west coast of Africa. He had no doubt, though he had no knowledge on the subject, there was such a treaty in this case.

Mr. FREDERICK PEEL said, with regard to the execution of the two chiefs, the facts were, the King of Ashantee marched a large army into the territory of a chief under our protection. The natives organised themselves for their own defence, and the Ashantees were anxious to precipitate a collision, and it was entirely owing to the tact and judgment of Major Hill that a war was avoided. The two chiefs who were executed were tried by the chiefs in their own territory, and no British officer was present; and Major Hill only was there, at the request of the chiefs themselves, to see justice done.

The Committee *divided:*—Ayes 117; Noes 25: Majority 92.

Vote *agreed to;* as was also—

(11.) 900*l.*, Breehon Laws Ireland.

(12.) 30,000*l.*, Corrupt Practices at Elections, Commission of Inquiry.

Mr. WALPOLE said, he did not wish to find fault with the Estimate, but he desired to ascertain what precautions were taken against undue charges under this head. There had been five or six Commissions—Hull, Cambridge, Canterbury, Barnstaple, and Tynemouth. It was found in the case of revising barristers that they were in the habit of spinning out the number of days when paid by the day. If they were about to pay these Commissioners by the day, he was apprehensive, unless there was some check, these charges would run up to a considerable amount. What he wished to ask Her Majesty's Government was, whether any instructions had been given to these Commissioners at the time of their appointment as to the way in which they were to be paid—whether they were to be paid by the day, or a certain sum for the duties which they had to discharge? There was another circumstance to which he wished to call the noble Lord's attention. He mentioned neither names nor places, but he had reason to apprehend that in one case at any rate an immense number of witnesses had already been examined; and, as he had been informed, a similar number was likely still to be examined; whereas if the inquiry had been prosecuted by examining one or two persons, to prove a vast class of cases, he would not say dozens but hundreds of witnessess need not have been called. He hoped the Government would turn its attention to this subject.

Colonel SIBTHORP said, a more gross and wasteful expenditure could not be conceived than those Commissions. He had always set his face against Commissions. The Commissions that had already been issued, and were still to be issued, were nothing less than gross jobs and gross frauds on the public. A Commission was issued to put an end to corrupt practices. He had yet to learn what corrupt practices were. Whatever might have been done in the City of London—and what was done was wrapt up in mystery—he defied the noble Lord (Lord J. Russell) to prove that bribery or corruption had taken place in the constituency he (Colonel Sibthorp) represented. These Commissions were established for party purposes to give employment to hangers-on. They were to give employment to briefless barristers until those barristers could find a client to entrust them with their affairs. The Government had projected five or six Commissions which had done nothing, or nothing that was of any real public value. Five or six more Commissions were to be appointed, and they would also do nothing. What were those Commissions for? They were not really to put an end to corrupt practices, they were only to give employment to hangers-on. Were they to go on for ever in such a course? If he were to move the suspension of this Vote, he should be told the money was paid, therefore it would be useless to do so. He wanted to know what had really been done? Bills of all sorts were projected. A Bill was to be brought in by one hon. Member, and then they were told that the noble Lord was at work, and another Bill might be expected. This Bill manufactory appeared to be at work as vigorously as the chicken-hatching establishment in Leicester-square. He hoped the Committee would see an end of this wasteful and useless expenditure of public money.

Viscount PALMERSTON said, he would not say anything on the subject of remuneration, but with respect to the manner the Commissioners performed their duties he would offer a few remarks. The Committee were aware that the selection was left to the persons who moved for those Commissions. They chose lawyers because their character and ability best fitted them for the duty. These lawyers were circuit-going lawyers, and the Committee could hardly call upon them to forego their professional pursuits for the purpose of attending to the duties of a temporary Commission without giving remuneration. These lawyers had been required to pursue these inquiries without intermission, except where an adjournment was necessary in order to complete the requirements of the law of evidence; and as this was so, it was right the parties should be paid.

Mr. FITZSTEPHEN FRENCH said, that no allegation of corruption had been made against Irish constituencies. These expenses, therefore, and no part of them, could be charged to the account of Ireland. It was perfectly true that the Commissioners had been appointed by the Chairman of the Committee before which the case had been heard; but he would ask whether there was a single man prepared to say that the greatest injustice had not been done to individuals in the present Session by Election Committees? In six cases out of seven, he was convinced that their decisions ought to be reversed; for he could put his hand upon some where gentlemen had been unseated without the shadow of a cause. These cases could not, probably, now be remedied; but there ought to be some security against a repetition of such decisions, for really no man's seat was secure under such a system.

Lord JOHN RUSSELL said, he could not believe there was any justice in the accusation which the hon. Gentleman made against the Select Committees of that House appointed to try Election Petitions. They were appointed under an Act of Parliament—the Chairman, especially; were appointed by a selected number of Members; generally they were eminent for their experience; and many of them possessed great knowledge of the law. He believed they had conscientiously discharged their duties, and that the House had every reason to be satisfied with the conduct of their Committees. At all events, having made these Committees judicial bodies, it was not becoming in that House, without very grave proof indeed, to attempt to disparage their authority. As to the particular question put by the right hon. Gentleman (Mr. Walpole), he had only a few words to say. He must be well aware, although the hon. and gallant Member for Lincoln (Colonel Sibthorp) appeared not to be, that the Commissioners were appointed according to Act of Parliament, and upon the nomination of persons of various political opinions. He believed, too, that the gentlemen appointed had been persons of various political opinions, and that they had been chosen not from any particular political bias or from party objects. There was, he readily agreed, some danger that the expenses of the Commissioners might be excessive. It would therefore be the duty of the Home Office to watch the conduct of the Commissioners; and, if they found the mode of remuneration proposed likely to lead to abuse, to alter that mode, and to endeavour to incur no further charges than were absolutely necessary for the purpose, for it was certainly desirable to place a check upon expenditure as far as possible.

COLONEL SIBTHORP said, the noble Lord talked about Acts of Parliament as if he believed that Acts of Parliament had never done anything unjust. He believed they had very often; and, for one, he should be very sorry to have his property secured to him only by the justice to be found in Acts of Parliament.

MR. WALPOLE begged to explain that in his previous observations he had implied no doubt upon the impartiality or the honour of the Commissioners. He had simply called attention to the fact of there being a danger of the expenses becoming excessive, and suggested that they should be paid a certain fixed amount, instead of by a given sum per diem.

Vote *agreed to;* as was also—

(13.) 3,723*l.*, New Houses of Parliament Ventilation, Awards to Dr. Reid.

(14.) 28,000*l.*, Patent Law Amendment Act (Salaries).

MR. APSLEY PELLATT said, he hoped the Committee would call for an explanation of the various items in this Vote. The fees paid to the law officers of the Crown were stated at 12,000*l.* a year, while the expenses of the patent offices, where the business was really done, did not amount to more than 4,000*l.*

MR. J. WILSON said, the hon. Gentleman did not seem to be aware that the fees payable to the law officers had been reduced one-half since the passing of the Patent Law Amendment Act. They were now under the supervision of the Lord Chancellor and the Master of the Rolls, who were empowered to reduce them whenever they thought proper. It was fair to recollect that a very large amount of work and very great responsibility now attached to the law officers of the Crown in connexion with the patent business of the country. The rate before the Committee was really a nominal amount, and not a charge upon the country, inasmuch as it was much exceeded by the revenue derivable from the sale of patents.

MR. BRIGHT said, he wished to know whether the 12,000*l.* a year paid to the law officers of the Crown was based upon any calculation of their receipts in preceding years? There was a very general impression abroad that these Gentlemen were extravagantly paid for the services they rendered to the Government and the country. Sir John Jervis stated before the Committee on Official Salaries, that the emoluments of the Attorney General amounted to 10,000*l.*, and those of the Solicitor General to 7,000*l.* per annum. Now, as the law officers of the Crown carried on their own private professional business, in addition to their public duties, he did not suppose they could give their whole time to the Government, even for the large sum they received in the shape of fees. He had no doubt, moreover, that most of the business connected with patents was done, not by the Attorney or Solicitor General, but by subordinate officials.

MR. J. WILSON said, the 12,000*l.* included in the vote was founded upon a computation of what the fees would amount to according to the new scale of rates as fixed by the Lord Chancellor and the Master of the Rolls. The charge, owing to the reduction which had been made in the fees, was 5,000*l.* less than what it used to be.

The ATTORNEY GENERAL said, that, in considering this Vote, the Committee would bear in mind that the offices of Attorney and Solicitor General were devoid of salary, the only emoluments attached to them being the fees derived from patents. When it was thought desirable to alter the patent law, and to reduce the fees payable from patents, the law officers of the Crown at once placed themselves in the hands of the Lord Chancellor and the Master of the Rolls; but before the Amendment Act was passed they went out of office, and the new scale of fees was fixed, not during the time he had the honour to hold office, but while the late Government was in power. Since then two reductions had been made in the fees, owing to the increase of business under the Amendment Act, the first being a reduction of one-quarter, and the other of one-half of the scale formerly in use. At the same time a great change had taken place in another respect; for whereas under the old system the law officers of the Crown received the fees from patents in lieu of salary, for really doing nothing but signing their names, under the new law they had to perform a large amount of very responsible and arduous work, the result of which was a considerable accession to the public revenue. But the whole thing was in a state of transition, and it must not be supposed that the patent business would continue to increase as it did immediately after the passing of the Amendment Act. If it did continue, and if the fees of the law officers of the Crown should increase in the same proportion, and become larger than they fairly ought to be entitled to—they were in the hands of the Lord Chancellor and the Master of the Rolls, who were empowered to deal with them as they might think fit.

Mr. BRIGHT said, he hoped the Committee would adopt the recommendation of the Committee on Official Salaries, and resolve to remunerate the law officers of the Crown by a fixed salary out of the Consolidated Fund, instead of the present fluctuating and precarious system—precarious, he meant, as regarded the public—of payment by fees.

Vote *agreed to.*

(15.) 70,000*l.*, New Houses of Parliament.

Mr. HUME said, that before agreeing to this Vote, he would like to have an account of all the money which had already been expended upon the Houses of Parliament, and an estimate of what more would be required to complete the works. He thought the time had now arrived when that House should come to some determination as to what additional sum was to be expended. Upwards of two years ago he asked for an estimate of the work which then remained to be done, and was told that such an estimate could not be prepared. Five years ago he declared that as long as the present system continued—as long as Sir Charles Barry lived—the new Houses of Parliament would never be finished. He was convinced that there would be constant alterations going on, not for any beneficial purpose, but merely to please some middle-aged taste. Why, the very locks and bolts on the doors appeared as if they belonged to the age of Tubal Cain. They were proceeding, in short, in a very reckless way, and the affair altogether was most discreditable to the parties concerned.

Sir WILLIAM MOLESWORTH said, that the sums voted by Parliament since 1835, exclusive of the 70,000*l.* now asked for, amounted to 1,539,000*l.* He could not at present produce an estimate of what further sum would be required to complete the works, but would endeavour to procure one without unnecessary delay. He might state that, in future, the Votes would be founded upon an estimate of the works to be completed within the year for which they were required, and at the same time plans would be produced of the works to be done in each financial year.

Sir HENRY WILLOUGHBY said, the original estimate for the new Houses of Parliament was 700,000*l.*, while some time since, when he obtained some returns for which he had moved, the expenditure had reached nearly 1,500,000. In 1850 the question was, what sum would be requisite to finish those Houses of Parliament? Sir Charles Barry was examined on that point, and was pressed very much as to what would be the final outlay on those works. His answer was that it was impossible to say. Since that time an enormous sum had been expended upon them, irrespective of the present Vote. The truth, he believed, was, that the Government knew nothing whatever of the expenditure that was being incurred; and the question for the Committee now to consider was, how Parliament was to effect some control over it for the future? What they wanted to know was, in whom was vested the power of incurring all this expenditure? He firmly believed that the expenditure would be more than 2,000,000*l.* in the end, and he wanted to know from the Chief Commissioner of Works what check he imposed on the running up of future debts?

Sir WILLIAM MOLESWORTH said, he must explain that there had been a large amount of outstanding accounts for works which had not been measured and valued, and the Votes for the Houses of Parliament had hitherto been based on the probable amount of expenditure, and not upon the amount of works executed in the financial year. The Votes, therefore, had been less than the cost of the works which had been executed in the financial year. Similar errors, however, could not happen again, because the arrears of measurement had been got rid of, and in future the Votes for the Houses of Parliament would be based on an estimate of the expenditure in the financial year.

Mr. MACARTNEY said it would be in the highest degree desirable to obtain from Sir Charles Barry an account of the total sum required to carry out his fancies in connexion with the Houses of Parliament, and to divide that sum over a certain number of years. Unless they could bring Sir Charles Barry to make some statement of that kind, he (Mr. Macartney) could see no end to the expenditure. He also should like to know the amount of the existing contracts in the hands of Messrs. Grissell and Peto, Mr. Jay, and others. Again, the lighting of the House was a matter to which he wished to refer. In the course of a debate the other night he had the curiosity to go up to the top of the building to inspect the mode of lighting now in use, and perhaps hon. Members would scarcely believe that the atmosphere between the roof of the building and the transparent ceiling ranged from 132 to 140 degrees; and two individuals were obliged to live in that atmosphere constantly, whilst the House was sitting at night, to see that the building was not set on fire. If anything, should occur to prevent the *surveillance* of those two persons, at any moment of time the whole fabric might be destroyed by fire.

LORD SEYMOUR said, it was satisfactory to hear from the right hon. Baronet (Sir W. Molesworth) that there were hereafter to be no unmeasured works to pay for, that there were no balances left, and no liabilities for the future. The Committee would in future have an estimate laid before it of what was to be done, and would thus have it in its power to question such expenditure before it was incurred. There was one point which remained for consideration, and that was—the remuneration of the architect. He wished to know if anything had been done by the Government to settle the amount of that remuneration.

The CHANCELLOR OF THE EXCHEQUER said, the question of the remuneration of the architect was brought before him during the month of May, and it had been quite impossible for him in the state of legislation in that House to undertake the settlement of that question; but he agreed with his noble Friend that a much longer time had elapsed than was desirable with respect to the matter, and he hoped to be able to proceed with it immediately after the termination of the Session. He confessed he sympathised with many of the complaints made with regard to the expenditure for those Houses; but his right hon. Friend (Sir W. Molesworth) had made every exertion that man could make to bring this difficult and complicated matter into a satisfactory state; and he could assure the Committee that the Government would use their best endeavours in the course of the recess to procure a *bonâ fide* reliable estimate of the entire expense of the works remaining to be executed.

MR. BOWYER said, he had great fault to find with the lighting and ventilation of the House. He was sure any hon. Member who had come into the House just before the morning sitting, when it was empty, must have felt that the place was like a vault; and the reason was that the free air of heaven never blew through it. His notion of ventilating the House was, that the windows, which were ornamented with those strange beasts—he did not know for what reason—should be made to open, so as to admit the air to blow thoroughly through the House. If that were so, there would not be, as now, a residium of foul air in the chamber in which they sat. The windows might be handsome enough as specimens of medieval art; but no one would pretend that, with those beasts daubed over them, they admitted light; and they certainly did not admit air, because they did not open. So far as ventilation was concerned, they had better close them up together, both to the light and the air, and use gaslight all the year round.

MR. BRIGHT said, that the Committee would feel some satisfaction at what had fallen from the Chancellor of the Exchequer respecting this huge job. His (Mr. Bright's) objection to the architect of that House was, that he always overlooked the question of expense, and while earning a name for himself, he was destroying their credit as guardians of the national finances. He hoped that the right hon. Gentleman would see to the preparation of a plan as well as of estimates, and that Sir Charles Barry should not be allowed to go beyond it.

LORD CLAUD HAMILTON said, that even in the chamber in which they were then sitting there was not an existing arrangement that formed part of the original plan. Everything had been changed and altered, and he believed that the cost of the alterations could not be less than 15,000*l*. [An Hon. MEMBER: And a great deal more than that.] Very likely so; and that was the thing he wished to have explained. Would the right hon. Gentleman, therefore, lay before the House an estimate of the expenses which had been incurred in this chamber alone, for the alterations which had been rendered imperatively necessary by the extreme want of foresight of the persons who made the original plan? In asking this question, it was only due to the right hon. Gentleman to say, that if all his predecessors at the Board of Works had shown the same zeal and determination that he had done in checking such expenses, a question like this would have been altogether superfluous.

Sir WILLIAM MOLESWORTH believed it was impossible to furnish an estimate of the sort.

Mr. SPOONER said, he would appeal to hon. Gentlemen to say whether it was possible to have a worse ventilated building than that in which they were then assembled. He had been informed by Mr. Goldsworthy Gurney that by the expenditure of a very few hundreds of pounds he could make the ventilation of that House as complete as the one in which they formerly sat, and no one could desire a better ventilated room than that was. He wished to know if Mr. Gurney's opinion had been taken upon the subject?

Mr. HUME said, on a former occasion a Committee was appointed to attend to the ventilation and lighting of the House, and upon it were Mr. Locke, Mr. Stephenson, and other Gentlemen. He understood, however, that that Committee had never yet been consulted. He wished to know, therefore, now that Dr. Reid was dismissed, who had charge of the ventilation of the House?

Sir WILLIAM MOLESWORTH said, that the recent alteration in the lighting of the House had been effected under the direction of Mr. Gurney, after consultation with Mr. Stephenson and Mr. Locke, and that nothing had been done in that respect without the approval of those Gentlemen.

Mr. E. BALL said, that he had lately visited the lower regions, for the purpose of seeing how the ventilation of the House was managed, and he had found a large fan there worked by two steam engines, which pumped up the air through the floor. The exhalations from the river hung in a cloud about the towers of the House, and he believed that these were brought down with the soot and smoke into the House by the working of the fan, which occasioned a vacuum.

Mr. BOWYER wished to know whether the Chief Commissioner of Works was prepared to open the windows; and if he was not, he should wish to ask Mr. Speaker whether hon. Members would be guilty of any breach of the rules if they broke the windows, and destroyed the extraordinary beasts which disfigured them and astonished naturalists?

Mr. MALINS said, he believed from his own experience that a better ventilated or more comfortable room than that House could not be found anywhere.

Mr. BERNAL OSBORNE said, he conceived that no subject could be more interesting than the present, inasmuch as it concerned the health and the comfort of those who, night after night, were obliged to sit in the same impure atmosphere. The Chief Commissioner of Works must have been mistaken when he said that nothing had been done without consulting the Lighting Committee, because Members of the Committee had informed him (Mr. Osborne) that thirty-four lights had been placed behind the back benches contrary to their opinion, and without consulting the Committee. It was impossible that those lights should not greatly alter the ventilation. The hon. Member for Honiton (Mr. Locke) had also told him that the intensity of the lights, and the extreme heat they produced, would absolutely char the roof of the House in a very short period. He (Mr. Osborne) was convinced that unless the ventilation and lighting of the House were put upon a better footing, the lives of many valuable Members would be sacrificed.

Sir WILLIAM MOLESWORTH said, that the lights below the gallery had been placed there at the express wish of Mr. Speaker, who could not see hon. Members on the back benches when they required to be called to order, which, he regretted to say was the case occasionally.

Vote *agreed to.*

House resumed.

PUBLIC WORKS ACTS AMENDMENT (IRELAND) BILL.

Order for Committee read.

Mr. I. BUTT moved that the Bill should be divided into two parts, so that the clauses which enabled grand juries in Ireland to borrow money from private sources should form a separate measure. He could offer no opposition to such a measure; but he objected to those portions of the Bill which would give the Commissioners of Works a power of imposing on the grand juries in Ireland the cost of maintaining all the piers along the coast of that country. These clauses of the Bill were of a most important character; they imposed upon the counties an amount of taxation perfectly indefinite, and to which it was most unjust to subject them. It made the maritime counties liable to the cost of maintaining the piers that had been or existed at any time round the coast of Ireland, without any aid from public money, in any case in which the Board of Works might think fit to put upon them that liability. He would, in a few words, satisfy those Irish Members who had censured him for stopping the progress of the Bill the other night, that this measure was not the boon to Ireland they had described it; he would satisfy the Secretary for Ireland that he (Sir J. Young) was perfectly incorrect in saying that this Bill imposed no new liability upon counties. [Sir J. YOUNG: Not the least.] He would prove that it did put upon the overburdened ratepayers of the maritime counties a weight of taxation that was most unjust. The denial of the right hon. Gentleman made it necessary that he should explain to the House how the matter now stood. Previous to 1831, grants had been made from time to time in aid of small piers and harbours round the Irish coast; a very considerable number had been erected, either wholly or in part, with public money, but no provision was made for their maintenance. In 1831, an Act was passed appointing the Commissioners of Public Works, and authorising them to distribute a large sum in aid of public works, among others of these small piers; they were erected for local purposes after, at the instance of individual proprietors—sometimes wisely, very often unwisely, but without any check on the part of the ratepayers upon that expenditure, and without any liability resulting from it. Under such circumstances, a larger number of piers were built. In 1846 a further grant was authorised, and the Board of Works were then empowered to lend money upon the security of the counties, if the works were of general utility, upon the security of districts, when it was of local advantage, or —he entreated the attention of the House to this—upon the security of individual proprietors, where it was only a personal benefit. Well, this Bill proposed to vest all these piers, no matter how constructed, or where—no matter whether built at the expense of the county, the district, or the proprietors—all were vested in the county. Why, a property in a pier meant nothing more or less than the obligation to keep it in repair. This was the obligation the Bill cast upon the maritime counties of Ireland; it did not leave it to influence. It expressly enacted, that the counties must keep them in repair; and if they did not, the Board of Works were to do it for them, and charge the expense upon the county rates. The counties had no such liability now. In 1847 an Act was passed, giving the Board of Works a power of determining which of the piers so erected should be considered public piers, and of obliging the counties to maintain them. This was arbitrary enough, but the power was guarded by some checks. They were obliged to give notice of their intention to declare any pier a public one. They were to receive the objections of any party, and they were to determine whether the pier was properly a public one—to be supported by the county. The Commissioners had exercised this power; they had in execution of that Act selected the piers which were to be considered as public works. Notices had been published in the *Dublin Gazette* of the 16th of February, 1849, declaring fifty-four piers to be public works, the maintenance of which was chargeable upon the counties, and for the maintenance of these piers alone the counties were now responsible. Then there was an adjudication upon the question what piers ought to be supported as county works. All others were left in their former state. He (Mr. Butt) by no means admitted that even that charge was properly placed upon the counties; but to this, rightly or wrongly, they were now liable by law. But this Bill enabled the Board of Public Works, not, as in the former Act, upon consideration of the character of the work—not after notice and opportunity of objection, to place on the counties the burden of maintaining every pier of every kind to which public money had ever been granted—and this on the faith of the decision, after investigation, that only fifty-four should be so charged. He did not know the number that remained, but he believed there were hundreds; and it was perfectly certain that in every case in which a storm swept away the works of one of those piers, there would be no one to repair it. The Board of Works would instantly vest it in the county, and oblige the ratepayers to be at the cost of repairing it. Then he (Mr. Butt) was told there was a boon to the counties. "See, (said a friend near him, the other night) what you are doing, you are stopping a Bill that is actually vesting in the counties property that has cost hundreds of thousands." He (Mr. Butt) would be glad to know whether any Gentleman in the House would feel very grateful if to-morrow morning he found that the Legislature had bestowed upon him a magnificent estate by vesting in him the property in Westminster Bridge, with the obligation that he must leave it free to the public, and the burden of maintaining, and if necessary rebuilding, it out of his own private purse. This was just the magnificent gift they made to the Irish maritime counties. He (Mr. Butt) was bound to bear testimony to the willingness with which the right hon. Gentleman listened to suggestions, and his desire to do right; but he (Mr. Butt) asked him, why should he tack these provisions in one Bill? He believed him perfectly incapable of saying to the gentry of Ireland, "There is a measure which you wish for, which it is right and proper to pass; but you shall not have it, unless you will agree to enact at the same time another and a wholly distinct measure of a most objectionable character." Upon what other principle could he refuse to separate the two portions of this Bill, and allow the first part, to which no one objected, to pass without discussion? He (Mr. Butt) was very far from thinking that some legislation was not desirable to provide for the maintenance of these small piers. If the right hon. Baronet were content to limit the operation of the Bill to the fifty-four piers which, under the existing law, the counties were liable to maintain, then, although he was by no means satisfied that the proposed arrangement was the best, he would not offer any further obstruction to the measure. If it were not so limited, but gave powers to the Board of Works indefinitely to tax the maritime counties of Ireland, he would press his Motion to a division; and if that were rejected, would offer the most strenuous opposition to the further progress of this Bill.

Motion made, and Question proposed, "That it be an Instruction to the Committee on the Bill, that they have power to divide the Bill into two Bills."

Sir JOHN YOUNG said, he was ready to accede to the suggestion of the hon. and learned Gentleman, and to limit the operation of the measure to the fifty-four piers in question. It was not the intention of the Bill to impose any new burden upon the counties. He admitted that, as the Bill was rendered at present, it would have the effect of empowering the Board of Works, if they thought fit, to place the cost of maintaining all piers upon the county rates. But this was not the object of its introduction; and if the Bill went into Committee, he would alter the clause so as to prevent the counties from being held to anything to which they were not liable under the existing law.

Mr. KEOGH said, that he must admit that the hon. Member for Youghal had fairly stated what would be the effect of the Bill, if it passed in its present shape. But it would be very easy to alter it in Committee, so as to limit it to what was its real object, the making better arrangements for the maintenance of the piers which the counties were at present liable to repair.

Motion, by leave, *withdrawn.*

Bill considered in Committee.

House resumed.

The House adjourned at a quarter after Three o'clock.

HOUSE OF LORDS,

Friday, August 5, 1853.

Minutes.] Public Bills.—1ª South Sea Company's Arrangement and Trusts; Insurance on Lives; Poor Relief Act Continuance; Liberated Africans (Sierra Leone).

2ª Government of India; Thames Embankment; Registrar of the Privy Council; Crime and Outrage (Ireland).

3ª Entry of Seamen; Turnpike Acts Continuance, &c.

COMBINATION OF WORKMEN BILL.

Order of the Day for the Second Reading read.

Lord KINNAIRD, in moving the Second Reading of this Bill, said, no one more strongly deprecated than he did the system of strikes, or was more convinced of the injurious effects thereby produced on the trade and commerce of the country. Certain enactments had been found necessary to control those who combined together for the purpose of striking and raising their wages; he thought, however, that care would be equally necessary to prevent employers being placed in a more advantageous position than their workmen, so as to be able to combine and reduce wages. Petitions most numerously signed by the working classes had been presented; and he did not deny that some of the petitioners believed that the Bill would give them greater powers of combining and forcing their employers, by strikes, to raise their wages; but he was authorised distinctly to state on the part of the promoters of the

Bill, that their object was not in any way to alter the present common or statutory law against those offences as the law at present stood. All they asked was, and he thought it only reasonable, that the terms of the Act should be clearly defined. Different constructions had been put upon the words "molestation" and "obstruction" by different legal authorities, and it was to set that question at rest that this Bill had been sent up from the other House of Parliament. Considering the great anxiety which prevailed among the working classes upon this subject, and considering their admirable conduct during the past year, he trusted their Lordships would give the Bill their fullest consideration, to see whether they could not clearly define what was the meaning of previous Acts of Parliament without altering the present state of the law.

Moved—"That the Bill be now read 2ª."

LORD TRURO said, that this Bill professed to be called for in consequence of a difference of opinion on the part of the Judges as to the construction of the present Act: but he was unable, after the strictest inquiries, to discover that any such difference of opinion had ever existed. Two of Her Majesty's Judges had given consistent opinions in two cases where the facts were totally different; and the mistake was to suppose those opinions were expressed on the same state of facts, and were applicable to the same point, and, therefore, that they clashed with one another. There was, therefore, no call for the present Bill. The law as it now stood, made liable to prosecution for conspiracy persons who should be guilty of coercion, molestation, or obstruction of workmen in reference to the rate of wages, or the hours of labour: and the present measure was to declare that the "peaceable persuasion of workmen by others should not be held to be such molestation or obstruction. There was a distinction attempted to be drawn between "peaceable persuasion" and coercion and molestation. But he put it to their Lordships whether, in the event of a number of men waiting upon another man day by day, walking with him to his work in the morning and home from his work in the evening, and besetting him at all times when it was possible to do so, for the purposing of "peaceably persuading" him to follow any particular course, that might not in reality amount to molestation or obstruction; and whether, under such words as were here used, the greatest amount of force and coercion might not be employed? The law at present prevented the seducing away workmen in another person's employment, and he wanted to know for what reason the law was to be altered? They ought not to wish to hold out to the working classes false expectations that they were willing to grant that which was clearly at present not in the power of any one to grant. If the Bill went into Committee they might be asked by some words or other to declare, that when men in employment were not parties to any association, it should be competent for those who were associated together to invite, which was another word for seduce, those workmen to quit their master's service. He was convinced that "peaceful persuasion" would amount to coercion, and that the Bill would relieve workmen from the maxim of common law, that no man should do anything to the injury of others. If nothing but peaceable persuasion was intended, it was legal to employ it now, and the Bill was unnecessary. If, on the other hand, it was meant, under cover of the words "peaceable persuasion," to give legality to acts which were at present illegal, the Bill was one which their Lordships ought not to pass. He considered they could not grant the powers proposed without injustice and injury to others; not only to the employers of labour, but the general public, and he should therefore feel it his duty strongly to oppose the Bill.

The LORD CHANCELLOR agreed with his noble and learned Friend that the Bill was calculated to do more harm than good, even to the parties for whose supposed advantage it was proposed—for it would tend to mislead them. He believed it was intended to set at rest a supposed difference of opinion between the Court of Queen's Bench and himself, in a case which he had decided about six years ago at Liverpool. But he had never been able to ascertain what that difference of opinion was. Some expressions might have been dropped that did not seem to harmonise with one another, but there was no substantial difference. He could not understand that any doubt existed on the point that it was not illegal for workmen to attend meetings of their fellow-workmen. It was not illegal at present to use "peaceable persuasion;" but for a body of men to combine together to ask another to join with them was not "peaceable persuasion," and it was difficult to say that there could be any "peaceable persuasion" without some kind of molestation. In consequence of several communications which he had received on the subject, he had drawn up some alterations in order to make the Bill less objectionable if it should go into Committee; but he would suggest to his noble Friend that it would be infinitely better for the persons whose cause he had espoused, and whom it was certainly desirable to consult upon such questions as this, in order that any real grievances they had might be redressed, that the Bill should be withdrawn. It would do worse than nothing, for, doing nothing in reality, it would appear to do a great deal, and would lead the persons it was intended to benefit into errors of which they would deeply regret the consequences.

The Earl of HARDWICKE looked on the Bill with the greatest alarm. The result of it would be a combination of all workmen, who would misunderstand its effect, and then the masters would have nothing left but to protect themselves by likewise combining. Its title seemed to offer a notice to the public that combination was to be the order of the day—at a time, too, when circumstances showed the Bill to be altogether unnecessary, for they every day saw continual strikes taking place for all sorts of purposes, and the law did not in any way interfere with those strikes. They had even seen Parliament itself obliged to concede largely to those who had combined for one of those strikes. "Peaceable persuasion" might be of such a description that large bodies of men might assemble for the purpose. He had no hesitation in rejecting the Bill, from an entire conviction that it would militate against the best interests of the people it was desired to serve.

Lord KINNAIRD said, he was willing in Committee, to omit the words "peaceable persuasion," It had been held to be illegal, and as an obstruction to trade, if workpeople in a body quitted their employment; and they were liable to fines and penalties. This was hard upon the workmen, seeing that their employers might combine, as had been decided by magistrates and justices. He admitted that the present was rather an unfortunate moment to bring such a subject under the consideration of Parliament. No one could more lament the existing strikes than he did, for he believed they operated most injuriously upon trade, and would ultimately affect injuriously the interests of the working classes themselves. But seeing the feeling of the House, though he knew it would disappoint the feelings of the working classes, he should withdraw the Bill, though he had promised to take a division upon the second reading.

Lord TRURO said, that the law would reach combinations of masters equally with those of workmen.

Bill (by leave of the House) *withdrawn.*

GOVERNMENT OF INDIA BILL.

Order of the Day for the Second Reading read.

Earl GRANVILLE: I never, my Lords, have had occasion to make any important statement to this House without feeling it necessary to appeal to the indulgence of your Lordships; and I must gratefully acknowledge that, whenever I have done so, the indulgence I claimed has been extended to me in a remarkable degree, and I do not despair of obtaining it during the observations which it is my duty to address to your Lordships in introducing the present measure. At the same time, I feel, my Lords, that the difficulty I labour under now is not that which might have been my lot if I had for the first time to explain the provisions of a Bill of this important nature, or if I felt, comparing my statement with the object of the measure and the weight of argument necessary in such a cause, any superior degree of responsibility resting upon myself. My difficulty is quite of another description. I feel I am speaking to a House which contains among its Members, with regard to the particular question we are about to discuss to-night, individuals as well acquainted with it, in all respects, as any persons in this kingdom. There are noble Lords in this House who have executed ably the duties of the high office of President of the Board of Control; there are others who have held the very high and important office of Governor of Presidencies in India; there are now in this House the two noble Lords who have been Governors General of India, besides some distinguished Members of your Lordships' House who have gained so much glory for themselves and so much renown for their country by their distinguished services in the battle-fields of India. In the presence of individuals so well acquainted with India, I may well feel my own imperfections; but, looking at what has already passed in your Lordships' House this year on this subject, I think I shall receive some indulgence for sparing your Lordships as much as possible. I find that on the average there has been a discussion on Indian affairs on one day out of every five in which your

Lordships have sat since February last. The noble Earl opposite (the Earl of Ellenborough), who is so well acquainted with the interests of India and its administration, having been both President of the Board of Control and Governor General of India, has addressed your Lordships upon different points connected with India sixteen times. Those of your Lordships who have listened to the noble Earl's speeches must be conscious of the ability with which, in each of those speeches, he either brought new matter under the consideration of the House, or represented old matter in a new and different light. There is also a noble Earl, a Friend of mine, now sitting upon the cross benches (the Earl of Albermarle) who has addressed your Lordships on Indian subjects, and who, though he has not spoken quite so often as the noble Earl opposite, has shown great information, and also great good humour in consulting the wishes of your Lordships. He has also spoken, I must say, with some authority; neither must I withhold from the noble Earl the praise due to his impartiality—for, on looking over his speeches, I find that on two occasions when he addressed your Lordships he took precisely opposite views of the same question. I observe also, from the other discussions which have taken place, that your Lordships are generally aware of the provisions of this Bill:—I may state, indeed, that the great majority of your Lordships know, not only the main provisions of the Bill, but the arguments used both for and against them, quite as well as I know them myself:—because not only has the general subject been frequently discussed in your Lordships' House, and the principles of the measure been examined into, but clause after clause in details has been, with considerable advantage, debated, the Bill having been present to the imagination of the House; and, indeed, I myself was designated by a noble Lord on the cross benches as the noble Lord who had charge of it four or five weeks before my right hon. Friend the President of the Board of Control asked me to take charge of the measure.

But, my Lords, while I anxiously wish on these accounts to avoid being tedious to your Lordships, I feel it would not be respectful to the House nor to those Members of it who have not chosen to anticipate what is taking place, if I did not as briefly and concisely as I can state the nature of the principal provisions of the Bill, and advert to some of the leading arguments which have induced Her Majesty's Government to propose the measure for your Lordships' adoption. But before proceeding to that task, I may be allowed perhaps to say a word or two with regard to one point, to which considerable importance was attached some time ago, but which has not now the interest that it then had. I mean the question of delay. This is a question upon which I have spoken already. I then attempted to show your Lordships that Her Majesty's Government, in not acceding to the arguments urged for delay, were not actuated by any feelings of personal or political convenience whatever; that they felt the course they were taking was most consistent with their official duty; and that delay could not be productive of benefit to India. In the course of the discussion on this subject, an allusion was made to the opinions of the present Governor General, my noble Friend Lord Dalhousie; and two noble Lords commented upon the use I then made of his opinions. I frankly admit that they were right in stating it was irregular upon my part, or upon the part of any Member of Her Majesty's Government, to advert to documents not before the House: but I apprehend that whatever reasons weighed with the Governor General in giving us his opinion in favour of immediate legislation—whether he had formed an exaggerated or a just estimate of the dangers of delay—your Lordships will feel that those dangers would be doubled and quadrupled if now, after Her Majesty's Ministers have brought in a Bill and brought it up to your Lordships' House after it has received the assent of large majorities of the other House, any proposition for further delay should be acceded to. I think, therefore, that no objection is likely again to be raised upon that point; but, in regard to the allusion to Lord Dalhousie's opinion, I think, in our own justification, I may be allowed to add that, however irregular that course may have been, and however open to objection on the part of those who oppose the Bill, we should have been wanting in candour both to your Lordships and the public, if, after having received a spontaneous and strong opinion from Lord Dalhousie upon this subject, mixed up unfortunately with other matters not proper to be laid before Parliament, we had entirely abstained from any reference to it.

My Lords, one of the principal provisions of this Bill, and one which has excited the greatest attention of the public, though I do not think the most important, is contained in the first three lines of the enacting part of the Bill. It is there provided that—"Until Parliament shall otherwise provide, all the territories now in the possession and under the Government of the East India Company shall continue under such Government in trust for Her Majesty." It is here proposed to revest the Government of India in the East India Company. I will not go into the injurious arguments which have been used in reference to this part of the Bill. On the one hand it has been argued that the present Government could hardly be objected to as a double Government; and upon the other, that the plan proposed for the future government of India might be fairly defended as a double Government. Your Lordships know what the constitution of the East India Company, under the Act of 1833, is. You know how from a simple trading company the East India Company became sovereigns of enormous possessions and of vast powers in the East; how at different times they have been stripped of their commercial privileges, and their political power diminished, until now they have only that sort of power which a body of able and experienced men, assisted by able servants, must and will have in all matters of Government. You know that they are now subject to the superintending power of the Crown, exercised by the President of the Board of Control. It is proposed, my Lords, to retain that mode of government; and the objections that I have heard to it are chiefly these—first, that there has been maladministration in India by the Company; next, that the machinery is cumbrous; and, lastly, that the system leads to delay and obstruction in the discharge of public business.

The last time I had the honour of addressing your Lordships upon this subject, I endeavoured to show that, with regard to the charge of maladministration, it would be easy for any person who so desired to bring forward a plausible case upon any or all of these heads against any Government whatever, even that very constitution of which we are so proud. I certainly do not mean to go over the same ground again; but I think your Lordships may be too apt to overlook, when criticising the acts of the Government of India, the great difficulties which from the beginning have had to be encountered since that country came into the possession of the Company. I must, on this subject, allude to the administration of justice. It is charged, with regard to the judicial service, that justice is not well administered in India. I will not go back to any historical reference to the alleged maladministration of justice or to the cruelties exercised under the Government of the Mogul, or under the rule of the Mahrattas; but your Lordships will perhaps allow me to read a few extracts on this point from a pamphlet I received two or three days ago, written by a person whom I do not know, but who I see is one of that distinguished *corps*, the *corps* of engineers in the service of the East India Company. After alluding to the punishments inflicted by the Peishwahs, by imprisonment in iron cages, he says that when in attendance upon Mountstuart Elphinstone and Mr. Dunlop, he was shown the point whence criminals or obnoxious persons were precipitated or commanded to throw themselves. The guide, he adds, had witnessed two such cases not many years before. Then he gives the experience of a brother officer, and says—

> "The late Captain Waite, adjutant to the 9th regiment Native Infantry, was on his march in 1814 through the Northern *Konkun*, when, on the roadside near Vizrabhaee, he perceived a poor wretch writhing in agony, his two legs literally chopped off above the knee by some coarse weapon, and the reeking stumps immersed into hot dammer (melted pitch) to stop the hæmorrhage."

He adds—

> "Many such cases of amputated limbs and mutilated noses, especially of poor females, came under my own notice and commiseration."

Further on he says—

> "To describe another cruel punishment. When I was Baroda, in 1816, a Koolee or Bheel, armed with a sharp sword, had stealthily crept by night into Major Nixon's tent. On perceiving him, by the dim light which penetrated through the rent of the canvass, Major Nixon sprang forward to grapple with and seize him; but, in doing so, tripped over the ropes of his tent, when the Bheel turned sharp round and cut off his left arm, making his escape with all speed. It was some days before the offence was detected and convicted by the evident blood marks on his sword. The Guicowar (the sovereign ruler of Baroda) sentenced this criminal to be dragged to death at the foot of an elephant. No entreaty from Major Nixon, nor appeals from other British gentlemen and ladies, could avail to alter the mode of punishment. He was tied with one arm tightly to the elephant's foot, and about noon-day was dragged through the streets of the city in the presence of numberless Natives. For a short while the poor wretch extended the other hand forward, and, by dint of dexterous effort and fearful despair, maintained himself up; but the slow, measured, mighty tread of the elephant, who seemed, as they related to me, almost conscious of his dreadful office, and the sweltering heat of the sun, soon got the mastery over him; and his flesh was seen trailing along, torn absolutely from his body to the very

> spine, from the shoulders downward to the lower extremity of the trunk, and draggling for a brief while, besmeared with gore and dust, till the shock to the nervous system was too great, and death concluded this execrable judiciary punishment."

The writer goes on to relate similar cases, including that of impaling men alive—but I will not trouble your Lordships with any further extracts of this sort. Whilst reading these passages, I trust your Lordships will not think that I claim any merit whatever for a Christian Government in abstaining from the frightful cruelties practised under the government of Native Princes. I refer to them to show that neither the Hindoo nor the Mahometan have any notion of the administration of justice as we understand it; that they have no idea of it but that communication by absolute authority and the maintenance of religious rites; and I ask your Lordships to consider the effects produced upon the mind of the population with which the East India Company had to deal, when they sought to introduce what appeared to them to be true notions of justice in India; and I also ask you to consider the difficulties they had to encounter, in the early periods of their rule, in India, when they desired to establish courts, and to extend the application of English laws—encumbered by numerous technicalities—from ignorance of the customs, languages, creeds, and relations of the people. When all this is considered, I think it will be admitted that as much has been done to improve the administration of justice as it was possible to do. Such are some of the points to be taken into account when we are talking about the alleged maladministration of justice in India. That improvements may be made, I do not attempt for a moment to deny. There are some that will be mentioned in the course of the discussions on this Bill, when we come to the clauses which give power for effecting them; and there are others which do not require legislative enactment, as they can be put into force by regulations made by the Government in India. I think, then, in considering all these cases, the peculiar circumstances of the Company ought to be remembered. Your Lordships must remember that the Company having made certain arrangements with the Native Powers when the different provinces first came under their charge, naturally found great difficulty in afterwards reforming abuses; but the characteristic of their government cannot be considered as bad, for they have profited in all cases by experience; while in all the provinces which have recently come under their rule the judicial system has certainly been greatly simplified, and justice has been administered in a way that leaves little fault to be found. It is much the same with regard to the prosperity, the wants, and the condition of the people. Statements have been brought forward to show the misery of the Natives of India in certain circumstances; but I think all the evidence shows that even in those parts of India to which these statements in some degree apply, they are exaggerated, and that in parts of India there is great opulence among the Natives, and the condition of the peasants is not at all such as has been described. It was given in evidence before the Committee of the House of Commons, by some most respectable witnesses, that in some parts of the possessions of the East India Company—the North-Western Provinces, for instance—the state of the peasantry is equal to that of the most favoured peasantry in the world; hardly exceeded by any, except, perhaps, the peasantry of the United Kingdon, or of the Australian colonies. I can hardly mention the colonies, without pointing out some of the great differences between our Australian and our Indian possessions. In the colonies the settlers have carried out with them capital, and they find a fertile country, rich with mineral and other produce. Their capital accumulates, and they invite their relations and friends in the mother country to join them. Those relations and friends probably add something to the stock of capital, which is generally laid out in the colony in forming establishments, building houses, and other ways. Capital thus rapidly accumulates, generally remains in the colony itself, and is spent in improvements, in buildings, in parks or gardens. But the exact reverse of all this takes place in India. I do not believe in the accusation that this is owing to the state of the laws. It is owing to well-ascertained facts. I do not say in the way of blame that the fault is that you have no colonisation in India; it is idle to contend that it can be otherwise, when the climate obviously prevents English people from residing permanently in that country, and deters them from bringing up their children there. The English people in India are there as merchants or as civil or military servants to the Company, and the fortunes they accumulate do not go to enrich the country where they are obtained, but are brought home to be expended and enjoyed in England. In respect to trade, too, there are important differences between the condition of India and that of our Australian colonies. The trade between England and those colonies is profitable to both. Advocate as I am to the fullest extent of the advantages of free trade, I must say that some of its best principles seem hardly applicable to the condition of India. You have injured the Native industry by most iniquitous legislation, passed by Parliament in this country, and you have completed that injury by subjecting the Native industry to open competition. I do not complain of competition in a country like our own, where, if a manufacture be established for which there are no natural advantages in the country, the misapplied labour and capital, though there may be in the first instance some disadvantage arising from competition, will in a short time be turned into a better and more profitable channel. In India this is not the case, and though ultimately matters may be set right, yet in consequence of the absurd prejudices, springing from caste and the habits of the people, if you once deprive the people of one of their accustomed employments, whether it be of making salt or in manufacturing cotton goods, they are unable immediately to turn to other employments or manufactures. With regard to the taxation of India again, there are great difficulties, which can hardly be understood in a country like this. We found the land tax established by Native rulers. I might quote Sir James Stephen on this subject, who has, in his *History*, demonstrated the advantages of a land tax levied as it is there. You have had it applied to different districts by some of the most able servants of the Company, and the system has been highly approved by some of the greatest statesmen in this country; yet there is no doubt that the existing settlements have been productive of great hardship to the Natives, and it is only lately that the East India Company, profiting by the example set before them elsewhere, have made settlements in the North-Western Provinces, which have been received with general approbation. Then it may be said, "Why not apply this system to the other provinces? It is impossible; you must remember, that in other districts you have created vested rights, established customs, and encouraged interests which prevent it; and it would require a very long time indeed before changes could be made successfully. As to public works, I went the other day so fully into this question that I feel reluctant to trouble your Lordships by any details now on this subject; but I think it impossible for any one who has heard the evidence on this subject, or who has read the official papers laid before Parliament, to deny that there has been really great neglect in pushing forward public works which would be advantageous to India. We have gone on too much in the system of the ancient rulers and upon antiquated modes. But we are doing better now; and I will read you a brief abstract of what has been done. With regard to roads, there are districts in the South with 700 miles of excellent roads, traversed night and day by carts and carriages. The district of Cawnpore is intersected by 500 miles of good road, which are always kept in repair. The great trunk road from Calcutta to Kurnaul, which will be completed to Peshawur, which extends 1,430 miles, and upon which more than a million sterling has been expended. This road is smooth as a bowling-green, bridged throughout, with the exception of the Soane, and is protected by a police, so as to make life and property perfectly secure. The Ganges Canal traverses with its branches more than 800 miles; will irrigate five millions and a half of acres. The Canal of the Punjab is 450 miles in length. I do not bring these forward so much to prove that everything that could be done has been done, as a proof of the exaggeration of those who state that nothing has been done; to show that, to some extent at least, public works have been carried on in India, though, owing to the enormous extent of the country, they have been comparatively small. I think there appears in evidence some satisfactory account with respect to the cheapness with which public works are executed in India, which ought to act as a stimulus to their further development; but when it is stated that only a certain sum was expended in India last year upon public works, we must bear in mind not to estimate the improvement effected by the rule which would apply to this country; for it must not be forgotten that that sum in India represents five times the amount in this country. With respect to railways, I am happy to say that orders have been sent out which will promote the almost immediate construction of the great line from Calcutta to Delhi; and similar orders have been given with regard to the construction of the railway between Madras and the Western coast. With regard to the other line, from Bombay, difficulties have occurred which will render further information necessary before a final decision can be taken with regard to it. As to the judicial service, to which I have already referred, the case is almost disposed of by the fact that by far the largest number of suits are decided by Native Judges. Only seven per cent of the whole are decided by English Judges; not more than 1 per cent of original suits are decided by English Judges, all the rest being disposed of by Natives. With regard to other departments, I am free to confess that the intentions of the Legislature have not been carried out. Native services have not hitherto been employed to the extent I could wish. I, for one, speaking individually, have never felt the slightest alarm at Natives, well qualified and fitted for public employments, being employed in any branch of the public service in India; but I am also clearly of opinion that it would be undesirable, for the sake of the Government itself, and also for the sake of the Natives, that any man unfitted for such situations should be unfortunately appointed to high posts. By the provisions of this Bill, an opening is now made for the entry of Natives into the covenanted service. The most timid persons cannot be alarmed at this, when they consider that the Natives who wish to compete for this service, will have to come to this country for their education, and that in residing here they will contract sympathy which will bind them to their European fellow-subjects, and will render them more alive to our feelings and opinions than the most enlightened Natives in India can possibly be. At the same time, it will give them a great advantage. Having fitted themselves for high appointments, they will have fought their way up by their own merits without depending on favour. With regard to education, as that subject has been mentioned on former occasions, when it was said that enough had not been done by the Company, I should be sorry to pass it over. Still, I do not like to go into statistics on the present occasion to show that much has been done by the Government, by the Natives themselves, and by the Missionary Societies; and I am happy to acknowledge this, though it does not come strictly within the provisions of the Bill. I can only add, that there is a general concurrence, not only in England, but in India, that education must be extended, while there is every disposition to promote the best means of furthering it.

Earl Granville

I have thus, my Lords, gone over some points to show what, in the opinion of the Government, are the difficulties which the East India Company have had to deal with. I have shown the admirable way in which they have administered the provinces which have lately come under their rule; and how, upon the whole, the Duke of Wellington was justified when he asserted that the Government of the East India Company was a wise and good one, and adapted to benefit the subjects under their rule. Her Majesty's Ministers, under such circumstances, have thought it right to continue the government which they found established, and not run the risk of giving a shock to so extensive a machine as the administration of India. Mr. Marshman has pointed out the derangement which would be involved by an immediate change from the double to a single government, and objected to it on the ground of the shock it would produce in India. For this reason we have determined to continue the government in the hands of the East India Company.

Probably I may be met here, by some noble Lord, speaking the language of the petition presented last night, inquiring, "If the Company has behaved so well, why interfere to change its constitution?" I do not pretend, on the part of the Government, to consider the East India Company perfection—I know of no human institution that is; and certainly I do not consider the East India Company perfect in every respect, for two or three defects have been clearly proved in its constitution. In the first place, you do not, by the present mode of election, obtain the services of the ablest members of the civil service, who, coming home from India with unimpaired powers, and anxious for the public service, have declared they will not subject themselves to all the disagreeable incidents of a canvass for six or seven years before they can obtain a seat in the Direction. The Government, therefore, propose to nominate six Directors, and the whole number of the Directors will be eighteen. The noble Earl the other day, partly in jest, and partly, I suppose, in earnest, referred to the cruel process of mutilation which we obliged the Directors to go through in reducing the present number of their Board. But it is quite clear that if their duty is honestly performed, as I hope and trust it will be, there are no persons so well acquainted with those whose services it would be desirable to retain for the Government of India as the Directors themselves. It is proposed by this Bill to reduce the number of Directors to fifteen, and to give to Her Majesty's Government the power of nominating three Directors who should have served for a period of not less than ten years in India, either in the service of the Crown or of the East India Company. These Directors would be appointed for periods of two, four, and six years respectively, in order that hereafter the whole of the Directors so appointed should not go out together. Any casual vacancies which may occur will be filled up by the Crown appointing Directors, until ultimately the Crown shall have the appointment of six members of the Court of Directors. It has been found necessary to introduce several clauses in order to carry out this part of the measure, upon which, however, it is unnecessary for me now to dwell, as their provisions may be better discussed in Committee on the Bill.

The next point of importance in the Bill is the change proposed to be made in the government of India. This part of the Bill I believe to be of the greatest importance, and I may state that the provisions which it embodies have been passed almost without opposition by the House of Commons. They have been brought forward partly on the opinion of the Governor General of India, and partly upon the unanimous concurrence of nearly all those best able by their knowledge and experience to give an opinion upon the subject. I believe the noble Earl opposite (the Earl of Ellenborough) thinks that they carry out great improvements in the Government of India. There cannot be a doubt but that to the Government in India we must look for the good and efficient administration of our Indian empire. The duty of the Home Government is rather to supervise what is done there, and to lay down the principles on which the government of India is to be carried on, and it is to the fact of this supervision being mainly the duty of the Home Government, that many of those objections to the cumbrous nature of the machinery of double government have been removed; and, in the opinion of Mr. Mill, by the existing system of having two separate bodies at two different points, you are likely to have that supervision of a more perfect kind than by almost any other arrangement.

One of the first changes proposed to be made is to give power to increase the number of Presidencies in India, and also to appoint provisionally a Lieutenant Governor, and ultimately a separate Governor, of the Presidency of Bengal. The mere fact that, during the last thirteen years not less than eleven persons have been appointed Deputy Governors of this Presidency, being an average of one Governor in nineteen months, shows the necessity of a change. The people of the Bengal Presidency are naturally of peaceable habits, yet such is the weakness of the Government from this source, that in no Presidency of our Indian Empire is there so little security for life and property as in Bengal. There is one argument which has been used, and which may probably be again employed, against this arrangement, which is, that by taking away the local government of the Presidency from the Governor General, you take away from him the opportunity of obtaining information of the practical working of the Indian Government. I do not, however, think that much weight can be attached to such an argument, nor do I believe that the Governor General, who finds himself overworked every moment from his first arrival in India to his return, will be the less able to conduct the affairs of that vast Empire by having a person permanently devoted to the ordinary business of the Presidency of Bengal.

Another important change proposed is one which has reference to the improvement of the Legislative Council in India. It is proposed to add to the present body the Chief Justice and one of the other Judges of the Supreme Court of Bengal, and also the Chief Justice and any other Judge of a new combined court proposed to be created, but the arrangements for establishing which it was found impracticable to introduce in the present Bill. In addition to this, it is proposed to include in the Council one member for each Presidency, or Lieutenant Governorship, to be appointed by the Governor or Lieutenant Governor; and it is also proposed to give power to the Court of Directors through the Governor General of India to nominate two other members of the Council, who may have been ten years in the civil service of the East India Company, from any part of India. We anticipate that this arrangement will enable the Indian Government to combine in the Legislative Council the legal knowledge of English lawyers, and the benefit of the local knowledge possessed by those persons who might be chosen to represent different parts of India; and I cannot but think that it will be of advantage to the Governor General, to whom it will provide the means of obtaining immediate advice upon points which he may have to decide respecting the distant portions of our possessions in the East, and it will also tend to the framing of laws more adapted to the wants and condition of the whole population.

Another not less important point is one which proposes the appointment of a Law Commission in England, to consider the recommendations of the Indian Law Commissioners, and to report on the reforms which it may be necessary to effect in the law in India. A period of three years is proposed to be allowed for the completion of this report, which will be confined, not to one particular code, but will combine the digests of Macaulay, Bethune, and others who have laboured on this important subject.

Another of the considerable improvements made by this Bill, and too clearly necessary to meet with opposition, is to make the appointment of the Advocate General subject to the approval of the Board of Control. The Commander in Chief of Her Majesty's forces in India will also be the Commander in Chief of the combined forces of Her Majesty and the East India Company.

The last provisions of this Bill, and they are clearly most important, are those which provide for the supply of duly-qualified persons to the covenanted service of India. It is clear to demonstration that it is absolutely necessary to provide, by all means, for such supply. If once you were to allow adventurers, immediately upon arriving in India, to flock round the Governor General, and solicit appointments to office, it would introduce a system of jobbing utterly unknown to the Government of India at present. Upon the other hand, when you consider the enormous importance of the functions of these civil servants—as judges and collectors—it is evident that the responsibility of supplying these 800 places in India is a very great and heavy one. For these "collectors" of the East India Company must not be, as they have lately been talked of, as tax-gatherers, compared to the "publicans and sinners," who received the tribute under the old system once enforced in Judea; they, on the contrary, have been more correctly described by the great historian of the present day as possessing power for good or for evil not unlike that wielded by the proconsuls of ancient Rome. It is, therefore, impossible to overrate the importance of obtaining the best men to discharge these duties; and, in taking the necessary measures for the selection of these 800 men, the greatest responsibility is felt by the Government, and must be shared by your Lordships. Under the present Bill it is proposed that the candidate for admission to Haileybury shall be subjected to examination, the admissions being restricted to no particular class, but being open, not only to the whole of this country, but to any of Her Majesty's subjects in India who may desire to enter. Objections have been raised to this proposed system on the ground that it will produce a vast amount of what is termed "cramming." Now there is no doubt that "cramming" may be applicable to cases where it is necessary to acquire a certain standard of efficiency. But "cramming" will not enable one man to surpass another in active competition, each seeking for a great prize. But another check against this "cramming" on the examination for admission is provided by the two years' subsequent instruction, followed by an examination on quitting Haileybury, and again by another examination after a certain number of years' residence in India. With respect to these examinations the only doubt is whether their extreme severity may not prevent a sufficient number of persons from successfully passing the ordeal. It is urged by some that you will not have a sufficient number of candidates for the East Indian service, and by others that the number of candidates will be so great that it will be impossible to make a selection. The first I cannot believe; with regard to the second, I think some practical means can be devised for sifting the qualifications of the candidates until you get to the number required. I remember, my Lords, having referred a short time since, somewhat irrelevantly, to the system of examination which I understand takes place in China, and which enables persons of the lowest origin to obtain the highest appointments in the Empire. Since I made that statement I have had the opportunity of conversing with a gentleman who has lately returned from China—I mean Dr. Bowring—and who during his residence in that country has made himself intimately acquainted with the habits and customs of the Chinese. He entirely concurred with me in what I had stated on the subject, and informed me that respect for the literary character in China is carried to the greatest possible extent; and he attributed the maintenance of the small dynasty like that of the Tartars on the throne of China for so many years entirely to the manner in which by this means it had secured to itself so many adherents. So strongly has this feeling in favour of the literary character taken root and incorporated itself among the institutions of the people, that Dr. Bowring informs me that in some of the proclamations lately put forward by the rebels, it is one of the grievances charged against the Government, that they have tampered with the degrees which had been obtained, and the insurgents promise, if victorious, to restore the ancient system in its pristine purity. It is probable we may not be required to carry out our examinations in the same strict manner as in some instances is adopted in China—Dr. Bowring having informed me of a case in which the examiner was sent down to one of the provinces locked up in a box.

I have now, my Lords, in a somewhat meagre manner, gone through the details and provisions of the Bill, and I have stated the arguments which have induced Her Majesty's Government, after the most serious consideration, to propose it for the adoption of your Lordships. So far, my Lords, from this measure having been hastily concocted and drawn up, I doubt if ever any measure was more carefully considered or more anxiously discussed. The more Her Majesty's Government have considered this question, the more deeply they have felt the responsibility of a measure which, like the present, deals with the welfare and happiness of 150,000,000 of subjects of the British empire, living upon the other side of the globe. There are many circumstances, my Lords, which leads us confidently to hope, that our rule in India is likely in future years to prove even more beneficial than it has hitherto been. Science has opened up to us many advantages which we have not previously possessed. Our means of communicating with that country have been greatly advanced and accelerated. Whatever may be its condition externally, so far as human foresight can discern, I think peace is secured within the great Indian peninsula. I have already spoken of the cheering prospect which exists of connecting together all the portions of that great empire by railroads, and I trust that the system already commenced will be rapidly carried to its completion. In a short time several thousands of miles of telegraphic communication will be established throughout our Indian empire. We have lately discovered products—besides those with which we are already acquainted, such as cotton and tea, the ancient products of the country—which may become useful to the trade and commerce of the country. The great Exhibition of 1851 produced more important effects with respect to India than as to any foreign country which sent its produce on that occasion. If any person will take the trouble to refer to the evidence of Dr. Royle, given before the Committee of the House of Commons, he will see the large number of articles hitherto unknown in this country, which are capable of being extensively used in the arts and manufactures of the country. Numerous vegetable oils and fats, materials for the manufacture of porcelain and paper, China grass, and shellac, have now been brought to the knowledge of persons of this country for the first time; and there can be no doubt that, as soon as the means of communication become more developed, these articles, and many others, will enter largely into consumption in this country, and greatly increase our import and export trade with India. I have alluded to the progress which education was likely to make in our territories in India. I believe that consequent upon that education the spread of Christianity will take place, provided that with its diffusion it does not possess the appearance of being mixed up in any way with proselytising tendencies. My firm belief is that if Christianity takes root in that country, it will prove a powerful engine in promoting the material and spiritual welfare of the people, and spreading among them the best and most humanising principles of civilisation. I cannot, however, but feel that it would prove alike hurtful to our rule and to the extension of Christianity itself if the Government in India were to mix itself up with any proceedings which should have the appearance of a desire to proselytise, or an intention to depart from that wise rule which has hitherto been adopted of perfect impartiality and toleration. With all these favourable auspices, we may well trust that, without in any degree lessening those ties which now connect India to us, we shall find that under this Bill those benefits which India has already received from our rule, may be yet more widely extended over that vast empire which, by so signal a dispensation of Providence, has been committed to our charge.

My, Lords, I now move that this Bill be now read a Second Time.

Moved—"That the Bill be now read 2^a."

The Earl of MALMESBURY said, he would not detain their Lordships many moments, as it was not his intention either to oppose the Bill, or even to make any remarks upon its details. Further, if his noble Friend (the Earl of Derby), who was not then present in consequence of illness, had been there that night, he (the Earl of Malmesbury) believed that he would have made no observation either of praise or blame upon the measure now before their Lordships. On a former occasion, during one of those incidental debates which had arisen in their Lordships' House upon this question, his noble Friend expressed his opinion that sufficient attention had not been given to the whole subject of the renewal of the Indian Charter, and that it would be far preferable that Her Majesty's Government should bring in a measure continuing the existing Charter for two or three years, and to postpone until a sufficient period any important alteration in the Government of India. But it did not please the Government to follow that recommendation; and, if his noble Friend had now been there, he would have abstained from making any remark whatever on the Bill upon the table. Their Lordships might easily imagine that it was not because his noble Friend and himself did not appreciate the enormous importance of the alterations proposed, and upon which the happiness of 100,000,000 of persons might depend—that it was not on such ground they were silent, but because they found fault, and justly found fault, with Her Majesty's Ministers for having introduced this important question at a period of the year when it was physically impossible for any party except the Government to collect a sufficient number of Members in that House to discuss it as it ought to be discussed. He felt that it was not only disrespectful to their Lordships, but baneful to the best interests of the country, if they valued the constitution as it was now established—that it placed the House in a humiliating position, to be asked at the end of the Session, when not one-fifth of its Members could or would attend, to consider one of the most important questions that could possibly be brought before it. Let their Lordships consider what was the state of business in that House and in the other House of Parliament. It was now the 5th of August. Parliament had been sitting ever since November, a period of eight months; and they were at that moment probably within a fortnight of the close of the Session. As far as he was able to discover, their Lordships had forty-two Bills then before them, some of which had only passed their earliest stages, whilst others were in Committee, and hardly any had gone beyond that point. There were also thirty-one more Bills yet to come up from the House of Commons:—so that altogether there were seventy-three Bills which would have to be considered within a fortnight. A noble Earl (the Earl of Ellenborough), whose authority upon Indian affairs stood very high, made a remark the other night upon a Bill of great importance which had come up to them from the House of Commons. That Bill was to secure a sufficient number of able seamen for the Fleet; but though it was brought into the House of Commons on the 10th April, he observed that it was not to come before their Lordships until the 9th August. Then there was a Bill respecting the relations of Landlord and Tenant in Ireland; that, too, was not to come on until the 9th August, a period of the Session when it would be impossible for noble Lords who happened to reside in Ireland to attend in their places in this House. Every month which prolonged their absence from Ireland was most injurious to the best interests of that country; it was of course most desirable, therefore, that such Bills should be introduced at an earlier period. As regarded the House of Commons he was not disposed to take offence at the course it had been pleased to adopt in reference to these important measures; but the House of Commons would not endure such conduct at their Lordships' hands; and it was only three nights ago that that House threw out the Colonial Bishops Bill, for no other reason than that it was sent down to them so late in the Session. They would not take it into consideration. They said, "You have no business to send it down at this period of the year." Yet the House of Commons did not scruple to send up to their Lordships measures of immense importance at a period equally late in the Session. Now, he asked, was this the fault of the Government, or the fault of the House of Commons? So far as the present Government were concerned they had an advantage which no other Government before them had possessed in having an extra officer who took charge of that department of the Government. In the House of Commons they had a man with a greater experience of that House than any other man alive—he meant Lord John Russell—to take charge of the Government business there. That noble Lord had been Prime Minister of England for five years; and yet he was now allowed—he (the Earl of Malmesbury) believed it was almost the first case of the kind that had occurred—to hold a seat in the Cabinet not as a Secretary of State, not as Chancellor of the Exchequer, but as an amateur and unpaid Member of the Government, solely to conduct the business in the House of Commons, and to give his advice and assistance to the Government upon all matters brought under his consideration. Their Lordships had, therefore, a right to expect that the public business would be sent up to them in good time by a Government which possessed the inestimable services of such a man as Lord John Russell. But what had happened? Why, their Lordships would agree with him that in no Session within their remembrance had the public business been so much in arrear. And what should he say of that Minister to whose peculiar care this great measure for the Government of India was entrusted? The President of the Board of Control came into office on the 28th of December last, and to-day was the 5th of August. What had he been doing during those five months? He (the Earl of Malmesbury) had certainly heard of a speech delivered by the right hon. Gentleman at Halifax—a speech so unfortunate, not only in its conception, but in its consequences, that he did not hesitate to say, to it might be owing many of the unfortunate events which had taken place on the Continent since that time. He believed this, because he knew the effect which that speech had produced in every Court of Europe; and, without going further into this question, which he might perhaps return to on some future occasion, he would again express his opinion that to that speech might be attributed many of the unfortunate events which had afterwards taken place in Europe. But what was the right hon. Gentleman doing in the five months during which he was engaged in concocting this Bill? The measure did not surely require that time for its consideration; the question was no new one; every one knew that the Charter of the East India Company was to be renewed in this year; it was only a year before this that the right hon. Gentlemen had been a distinguished Member of Her Majesty's Government, and he was therefore not a tyro in legislation, like the Members of the late Government, whose inexperience had so often been thrown in their teeth. Yet for five months from his taking office at the Board of Control, the right hon. Gentleman was in a state of incubation, and it was not until the 3rd of June that he hatched this celebrated Bill. Many persons who were not in the habit of coming into the neighbourhood of the House of Commons, and had not therefore an opportunity of seeing the right hon Gentleman there, hearing no more of him during the period in question, had believed he had gone to India to get a personal knowledge of the country, and to ascertain by personal inspection the wants of that great empire. The right hon. Gentleman had indeed had time to go to India, to stay there two months, and then to come back; yet it was the 3rd of June before he could introduce this measure to effect the reforms desired. Now, as the Government had not accepted the advice of his noble Friend (the Earl of Derby)—as they had determined on bringing forward immediately a proposal for reforming the East India Company's Charter, at least they ought to have given this House every opportunity of fully considering the measure. He could see no excuse for the delay which had taken place; and he felt that if the management of Parliamentary business was to be carried on in this way, their Lordships' House must sink very materially in the opinion of the country, and they would be reduced to this—that a Minister, within a fortnight of the end of the Session, might come to their Lordships and say, "The House of Commons has passed this Bill, and I wish you to do so too," expecting the assent of their Lordships very much as a matter of course. If it came to that, noble Lords could have no chance of bringing up the party who agreed with them in opinion, and the Government of the Queen might force through Parliament any measure they pleased. Feeling this, in the name of those who formed Her Majesty's late Government, and in the name of his noble Friend not now present, he would say that they entirely washed their hands of the consequences of this Bill. Whether it proved to be a benefit or otherwise to the people of India—that unfortunate part of Her Majesty's dominions—his noble friends and he wished to be completely irresponsible for whatever its consequences might be, leaving it entirely on the shoulders of Her Majesty's Government. In conclusion, he would repeat that the Government, in his opinion, had neither done justice to the question itself nor to their Lordships by the manner in which this measure had been brought forward, and therefore he was unwilling to share in any respect the responsibility which attached to its introduction.

The EARL of ABERDEEN: My Lords, I feel called upon to make a few observations on the course taken by the noble Earl. The noble Earl has commented upon the manner in which this Bill has been brought before your Lordships, and has taken a course which, I confess, to me is really inexplicable. He complains of the manner in which the House has been treated by the course we have taken. Does the noble Earl think it a constitutional course—does he think it respectful to this House—to get up and say that he will give no opinion of this measure, or whether he approves or disapproves of this Bill? Is that the course which a man in the condition of the noble Earl might be expected to adopt in the presence of your Lordships? It may be very convenient to the noble Earl to do so; that I don't deny; but when the noble Earl declines to give an opinion upon such a subject, he must permit me to think that it is not quite respectful to the House, and I must say not such a course as I ever before knew followed before your Lordships. Now, my Lords, as to the period of the Session at which this Bill comes before you, I must confess that, long as I have been a Member of this House—and I have been a Member longer than any of your Lordships now present—this is a complaint which I have never ceased to hear at the close of every Session. I admit that, on many occasions, that complaint has been made with great truth and justice; but on this occasion I must reject the accusation of the noble Earl in respect to this measure. He says, that the right hon. Gentleman who proposed this measure to the other House of Parliament has taken more time to prepare it than he ought to have taken. The noble Earl wished the right hon. Gentleman to have proceeded with more haste, and said he had been too long in the process of incubation. Now, my Lords, the noble Earl will recollect that the right hon. Gentleman, with reference to this subject, was nearly, although not altogether, in a similar position to his predecessor in office. But he had to prepare a measure perfectly new, and one which I think could hardly have been prepared in less time than was occupied in the preparation of it. The noble Earl will recollect, too, that in addition to the time necessary for the preparation of a measure of this vast importance and complicated nature, there were other most important matters before the House of Commons, which could not possibly be delayed, and which to a certain degree affected the period of the production of this measure. He will recollect the financial measures which were indispensable to be considered, and which were required indispensably to precede the consideration of this Bill. My Lords, when the noble Earl says that he is obliged to condemn the slothful manner in which the business of this Session has been conducted, I must assert in reply, that I believe the public business never has been more forward than it has been during this Session. It is not for me, certainly, to describe the qualities, the knowledge, and activity of my noble Friend who has the management of the business in the House of Commons, and who the noble Earl really seems to think has been remiss and slothful in that conduct;—but I believe your Lordships will admit that, although this Bill may have come up to this House at a late period of the Session, it has not been for want of time for consideration while in the House of Commons, and that the noble Earl and those who act with him have no excuse or valid reason on that ground for not condescending to pronounce an opinion upon it as to whether they approve of the measure or not. The noble Earl asserted all along that there is not time to discuss this Bill; but still, when he comes to explain what he means by discussion, it seems to be that he has not had time to summon together persons to vote. Now, noble Lords who were anxious to discuss the Bill would readily find means to be present. I admit that it would not be so convenient or so practicable to summon persons from a distance blindly to vote for and against a measure at this period of the Session; but this is not a proceeding which can affect the merits of the Bill. My Lords, my noble Friend near me has gone so fully into the objects and character of the Bill that it is quite unnecessary for me again to travel over the same ground. I am anxious to hear what will, I have no doubt, instruct and enlighten your Lordships—the opinion and the views taken by other noble Lords in this House, and especially those of my noble Friend opposite (the Earl of Ellenborough), who has paid so much attention to the subject, and to whom your Lordships always listen with the greatest attention and respect. I trust that he, at least, will give us his opinion on all the points connected with the Bill, and will not follow the example which has been set by the noble Earl (the Earl of Malmesbury), and which, I think, is one much more honoured in the breach than in the observance.

The EARL of ELLENBOROUGH: My Lords, I cannot help expressing some regret that your Lordships should have been diverted, even for a moment, from the discussion of an important measure to points connected with the business of the House of Commons, and the conduct of Members of Her Majesty's Government in that House. As to the charge of delay which has been brought against the Government, I confess that under ordinary circumstances I should have considered that it was not respectful to this House, or conducive to the public advantage, that a Bill of this very great importance should be proposed for a second reading at so late a period as the 5th of August. But, undoubtedly, the circumstances under which this Bill comes before us, must be looked upon as being of a peculiar character. I have been reminded by the noble Earl (Earl Granville) that I have occupied the attention of your Lordships no fewer than sixteen times on subjects connected with India in the course of this Session. Certainly I was not aware that I had done so so frequently, although I know that I have had often to trespass upon the indulgence of the House. In point of fact, however, I would remind the noble Earl that we have taken a leaf not out of the new, but out of the old book of the House of Commons, and that we have discussed the state of India in all its relations, and the conduct of the Court of Directors on almost every subject of interest, upon the presentation of petitions to this House. In proposing that certain papers be laid before your Lordships, I remember that I took occasion to go over the whole Bill, clause by clause, and that I have therefore—to my own satisfaction, and to the much greater satisfaction of your Lordships—already made my speech upon the subject. I shall not, then, detain the House by giving over again a speech which it would be as irksome for me to repeat as it would be for your Lordships to listen to, and I have now very few points to press upon the attention of the House. I must say that, looking at all the circumstances under which this Bill comes before us, I do not think that my noble Friend near me (the Earl of Malmesbury), or any Member of this House, is justified in throwing off from himself all the responsibility which attaches to the passing of this measure. There have been many opportunities upon which my noble Friend and others might, if they wished, have expressed their opinions on the subject; the question, as I have already said, has been brought often before the House; and I think we really come upon this discussion to-night with more information upon the subject in the minds of a large portion of this House, than has been acquired with respect to any great Bill which I can remember to have come before your Lordships. I am not going to oppose the second reading of this Bill, though it is not the Bill which I myself should have desired. I think that the system it establishes and partly renews contains something bad and something good. But, at the same time, I think that the greatest part of what is bad is not new, and that what is new is not bad. The Bill does not, in my opinion, go far enough, but, so far as it does go, I look upon it generally as an improvement upon the present system. I am not going to say one word against that sentence of mutilation which has been, as I think, most justly pronounced by the Government and by the House of Commons against the Court of Directors; neither would I say a word to delay the execution of that sentence. At the same time I must venture to observe that I do think that sentence might have been executed in a manner somewhat more merciful towards the persons who are to be the objects of it, and, at the same time, in a manner somewhat more advantageous to the country; because, while securities are taken that there shall be an excision of one-half of that body, no security whatever is taken that the right limbs shall be cut off; and nothing can be more probable than that there will be found at the end of this operation that a mere trunk has been left, without head, without arms, without limbs to support it, but with which the President of the Board of Control must work on as he can. We know that, under any circumstances, it is highly inconvenient, and conducive to a great deal of malpractice, to have a long-expected election; and I cannot help thinking that the protraction of this election of the fifteen Directors by the thirty, is likely to have very disadvantageous results. In a Parliamentary election there is one, there may be two, persons to elect; each candidate has his party; those who succeed have the pleasure of victory; those who fail have the annoyance of defeat, and there is an end of it. There is no very great stake involved; the parties on each side have very little to lose, and very little to gain. But that is not the case here. The sort of man who will go through the seven years' canvass to become a Director, and who at last succeeds in accomplishing that object, attaining thereby a certain position which he never had before, with the advantage of a large amount of patronage incident to his office—will he readily give up that position which he has attained? Will he not rather make more desperate attempts to retain his post than he ever did to acquire it? Consider his position, if excluded from the Court by the decision of his brother Directors, after having been for a considerable time in possession of these advantages! Your Lordships know very well that men will make more violent efforts to retain power than to acquire it; these Directors will have tasted of the sweets and the advantages of the office; and although I will not suppose—for it would not be proper to do so—that bank notes will pass for the purposes of this election, cadetships will be the currency, I have no doubt; and I have, therefore, framed an oath which, as far as oaths can prevent it, will prevent that abuse of patronage. There is something to be learnt from some of the old customs of the Church of Rome. One of their customs at the election of a Pope was to shut up the Cardinals, to exclude them from all communication with the world, to make them enter the conclave, and until a Pope was chosen, they were not allowed to mix with the world. We have certainly had strange revelations of what sometimes takes place in conclave, and, though the Holy Spirit is very properly invoked every morning, there is some reason to suppose it has not always been present at discussions of that kind. At the same time the design is good, and I am not at all sure that it would not be well to adopt it with regard to this election of the fifteen by the thirty. I won't propose that these thirty gentlemen shall be subjected to all the inconvenience to which the Cardinals are exposed in Italy on such an occasion as that to which I have referred. On the contrary, I would suggest that the place of their confinement should be the London Tavern. I would have them in the large room which has been the scene of their glories on so many occasions, and not let them out until they had elected the fifteen. There is, however, one practical inconvenience which would really result from this arrangement. It is, that one intelligent and celebrated gentleman, who has obtained a very just reputation, and really has been carried to a certain degree of greatness by the extraordinary ability which he has on all occasions shown in the knowledge of election business, would, most undoubtedly, after the passing of any such clause as that proposed, find thirty retainers upon his table, inasmuch as his assistance would inevitably secure the success of the persons whose cause he might espouse. If your Lordships or the Court should select the London Tavern as the scene of this election, I would mention for the benefit and example of the respectable person who presides over that establishment—I don't mean the Chairman of the Board of Directors—a circumstance which was mentioned to me by the late Eugene Beauharnois, Viceroy of Italy. He told me he had found that assassinations, which were frequent in the kingdom of Italy, were very commonly perpetrated by persons during the excitement of the dinner-table. Their knives were all pointed knives, and he explained to me that, when under this excitement, a man would dash his knife into the person sitting opposite to him; and that thus it was that assassinations were so frequent. To prevent their recurrence, Eugene Beauharnois adopted this simple mode, which I would suggest for adoption in the case of the Directors at the London Tavern, and which greatly diminished assassinations in Italy. He made it penal to have a knife with a point; so all the points were ground off, and the knives made rounded knives; and so people were prevented taking the lives of others during the excitement of the table. So much for the election of the fifteen by the thirty; and I must seriously suggest that it would be highly desirable that these thirty gentlemen should be required, at a very early period, to complete their election. There may not be reason to expect misconduct at once arising out of this election; but the shorter the period during which the discussion, as to the choice of the fifteen, is carried on, the greater the chance that that election will be conducted with purity. There is another portion of the Bill to which I entertain great and serious objection. It is that portion which postpones, until after the decease of three out of the fifteen, the final completion of the plan of Her Majesty's Government, by which six Directors are to be named by the Crown. I think it is altogether contrary to good policy that the completion of a great public measure, having for its object the government of 150,000,000 of people, should be deferred until the expiration of a lease of three lives, given in favour, not of the most aged, not of the most distinguished, not of the most respectable of the fifteen, but dependent on the lives of three of that number, who may prove to be the most ailing, the most sick, the most moribund. So that until death has carried away these three men, all the benefits to be derived to India from the introduction of six able, intelligent, and enlightened minds, into the Court of Directors, are to be postponed for a piece of sentiment which has been here introduced into an Act of Parliament, and which has been brought forward by the noble Earl at the head of Her Majesty's Government, from whom, of all men, I should least have expected any sentiment at all. This is a very serious matter. Great objects are postponed for objects of infinitesimal smallness—for what can be so infinitesimally small as the consideration of the feelings of the three men—in an accidental position, who may happen to die first out of the fifteen Directors? I have heard, however, that when the human eye is couched it is considered expedient to admit the light very gradually, lest some injury should be sustained by the organ upon which the operation has been performed; and it may be that that sudden influx of the light which would be caused by the immediate introduction of knowledge, ability, and experience into the dark regions of the Court, would rather produce injury than benefit. There is, I think, one other point upon which I must likewise express my opinion that the Government have not decided wisely in respect to this measure, and which the noble Earl has not attempted to defend, and that is the retention of the Court of Proprietors as the constituency. The noble Lord says he retains it because it exists. Why, my Lords, that was the reason urged for retaining Old Sarum. But Old Sarum had infinitely more in its favour than the Court of Proprietors, for it returned to the House of Commons some of the most distinguished and ablest men ever sent to Parliament—it had introduced to public life some of the great luminaries of the State—it had as its representatives generally men of respectable attainments and public reputation. Now, the peculiar gift of the Court of Proprietors was to elect ordinary men, instead of the good, the able, and the experienced. If they selected able men, there would not have been this infusion of new blood. But it is because they have this propensity to select indifferent instead of good men, that we are to be exposed to all the inconvenience which has characterised the past, and this old constituency is to be retained. Now, I think this a very serious error. If there is not wisdom in the Cabinet, or in the House of Commons, to guide us in such circumstances, let us go elsewhere. You talk sometimes of the bucolic mind; but let us go to the farmyard and ask the farmer what he would do in this case. Would he, if he were in his senses, continue to breed from a stock which always gave a bad produce? Would he, if he decided on buying instead of breeding, retain in his farmyard the three oldest, most diseased, and incapable beasts of the lot, and that from a mere sentiment which has no place in a farmer's establishment, and which certainly should have none in a Government? What was the principle I proposed instead of this? My proposition was simply to name the Court of Directors in the Bill itself—to subject their names to public observation—and that would have compelled you in the first instance to select the best men that could be found. I proposed, with respect to the revenue and judicial services, that those departments in each Presidency should be represented; that the Madras and Bombay army should have one representative each; and that the Bengal army, as being equal to the other two armies, should have two representatives. Thus we should have had four representatives for the Indian army; and I assure your Lordships, if we deal with anything in connexion with the Indian Government, that is a subject which should be considered. I then proposed that there should be two gentlemen selected from the political department, acquainted with the habits, practices, and prejudices of the Native Courts in the different parts of India; and I thought it would have been very desirable to have two gentlemen unconnected with the Government of India to represent the agricultural and commercial interests of the two great cities, Calcutta and Bombay. There would have been thus, according to my plan, sixteen gentlemen composing the Court; and I apprehend that, with any larger number, it would have been found difficult to transact public business. I believe that no Minister could go on with a Cabinet of more than sixteen Members; I know he certainly could not carry on business with a Cabinet of twenty-four. The persons selected on this plan would, in the first instance, have been good and able men; and whenever vacancies in any department occurred, they would have been filled up by persons with the same qualification; so that jobbing would have been, of necessity, almost excluded. What I desired was to give the Indian Minister a Council in which he could confide, to which he could refer in cases of difficulty, and to enable him, on any question of that kind, to consult respectable and responsible advisers. Instead of this you have framed a Court of Directors so much worse than before that the President of the Board of Control will certainly be obliged to go elsewhere. I should care little about that, for my custom is to get the best advice I can procure, irrespective of the quarter from which it may come; but I prefer responsibility to irresponsibility in all cases where it can be secured; and it is surely the duty of Government to give the person filling that high office the best Council they can devise. Again, the Government and the House of Commons have decided not to alter materially the power which is possessed by the Court of Directors of recalling the Governor General. Now, I suppose it is absolutely necessary that we should, on all occasions, defer with respect to what is termed the wisdom of Parliament, even where it happens to conflict, as it does in this case, with the wisdom of Scripture. The wisdom of Scripture says, "No man can serve two masters;" the wisdom of Parliament says, the Governor General of India shall; nay, more, that he shall do so without the condition which the wisdom of Scripture has attached to the endeavour, the condition of despising one of them; that is the position in which it is deemed fit to retain the Governor General of India.

My Lords, I have never complained of my recall; that of which I did and do complain, is the conduct of the Court of Directors, in weakening by all the means in their power my authority as Governor General, while they left me in possession of the office, and weakening it under circumstances of the greatest difficulty and danger; and I think it right, in order to set this perfectly clear, to read one or two paragraphs of letters of mine written in India at the time, in order to show what my impressions were then, in order that your Lordships may not imagine that those I now express at all vary from those I formerly entertained on this question. I arrived in India on the 28th of February, 1842; and on the 7th of August following I wrote to the Court of Directors in these terms—which I read to show your Lordships how essential I thought, as I still think, it was to the good government of India to have the support of all the authorities there:—

> "I have encountered difficulties which, when I left England, no one could have anticipated, in war and in finance; but these will not dishearten me. I shall persevere in my endeavour to equalise revenue and expenditure; but I can now only hope to lay the foundation of the system which will promise that result. I cannot remain long enough to witness the completion of my object; but if I should receive the full and unqualified support of your hon. Court, I do hope that I may succeed in doing that which will survive me, and produce in future time abundant fruits of public economy and public improvement. Without that full and unqualified support, I must utterly fail in whatever endeavours I may make for the benefit of India, and I will not remain to witness a misgovernment I cannot prevent."

These were the terms in which I addressed the Court of Directors only five months after I landed in India. I had, at a later period, occasion to address them in terms equally strong; and I hope your Lordships will equally understand the necessity of this proceeding. On the 26th of June, 1843, within a few days of a twelvemonth before the time I received my recall, I wrote in the following terms to the Secret Committee:—

> "I should deceive you were I to allow you to imagine that these, or indeed any great objects, can be effected by a Government which has not the cordial and decided support of all the authorities in England. If, from whatever circumstances it may arise, the opinion can be created and prevail in India that a change of policy may be expected from an anticipated change in the person to whom the chief administration of affairs is confided, from that moment all strength must depart from the Government, and it would be best for the public interests that the anticipated change should at once take place. For myself, I can assure you that it will not be ungrateful to me to be relieved from a government which I have conducted amid uninterrupted misrepresentations and calumny, although hitherto, by the good favour of Providence, through unexampled difficulties, with uninterrupted success."

My Lords, that was the language I thought it necessary to address to the Secret Committee. I did not fear recall. The only thing I feared was the weakness of my government. I feared I might be, by their opposition, placed in such a position that I should not be enabled to perform my duty to the State. I felt that this was interfering with all the great objects I had in view, and more especially with those in relation to the Native States of India. Well, my Lords, there is one other point with respect to which I have always felt very great anxiety, and as to which I expressed in India the same opinions as I express now—and that is, that it is essential to the government of India, which requires all the strength the wisdom of Parliament can impart to it, that it should be conducted in the name of the Crown. I feel perfectly satisfied, my Lords—nay, more, I feel intuitive conviction, and I feel more confidence in that intuitive conviction on a subject of this kind, which has long pressed on my mind, than I should perhaps if I arrived at the result by any process of reasoning — that we could do nothing which would more extend our influence in the government of India, or stregthen our administration, than conducting it in the name of the Crown. It would make the Native Princes feel that the sovereign rule was absolute—they are accustomed to Royal power, and they would then feel themselves a part of the State of which the Sovereign was the head. But, more than that, it would tend to improve greatly the tone of both the civil and the military services; they would look only to the Crown—there would be then no divided allegiance—no feeling that could ever induce them to look more to what they considered the interests of the Company, and not to regard so much the interests of the Crown. It would be especially grateful to the Indian army—and, I must say, I know of no body of men in any country who deserve such a favour more; and to grant to the whole body of the Indian army the name and character and dignity of a Royal army, would, I am satisfied, be, above all things, that which would be most grateful to those on whose fidelity and devotion will depend the preservation of your Indian empire. I have now, my Lords, gone through all the points to which I think it necessary to refer. I confess it is to me a subject of very great regret that Her Majesty's Government, in proposing this measure, have not shown themselves more equal to this emergency. They had an opportunity of obtaining for themselves an immortal name, and to lay broad and deep the foundations of an enduring reputation. They have been satisfied with doing little things in a little way. They have sought to make a bit-by-bit reform. How the noble Lord the late President of the Council could have endured a bit-by-bit reform of this kind, recollecting what his former opinions were, I can hardly fancy. They have looked at little rather than at great things. They have not understood the comparative magnitude of objects, or, if they understood it, they have not acted on the judgment which that comparison should have created in their minds; and the result is, that you have a system with which no one is satisfied; which may, indeed, be better—I think it is better—than that which has hitherto existed, but which does not come up to the expectations of any one—a system which in India will give great dissatisfaction, and will not work well, I fear, for the general interests of the people of this country. I repeat that I greatly regret this result. My Lords, it so happens that, having entered the House of Commons in 1813, when the India Charter was under discussion, I have done that which has hardly ever occurred to any one to have done before. I have been present on three occasions when the government of India has undergone the revision of the Legislature. It is humanly impossible that I should live to see another. Nor indeed is it likely that the Government will undertake the task again. If, indeed, there should be any great calamity or misfortune in India, it will be forced on the consideration of Parliament; but if this change should only gradually sap the constitution of our Indian Empire, and introduce an inferior government, the evil will not come before us in so striking a manner as to lead to any interposition on the part of Parliament. The destruction we have to apprehend will be effected not by violence —not in a manner which can excite the indignation and disgust of the world—but rather, as it were, after the manner of that slow poison by which formerly the sons and nephews of the Emperors of India were gradually destroyed, which gradually wastes away the body, but never betrays its presence by anything but the gradual decay of the energies and faculties. My Lords, in conclusion, I have only to say this, that it is a subject to me of great regret that I have not lived, and that I can entertain no hope of living, to see the entire reconstruction of the Government of India, and to behold it founded on principles which shall afford a prospect of happiness to the people of India, and of grandeur and honour to this country.

The **Marquess of SALISBURY** said, he must observe that it seemed to him a most extraordinary thing that the noble Earl should call upon them to adopt a Bill of such an important character, at a time when it was impossible for them to give it fair discussion and consideration, and while two Committees appointed to inquire into the subject were still sitting, and had not only not yet given their opinion, but had not even reported the evidence to Parliament. When in 1813 the India Bill was introduced to the House of Lords in the month of July, Earl Grey and Earl Granville, and those noble Lords who acted with them, denounced Government in no measured terms for introducing the Bill at so late a period. The language which they used on that occasion would exactly apply to the present case, only with somewhat more force and truth, for instead of the month of July, it was not till the month of August that the Government introduced the present Bill. For this reason, he would adopt the course pursued by his noble Friend near him (the Earl of Malmesbury.)

Lord MONTEAGLE said, that without intending to cast any reflection on the noble Earl who had the conduct of this Bill, he must complain of the course which their Lordships were invited to take, and he did so for reasons widely differing from those which had been urged by those who had preceded him. He believed that the present was the first instance within memory—at least it was the first instance which he remembered—in which the two Houses of Parliament had been called upon by the Ministers of the Crown to appoint Committees to pursue the laborious, difficult, and responsible task of seeking out the truth in a complicated and important question, and then, after two years spent in the examination of witnesses, had been suddenly summoned to rush into legislation before any opinion had been formed, or any Report presented by those Committees—nay, even before the evidence already taken had been laid before the House. He was far from asserting that in consenting to the appointment of Committees, Her Majesty's Government necessarily bound themselves to adopt the recommendations of those Committees, whatever those recommendations might be; but they certainly did pledge themselves thus far—that they would not altogether supersede the Committees so appointed, disappoint the just expectations of the public, or set aside those able witnesses who had been called upon to assist in their investigations. The noble Marquess who had just sat down had referred to the important declarations made by Lord Grey and by Lord Grenville on a similar occasion, and he would not, therefore, weaken their authority by repeating them; but he would call their Lordships' attention to the peculiar circumstances under which the present Parliamentary Committees had been appointed, and to the declarations made at the time of their appointment by the leaders of both parties, with respect to the duties and the obligations imposed upon the Government and Parliament by reason of that appointment, and to the course which ought to be pursued as consequent on these inquiries. Upon the nomination of the Committees, the noble Earl at the head of Her Majesty's late Government (the Earl of Derby), who he regretted was prevented from attending to-night, through illness, and also the noble Lord who now led the House of Commons as the representative of the present Government, did not in the slightest degree differ in their estimate of the duty which the Committees were called upon to perform.—[See *Hansard*, cxx. 859, 546.] In the Commons, the noble Lord the Member for the City of London was the more cautious of the two; but he and the noble Earl at the head of the late Government were equally distinct in opinion as to the duties and functions of the Committee. Lord John Russell said, "It was right that the Government should retain in their own hands the power of submitting, when the fitting time arrived, such propositions as they may think wise and politic to Parliament after the Committee has made its Report;" thus distinctly intimating that whilst the power of judging for themselves, should be retained by the Government, that power would not be exercised until after the Committees had made their Report. Lord Derby, then at the head of the Government, went further. After recapitulating, with all that clearness and emphasis which marked every proposition enunciated by the noble Earl, the duties of the Committee, and the subjects which ought to come under consideration, he went on to say that the Committee was appointed for the purpose of enabling the House to consider whether the Directors had been faithful stewards of their trust, and that on its report their Lordships would be called on to determine how far it might be wise to continue, to abrogate, or modify, the existing system of government. By that Report, he added, we shall be guided. Were these engagements fulfilled, or these just expectations realised? Quite the reverse. So far from seeking the advice of the Committees, Her Majesty's Government had decided upon the question at issue without even waiting to hear what the Committees might think fit to recommend. Lord Derby, as he had observed, had gone so far as to state that the Government were ready to be guided, in the course which they would pursue, by the reports of the Committees, and that to the two Committees must be intrusted the task of considering how the affairs of India should hereafter be best conducted. Yet Parliament was now compelled to legislate in the month of August, when the Committees had neither expressed their opinions, nor made their Report. So far as their Lordships' Committee was concerned, he could take upon himself to say that such was now the case. The noble Earl who had presided over that Committee (Earl Granville) had not ventured, with all the power of persuasion which he possessed, not only from his high talents, but from the great personal regard so deservedly and universally entertained for him, to call upon their Lordships' Committee for an opinion. It certainly was not from want of power that he had so refrained, but he had not ventured to use the power which he possessed. He could not consider this mode of proceeding as respectful to Parliament, or likely to be satisfactory to India. But it was not merely of the want of a Report that he complained. The evidence was set aside likewise, and treated with indignity. At the present time not one of their Lordships, except the Members of the Committee, could be aware of what had taken place in the Committee, and yet they were called on to legislate, at once, in the absence of evidence, and after having been committed by a vote of both Houses of Parliament to undertake a previous inquiry. Such a mode of proceeding was, he believed, contrary to all Parliamentary precedent. It rendered all such inquiries, however laborious, little better than a solemn farce. The lateness of the Session had been alleged as an excuse; but why should it be so? If the House of Lords was prepared, under all circumstances, to admit the lateness of the Session as a justification for passing or rejecting a legislative measure, whatever might be its importance, that evil which was now felt to be pressing, would become perpetual; and if their Lordships were to allow themselves to be placed in a position where it was utterly impossible to discharge adequately the duties they owed to those on whose behalf they were called on to act, they must make up their minds, as a consequence, to sink fatally in the estimation of the public. He entreated them to avert such a result. He had heard the Bill before them described in the most opposite terms by its advocates. By some he had heard the Bill defined as the best measure which Parliament could pass; and he had heard it contended—on grounds which he certainly could not adopt, after a splendid eulogium of the conduct of the East India Company and of the Court of Directors in the discharge of all their various functions—that the Bill contained all that was wisest, discreetest, best. This could hardly be logically maintained in support of the Bill; for if the former Government of India had been so perfect, it was difficult to defend the important changes which were made by the Bill now under consideration. On the other hand, he had heard the Bill described precisely in an opposite manner; he had heard it stated—and in language which he thought gave a far juster description of the Bill, and one in which he was more inclined to agree—that the Bill was a mere middle term, adopted for the time, for the purpose of leading, by a change more or less rapid, to an entire abolition of the present system of government. It was difficult to deal with the Bill without first knowing whether it was introduced as a transition to another and a better state, or whether it was to be regarded as a Bill, good in itself, and which impressed its seal of approval upon all that was past, and only applied those slight remedies which all things human, as being incident to decay and failure, required from time to time. He hoped he was right in assuming as accurate that definition of the Bill which represented it as a prudent and gradual step, leading us eventually, by wiser legislation, to a better state of things. He was not prepared to say that in reforming the government of so vast an empire as that of India, with its 150,000,000 of inhabitants, any sudden and violent alteration of the system might not be attended with such peril as to make a more gradual process expedient if not indispensable; but the defence of such a gradual course must be, that each step they were called on to take, was in the right direction, and was in itself a good and advantageous one. The proposed mode of change, under this Bill, was not happy. He should not weaken the effect of the arguments, and the humour of the noble Earl (the Earl of Ellenborough) by referring to the process of elimination proposed to be carried on in Leadenhall-street; but, he quite agreed with the noble Earl, that, it would have been a far more dignified mode of dealing with a subject of such vast importance, that the Directors—especially the nominee Directors—should have been appointed, individually, by a clause in the Bill. It would have been infinitely more politic to have their names inserted in the Bill itself, as an inauguration of the new Government, giving to that new Government all the authority, the weight, and solemnity of a Parliamentary sanction. That course would not have led to any difficulty of an insurmountable kind. He knew it was frequently said that, in all these cases, it was better to leave the Government to act on their own responsibility. But to provide for the good government of 150,000,000 of subjects was a case so peculiar as to make its own justification, as an exception. Certainly, the calm and temperate mode in which the Bill had been discussed, in both Houses of Parliament, did not give the Government any reason to believe that, from any party or personal feelings, difficulties would have been thrown in their way if Parliament had been called on to name the first Court of Directors. He (Lord Monteagle) felt justified in believing that this would have been a constitutional mode of proceeding, for the party to which he had always looked up as his best guide in constitutional doctrine—the party of Fox and of Burke—had admitted the necessity of appointing the Governors of India by the vote of Parliament, rather than by the mere exercise of the prerogative, or by any other mode of selection. Objections had been made to the present Bill as continuing the system of double government; but in truth it might be described, as, for the first time, creating a treble government; and increasing the complication of Indian affairs in a manner which, he would take it upon himself to say, when it came into operation, both the Government of the day and Parliament would see cause to regret. We should still have to deal with the India Board, and in addition, we should find two distinct and probably conflicting elements in the nominated and the elected members of the Court of Directors. Where, he would ask, could there be shown an instance, in all the experiments which had been made in constitutions, of two distinct classes of persons working together practically and harmoniously in one single assembly—one class elected by any description of constituency that could be named, and the other class nominated by the Crown? The noble Duke who had charge of the Colonies (the Duke of Newcastle) knew full well how many experiments of this sort had been tried and had failed. If the noble Duke thought fit to offer any reply to these remarks, he would, on this point, be forced to admit that nothing could be less satisfactory than the working of the system which united nominees and elected members in one chamber. The noble Duke had tried it in Australia. [The Duke of NEWCASTLE: No, I have not tried it.] Certainly, the noble Duke did not institute the experiment—on the contrary, he believed that the noble Duke was one of those who had had the public spirit and the courage to proclaim the union, in the same assembly, of elected members and nominees as being one of the greatest grievances which could be inflicted on any country; and yet he supported a Bill which for the first time went to introduce this very principle into the government of a great country like India. What would be the effect of this new system? The nominees whom it was proposed to introduce into the Court of Directors, though forming a numerical minority in the Court, would nevertheless feel themselves backed by the irresistible authority of the Board of Control, and the consequence would be that the six nominees would have more weight in the Court than the twelve representatives of the Court of Proprietors. Was this likely to lead to harmony and concord, or, to the very reverse? If it were really wished to strengthen the double government, such as it was, they ought to have supplied Indian knowledge where it was most wanted—at the Board of Control. If they had constituted these nominees into a Council in aid of the President of the Board of Control, they might have created a department which, though afterwards encumbered with the dead weight of the Court of Directors, would always have contained great knowledge, and he hoped would, therefore, have possessed permanent strength. In place of taking this course, local knowledge was supplied to the Court of Directors where it was least wanting, and was withheld from the

India Board where it was most required. He understood that it was intended that one of the Secretaries of the Board of Control should hereafter be nominated as a permanent officer. That, he thought, would be a very great improvement, and it would be one of the best steps which could be taken to strengthen that department; much would doubtless depend on the selection made for this office; Indian experience was the indispensable qualification. He wished to see the Indian knowledge of the Board increased; he thought that by neglecting to introduce persons possessed of Indian knowledge into the Board of Control, they were depriving the Queen's Government of the services of those persons who would be most useful for the successful administration of India, while they were intruding these very persons upon the Court of Directors, where they would be viewed with suspicion, and considered as parties who were unfriendly to that body, and placed as a check on its freedom of action. He would now pass to a point which had hardly been touched upon as yet, but which, in his opinion, surpassed in importance all that had been noticed, or all that could be dwelt upon. Little reference had as yet been made to the Natives of India, and to their just right to the protection which it was argued by the Government that this Bill was intended to afford them. His noble Friend would recollect that when this question was discussed at an earlier period of the Session, he had taken the liberty of asking—somewhat irregularly, perhaps, though the noble Earl, with his usual kindness, had excused the irregularity — whether, when he described the new system for the distribution of patronage introduced by this Bill, all civil appointments were to be open alike to the Asiatic subjects of Her Majesty and to Europeans? The noble Earl replied frankly that it was so intended, and that Addiscombe and Haileybury would be equally open to all. Such, he believed, was at the time the noble Earl's intention; and he then told the noble Earl, in reply, that this concession, as a matter of principle, would do more to reconcile to the Government scheme those who considered the Indian question mainly in reference to the condition of the Natives, than any other provision in the Bill. At the same time the noble Earl must be aware that this was important rather as the admission of a principle, than as leading to any large practical consequences. Still it was perfectly true—and it was a matter of congratulation—that the East India Company would no longer be liable to the disgrace and discredit of rejecting candidates highly qualified in all respects, and from reputation and character admirably suited for appointments such as those of medical officers, simply because they were Asiatic born and Asiatic bred. He alluded to the case of the medical student on whose behalf his friends Sir Edward Ryan and Mr. Cameron had so honourably interfered. Yet this concession should not be taken for more than it was worth. Any candidates, it is true, might for the future work their way from Calcutta to Haileybury to stand a competition, (under what regulations they knew not yet,) in competition with British-born candidates for admission into the Company's service. Was this privilege likely to be largely profitable to the Hindoo? He had dwelt on this point for the purpose of leading their Lordships to consider the circumstances which had engaged the anxious attention of the Legislature when the Charter of 1833 was passed. The 87th clause was introduced at the suggestion of Lord William Bentinck; and when inserted in the Act, it certainly was not intended that it should remain a dead letter. It provided that no distinctions of religion, of colour, of caste, or of birth, should be held a disqualification to prevent either Native or European, from filling any public office whatever. He was sure that his noble Friend was too sincere and accurate to suggest that it was ever contemplated at that time to put or to continue any restriction upon the eligibility thus created. The clause was distinct; it was unlimited, and without any reservation whatever—there was no power of evading it, except by bad faith. But what had been the practice? Why, the clause had been evaded; and in what way? It had been done in this manner:—It was argued that, although Parliament had passed a Bill declaring in absolute terms that all persons should be eligible, the East India Company should be at liberty to interpret the clause as meaning, that although all Natives should be eligible to the uncovenanted service, yet none but British-born subjects should be eligible to the covenanted service—an interpretation, whether right or wrong, which was totally at variance with the rights and interests claimed for the Natives of India on the introduction of the Bill of 1833, and with the letter and spirit of the Act itself. As he meant to propose an Amendment on this point, he must request their Lordships' indulgence for a moment or two further on this branch of the case. He wished to prove to their Lordships that the interpretation which he now put upon the 87th clause was the interpretation put upon it by every statesman who was responsible for the Bill of 1833, as well, also, as the interpretation put upon it by gentlemen who were not officially responsible for the Bill. The advancement of the Natives had been recommended by his noble Friend (the Earl of Ellenborough) with great earnestness; and if fine words were any consolation to those whose strong feelings and highest ambition were excited by such advocacy of their cause, then the Natives might find comfort in what had from time to time been said on their behalf during the present debates. But the question now to be considered was, whether the words of those who thus eloquently spoke were in correspondence with the despatches sent out for the government of the Natives of India, and were in conformity with the acts of the Company. In the year 1830 the discussion of the East India Charter took place under circumstances very similar to the present. A Committee had been appointed by one Government; a change of Government had taken place; and the Charter Bill was introduced by the succeeding Government. In February, 1830, when the Committee was appointed, the Duke of Wellington was at the head of the Government, and Lord Ellenborough was at the head of the Board of Control. What were his declared opinions and intentions at that time? His noble Friend then stated that—

> "Among the means of reducing expense was the very desirable one of reducing gradually the number of Europeans employed in establishments in India, and bringing forward, gradually however, and with extreme caution, the most deserving among the natives, by employing them in situations of higher trust and authority than they were accustomed to fill. If these measures should be pursued firmly, but with extreme caution, always regarding the interests and habits and feelings of the individuals in question, he confidently looked forward to an amelioration of the revenue of India."—[2 *Hansard*, xxii. 251.]

The evidence of Sir Thomas Munro before the Committee swept away the notion that the Natives were disqualified, either by character, nature, or want of ability, from filling offices of authority. In speaking of the Hindoo character, he said—

> "Unless we suppose that they are inferior to us in natural talent, which there is no reason to believe, it is much more likely that they will be duly qualified for their employments than Europeans for theirs, because the field of selection is so much greater in the one case than in the other. We have a whole nation from which to make our choice of natives; but, in order to make choice of Europeans, we have only the small body of the Company's covenanted servants. No conceit more wild and absurd than this was ever engendered in the darkest ages; for what is in every age and every country the great stimulus to the pursuit of knowledge, but the prospect of fame, or wealth, or power? or what is even the use of great attainments, if they are not to be devoted to their noblest purpose, the service of the community—by employing those who possess them, according to their respective qualifications, in the various duties of the public administration of the country? Our books will do little or nothing; dry, simple literature will never improve the character of a nation. To produce this effect we must open the road to wealth, and honour, and public employment. Without the prospect of such reward, no attainments in science will ever raise the character of a people."

On the 13th of June, 1833, Mr. Charles Grant (now Lord Glenelg), then at the head of the Board of Control, proposed to introduce a clause in the then pending Bill to put an end for ever to all disabilities on the part of the Natives on account of their birth or religion. On that occasion Lord Glenelg was ably seconded by the late Mr. Charles W. Wynne, his predecessor in office, who said—

> "It is with great pleasure he had heard a declaration which he wished had been made the subject of a distinct and substantive resolution to occupy the first place in their proceedings—namely, that all Natives of India, without regard to colour, descent, or religion, should be eligible to every office under the Government which their education and acquirements might qualify them to fill."—[3 *Hansard*, xviii. 741.]

On the 10th of July following, Mr. Wynne again said—

> "The only principle on which India could justly, wisely, or advantageously be administered was, hat of admitting the Natives to a participation in the Government, and allowing them to hold every office the duties of which they were competent to discharge. Instances were adduced of corruption and venality; but were they not the result of our own conduct? Duties of importance devolved upon them, without adequate remuneration either in rank or salary—no reward or promotion for fidelity. Why, then, complain of peculation and bribery? We made vices, and then punished them."—[3 *Hansard*, xix. 537.]

These generous views were likewise recommended by one of the most eloquent of our leading statesmen. On the same occasion Mr. Macaulay said—

> "I now allude to the wise, benevolent, noble clause which enacts that no Native of our Indian

empire shall, by reason of his colour, descent, or religion, be incapable of holding office. To the last day of my life I shall be proud of having been one of those who assisted in the framing of the Bill which contains that clause. Do we think we can give knowledge without awakening ambition, or do we mean to awaken ambition, and provide it with no legitimate vent?"—[3 *Hansard*, xix. 534 & 536.]

Nor were Munro, Grant, Wynne, and Macaulay, the only authorities to which he (Lord Monteagle) could appeal? The statesman and soldier who knew India the best, confirmed these judgments. On the 5th of July, 1833, the Duke of Wellington, speaking on the same subject, said—

> "If there was any one point in which all parties had agreed—and he made this assertion from a perusal of the evidence before the Committee which sat to inquire into the subject in both Houses—it was, that the Natives of India should, as much as possible, be employed in the revenue and judicial establishments of the country. That point was again and again impressed on the attention of Ministers in the evidence of last Session."—[3 *Hansard*, xix. 204.]

And Lord Lansdowne, speaking in the same debate, and representing the government of Lord Grey, conclusively added—

> "It was a part of the new system which he had to propose to their Lordships, that to every office in India every Native, of whatever caste, sect, or religion, should be by law equally admissible; and he hoped that the Government would seriously endeavour to give the fullest effect to this arrangement, which would be as beneficial to the people themselves as it would be advantageous to the economical reforms which were now in progress in different parts of India."—[3 *Hansard*, xix. 171.]

He would now ask their Lordships whether the declarations and promises then expressed, and the expectations then raised, had or had not been fulfilled and adhered to? So far was this from being the case, that the following description, given in the Report of the Committee of 1833, was an accurate description of the state of India at the present moment:—

> "The Natives are alive to the grievance of being excluded from a larger share in the executive Government. They are at present only employed in subordinate situations in the revenue, judicial, and military departments. It is amply borne out by the evidence that such exclusion is not warranted on the score of incapacity for business, want of application, or of trustworthiness; while it is contended that their admission, under European control, into the higher offices would have the beneficial effect of checking the moral obliquities of their character, would strengthen their attachment to British connexion, and conduce to the better administration of justice."

If, therefore, their Lordships looked back through the interval of twenty years they would find that, notwithstanding the enactment of the 87th clause, to which so much importance was attached in 1833, the Natives of India were still left at this day precisely in the same condition in which they stood before the clause was enacted. The evidence of Munro, the declarations of Grant, Wynne, Macaulay, Lord Lansdowne, the Duke of Wellington, and the authority of the Committee of 1830, have all been set at nought. He would show their Lordships that such was the case from evidence taken in the present Session. He spoke upon the authority of one of the most able and excellent men examined before the Committee on India Affairs—he referred to Mr. Cameron. After that gentleman had gone into a detailed explanation of the state of things in India, well calculated to be a guide to all parties in the State, and to Parliament itself, he was asked this question—"Is there one single office filled by a Native of India at the present time, to which he would not have been equally eligible before the last Charter?" His answer was, "There is not one single office that is now filled by a Native to which he would not have been eligible before the last Charter." Such then is the manner in which we have satisfied the expectations excited in 1833 by the enactments of our Legislature, and the declarations of some of our best and greatest men. It was true, new offices had been created, to some of which Natives had been appointed; but from all offices in the covenanted service the Natives were still, as they previously had been, absolutely excluded, and a line of demarcation had been drawn by which the engagements of Parliament were rendered nugatory. The 87th clause was passed to give the Natives full eligibility; Parliament had passed the law, but the exclusion still existed in its full force. In the year 1828 the number of Natives in the employment of the Company was 1,197; in 1849 the numbers had increased to 2,818. This looked very well in a tabular return; but when the House considered how the Natives employed were classed, they would find that in the revenue and judicial offices the increase was only from 1,034 to 1,344:—all the rest of this mighty increase, which looked so well in a tabular form amounted to little or nothing, because the Native appointments were made for the most part to offices of the most subordinate rank, and the salaries paid, in most cases were of insignificant value. For instance, there were offices to which it was said Natives were appointed, but which were so insignificant that it was impossible to describe them otherwise than under the title of "various." These offices in 1828 amounted to 149; and in 1849 they reached to 990. Why, if the Government were to give a return of home appointments, and were to include in it the metropolitan police, might not any one exclaim, "See how generous the Parliament and the Government are—they now admit hundreds and thousands of the middle classes into places to which they would not have been named in 1827," that is, before the police force had been formed. These Indian appointments, therefore, ought to be weighed, not numbered. According to his noble Friend's explanation of the Bill, it was proposed to admit all qualified persons into the civil service, provided they had had a suitable education at Haileybury, and had undergone the necessary examination; but that was only a part of the scheme, and he had already shown that the distance between India and England, the uncertainty of success, and the difficulties connected with religion and caste, rendered this concession almost nugatory. Still, the Natives would be ineligible for some of the higher civil and judicial offices. In the year 1833 this distinction between the covenanted and uncovenanted service was not stated in Parliament as constituting a difference in the qualification of a candidate for employment; he, therefore, wished that it should now be extinguished by some positive and declaratory enactment, and would, therefore, suggest to his noble Friend an amendment in entire conformity with the principles of the present Bill, by which, after reciting the 87th clause, they should declare that it was not to be construed or controlled by any reference to or by any distinction drawn between the covenanted and uncovenanted service. He was anxious, however, to guard himself against the supposition that he was dealing with this question in any other respect than as regarded the eligibility of Natives for appointments. He was far from suggesting that the Natives should be placed in any position for which they were not as yet fitted: what he contended for was, that, consistently with past legislation, with right, and with principle, it was indispensable that the unqualified eligibility of the Natives of India, if fitted for office, should be declared on the face of the present Bill. They could not shrink from taking this course on the ground that there had been no expectation created to justify the demand. He had shown abundantly that this was not the case. If they really meant to repeal the 87th clause, let them say so. But let them not leave the matter to the discretion of those over whom they had no control; for as the Bill stood, these appointments were involved in the rights of patronage vested not in the Board of Control, but in the Directors. Therefore, if it was intended that the spirit of the 87th clause of the Act of 1833 should be carried out, they must insert a statutable provision to carry out and to enforce their own intentions; unless, indeed, they were disposed to do what he could not for a moment believe his noble Friend at the head of the Government would ever be guilty of—to say one thing, when they meant to do another. Did they mean to declare the eligibility of the Natives? If so, let it go forth that such was their intention; for, in the words of Mr. Macaulay, he would say, "Do you think we can give knowledge without awakening ambition, or do you mean to awaken ambition and provide it with no legitimate vent?" The noble Earl (Earl Granville) said, that much had been done of late years for the education of the Natives of India. No doubt; but still the capacity which the Natives had shown for availing themselves of, and profiting by, this improved education, had far surpassed the generosity of the Government, or the facilities placed within their reach. Even on this subject of education he had to reproach the Company for their shortcomings. So long ago as 1813 it was made compulsory upon the Company, by the Act passed in that year, that they should spend a lac of rupees, or 10,000*l.* annually, upon the education of the Natives of India; this obligation had not been fulfilled. No step had been taken to perform the engagement till the unpardonable neglect was discovered in 1824, when a Committee, appointed to inquire into the subject of public instruction, found that not a single farthing of that sum had ever been expended. Even then only two years' arrears were paid out of the large sum due. This appeared on the evidence of one of the most distinguished of the civil servants of the Company, Sir Charles Trevelyan. He must say, therefore, that he was not prepared to trust the Directors on this point. He did not trust them, because even when Parliament imposed specific obligations upon them, they forgot those obligations, and, sometimes under one pretext, and sometimes under another, they excluded all Native candidates from the higher offices in the civil service and from the covenanted service altogether. And had their conduct on more general questions been irreproachable? What said Mr. Macaulay elsewhere, the eloquent defender of the Board of Directors? Why, Mr. Macaulay stated in the other House that there was not one of the great measures of Lord William Bentinck—the greatest and wisest reformer known in Indian history—there was not one single measure which had not been counteracted by the Home Government, and which did not entail upon its author reprimand instead of honour. If such an account of the Home Government was given by their most eloquent defender, he was quite at a loss to conceive how a more severe or more impartial judge would have described their conduct. The evidence taken before their Lordships' Committee had clearly established the fact, that practically the present double government of India was an irresponsible government. Of this the present war in Burmah was a proof; we were now engaged in what seemed to be one of the most causeless, and, as far as he could judge, one of the most dangerous military enterprises that we had ever undertaken since our first occupation of India. If we had encountered greater perils before, certainly we had never done so with the prospect of deriving from them a benefit so infinitely small—if any benefit there existed. He would not, indeed, say that a mere question of 700*l.*, which was now keeping all India east of the Ganges in confusion, was necessarily inconsistent with the justice of the war, because 700*l.*, though a small sum, might involve a question of national honour. But who, he would ask, was responsible for this war? His right hon. Friend the President of the Board of Control had, indeed, with that generosity of heart which characterised him, gallantly said that he would be responsible for this war. But this was merely the sort of official responsibility which attached to a Government, coming in after an act had been done, and throwing their shield over the acts of governors or generals abroad: what was practically wanted was, an admission of the direct responsibility of the person who might by his direct and immediate interposition have averted this calamity. He wished to know who was actually responsible for the commencement of that war? Was it the Governor General of India, the Board of Control, or the Court of Directors? In conclusion, he must say that, while there were many parts of this measure which introduced changes which did infinite credit to the Government—particularly with respect to the establishment of open competition as preliminary to the admission to office—he must most decidedly object to the insufficiency of the reforms provided, and to the anomalous, and he feared impracticable, mode of continuing the present system of double government. He did not, indeed, object to the propositions of the Government on this point if they were intended merely to establish a form of government which should serve simply as a transition step, but were not intended to be adopted as a permanent institution. When the House went into Committee, he should propose an Amendment, with a view of obtaining better security for carrying into practical effect the expressed intentions of the Government and of Parliament, with respect to the admission of Natives of India to Government appointments.

The DUKE of ARGYLL said, that he should not enter at any length into the details of this question; but he was not sorry to have an opportunity of expressing his opinion with respect to some great popular fallacies, in accordance with which the conduct of Her Majesty's Government in respect to this measure had been condemned both in that House and out of doors. He would not now discuss the worn-out question of the advisability of delaying legislation, because that question had been fairly submitted to the House of Commons; and the opinion of the country, so far as it could be collected from its representatives in Parliament, had been expressed by an overwhelming majority—much greater, indeed, than had been expected by the Government—composed of individuals of all parties, who had declared their conviction that the Government had taken the wisest course in not delaying for another year to legislate on the question of the government of India. He must say that the Government had taken that course from a strict sense of public duty. Party convenience, and the surface current of popular opinion, so far as it could be gathered from the press and other sources, appeared to be in favour of delay; and the knowledge that a variety of heterogeneous objections were sure to be offered to any measure that might be brought forward, would have led Her Majesty's Government to decline to legislate during the present Session. They did so only from the belief that delay would be injurious to the interests of our Indian empire, because it would maintain there a state of doubt, transition, and agitation, which was perilous to the continuance of our sway. They were no doubt, too, influenced in coming to this conclusion by the opinion of the Governor General, which, notwithstanding whot had been said, he believed it was their duty at least to intimate to Parliament. He would not deny that it was now somewhat late in the Session to bring a measure of so much importance before their Lordships; but although it was now technically before them for the first time, its merits had, in fact, been frequently discussed during the progress of the Session. He could not, therefore, at all agree in the conclusion at which noble Lords opposite had arrived, not to enter upon the discussion of the measure. He believed that when in office they intended to have proceeded to immediate legislation; and he very much doubted whether, if they had expressed an opinion on this Bill, it would have been in accordance with the sentiments of those with whom they habitually acted in another place. No doubt, however, under these circumstances, it was very convenient for them to abstain from discussion. The noble Lord who had just resumed his seat (Lord Monteagle), repeating an objection to the measure of the Government frequently heard out of doors, had charged the President of the Board of Control with inconsistency, in indulging in brilliant eulogiums on the Court of Directors, and the whole conduct of the Indian Government, at the very time when he was introducing a measure which materially altered its constitution, and which, therefore, implied that it was at present defective. He was surprised to hear that statement. What was the course taken by the opponents of the present Indian Government? He did not deny that there were many serious defects in the constitution of the Indian Government; but those who had got up an animated agitation on this question—upon almost every question connected with its practical working—had indulged in enormous exaggerations. While, therefore, the Government admitted the existence of defects in the constitution of the Indian Government, and abuses in its administration of affairs, and, therefore, proposed to introduce changes with the view to obviate them for the future, it was, on the other hand, quite fair for them to show that great exaggerations had been indulged in with respect to almost every alleged defect in the Indian Government, and that it was, therefore, not incumbent upon them at once to sweep away the whole system of double governments. But when his right hon. Friend did that, the very persons by whom the exaggerations had been made turned round and said, "You are defending things as they are; why, therefore, should you alter them?" The Government were not defending things as they are. They admitted that great defects existed in the present composite system of government, and they proposed improvements; but they were bound to point out exaggerations, and to show that in consequence of some admitted defects it was not incumbent on them to sweep away the whole edifice. He would mention one or two other points upon which the greatest exaggeration had prevailed. It had been said that the greatest blot upon the administration of Indian affairs was the judicial department, the defects in which were not only great, but had been increasing of late years; and it had been frequently said that when nothing else could be done with a man in India he was made a Judge. Mr. Halliday, however, in his evidence before their Lordships' Committee, distinctly stated no such accusation could be fairly brought against the India Government. Again, a petition had been presented from Madras, in which, on the authority of some reports of seventeen or eighteen years ago, certain public works were represented as being greatly needed; but it turned out, upon inquiry, that these works had been constructed fifteen or sixteen years since. The noble Earl opposite (the Earl of Ellenborough) had accused the Government of having lost a great opportunity, and said, that this was a bit-by-bit reform. But he (the Duke of Argyll) considered it as a great merit of the measure before them that it was not a new paper constitution for India. Let the House recollect how our Indian empire had been gained. It consisted of acquisitions made bit by bit from various races, and was inhabited by people of different languages and customs; the Government had grown with the growth of the empire—it had been developed gradually; and he considered that it would have been the height of rashness in the Government to have swept away the whole of this system without any sufficient cause, for the purpose of setting up a new constitution for our Indian empire. The real object of those who complained of this being a bit-by-bit reform was to get rid of the double government. It seemed to him, however, that there were great fallacies in the argument usually held on this subject. What was wanted was the establishment of a single government. Now, this must be a change either in substance or in name. If of substance, what change did they wish? The Indian Government was now entirely separate from the Home Government, which was only a Government of review; it was one of active operation only as regarded foreign policy. No one, however, proposed that a Minister of the Crown should preside over the Government of India without the assistance of a Council. It was admitted that there must be a double government, and that the Home Government must consist of a Minister and a Council. That being so, the whole question with regard to a change in the substance of the Government fell to the ground. As long as they had a Minister acting under the advice of a Council, it was in fact utterly impossible to obtain what the supporters of this change desired—a single Minister with undivided responsibility for the whole government of India. If they wanted a change more than in name, they must want a single Minister responsible for all that was done in India; but that was a system upon which, by the admission of its own advocates, they could not venture. He, therefore, agreed with his noble Friend (Lord Monteagle) that they could not escape responsibility. His noble Friend had referred to the case of the Burmese war as an illustration of the deficiency of responsibility for the Government of India. But even in Europe wars were sometimes occasioned or precipitated by the conduct of naval or military officers. The sort of accident which had occurred in Burmah might take place in any empire; and there were circumstances connected with the East Indian Government which must render it impossible for the Home Government to be made responsible for acts that might involve the country in war. If the change required were not one of substance, it must be one of name. The noble Earl (the Earl of Ellenborough), however, said that he had a strong conviction that a change, not in substance, but in name—the carrying on of the government in the name, not of the Company, but of the Crown—would conduce in the highest degree to the welfare of the Indian empire. He (the Duke of Argyll) certainly did not say that sooner or later the time would not arrive for the Government to take the administration of Indian affairs into its own hands; but he certainly thought that the present was not the time. Mr. Halliday, one of the ablest of the Company's servants, in the course of his examination before their Lordships' Committee, expressed his desire that the government should in future be carried on in the name of the Crown; stating at the same time that that could be done without any change being made in the mode of conducting business by the Board of Control and the Board of Directors, which would leave the division and responsibility very much where it was at present. When questioned as to the ground on which he advised this change, he said that at present the Natives of India had an impression that we only farmed the government of the country, and that belief tended to create an impression to our disadvantage. It was under the system of farming the governments that the greatest cruelties had taken place in the administration of India. To the subjects of an Eastern empire no greater change could be possibly imagined than the change from the rule of some rapacious governor to that of a monarch who took the management of affairs into his own hands. That was the impression of the Natives of India of the change from a Government that was farmed to an Imperial Government. If, then, we told the people of India that we were not farming them out, but that there was about to be a change, that that farming of them out was about to cease, they would at once, and naturally, expect that a change far greater than we were prepared for was about to take place. They would expect that the system of taxation existing under the farming Government would undergo large alterations, and that some great amelioration was to be effected in their condition. He put it to the House whether they were ready to guarantee to the Natives any change of the magnitude that they would expect—whether they were prepared to deal on this great scale with the subject of Indian taxation—and whether they were able at once totally to reconstitute the whole system of land revenue in India? He contended that they were able to do none of these things; and, that not being able to propose any changes analogous to the experience of the Natives in such cases, they should not hold out a prospect which they had neither the hope nor the intention to see realised. The only real question which remained was the question with whom the election of the Indian Council should be left. His noble Friend who introduced this question had been repeatedly alluded to as having admitted that if we were starting a new Government for India we should not use the same constituency that we now did. He confessed to not seeing the force of this objection. It was through a commercial Company that we first acquired the government of this great empire; in 1833 that Company still retained something of its commercial character. But the course then taken by Parliament was to deprive it of its commercial privileges, and the ground urged for this was that it would be better to carry on the functions of empire when disengaged from commercial pursuits. How then, Parliament having deprived them of their commercial privileges, on the ground that so to do would fit them for the administration of Indian affairs, could they turn round afterwards and say, "There is no reason to continue to you the Government of India. It was given to you because you were a commercial Company; but you are no longer such, and therefore there is no reason why you should continue to govern." Under any circumstances this would seem unfair; but it seemed peculiarly so when the fact was that the anticipations held out in 1833, that the Company being divested of their commercial character would direct their attention more to the Government of India, had to a very great extent been carried out. The results then promised had actually been achieved, and during the last twenty years a much larger proportion of the Board of Directors had consisted of persons experienced in the affairs of India. So far, then, as the removal of its commercial character was concerned, he saw no ground for dispensing with the services of the Company in the Government of India. He must say he had looked forward with great pleasure and interest to the address of the noble Earl opposite (the Earl of Ellenborough) on the important question before the House, and he hoped the noble Earl would not think he meant anything disrespectful to him when he said he was exceedingly disappointed. The greater portion of it was not directed to the measure of the Government, or to any great principles, but was an attack upon the Directors of the East India Company. He confessed that he doubted the policy of the noble Earl's raillery directed against the Directors. According to the admissions of the noble Earl himself, what we wanted was a Council of experienced and independent men, whose position would be respected; and he could conceive no greater inconsistency than—whilst perpetuating the existence of such a Council—to hold it up all the while to the ridicule, and, as he believed, the undeserved ridicule of the public. He was ready to admit that public feeling had run strongly against the Directors and the whole Government of India; he believed, however, that there was, even now, a considerable reaction in the public mind. It had been contended that by the reduction of the number of the Directors you would diminish their independence, and also that by the introduction of a foreign element you would throw comparative discredit on the existing body. He did not believe that the change now proposed would interfere with the elective element of that body; and he thought that the introduction of the foreign element would bring in some of the first and ablest men of the day. No one who had any knowledge of the men who generally returned from India could help acknowledging that there was no class more anxious to promote the prosperity of that country than those gentlemen, who were so well qualified by their service. In fact, for the remainder of their lives almost every one who returned from India continued to feel an almost primary interest in Indian affairs. It was therefore of the utmost importance to see that the measure of the Government did not diminish the desire of these persons to take part in the government of India. He did not believe that it would. He believed, on the contrary, that the proposal now made would tend to raise the character of the Board of Directors, and would in this most important respect, as in others, conduce to the welfare of our Indian empire. He had been disappointed with the speech of the noble Earl (the Earl of Ellenborough) in another way. Though the noble Earl intimated that he should give his assent to the second reading of the Bill, he nevertheless said, that this measure would introduce a poison into the constitution of our Indian Government which ultimately would sap and undermine its foundations. To what did the noble Earl refer? He (the Duke of Argyll) saw nothing likely to sap and undermine those foundations. Did the noble Earl mean that the system of education would tend to lower the character of the civil service, or that the process of nominating

Directors would tend to deteriorate the character of the Board? He was sure neither of these were his reasons, and, therefore, he was at a loss to understand on what ground he could bring so serious a charge against the Government; and still more was he at a loss to know how, after making such an accusation, he could still find it consistent with his duty to give a general assent to the Bill.

Lord ASHBURTON: My Lords, if I could have agreed with the noble Duke who has just sat down upon his view of this measure, I would not have obtruded myself on your notice; but he and others have spoken of this Bill as a transition Bill, intended to pave the way for the ultimate adoption of a single Government. It is against this fatal doctrine of a single Government that I rise to protest. I feel bound to state my reasons for thinking that the maintenance of the East India Company, in all its power and in all its patronage, is necessary to give due security to the lives and civil rights of the people of India. I would further endeavour to prove that what is called single government by a President and his Council, would either degenerate into an absolute colonial government over a poor helpless people, delivered like sheep into our keeping, without even a voice to reveal their sufferings, or it would become again a double government, in which the restraining power would find itself divested of all those real and efficient checks now exercised by the East India Company. And now, my Lords, for the proofs. We all agree that the administration of India should be carried on in India, and should be vested in the Governor General; but we differ altogether as to the manner in which we can secure in the Home Government, for his control and guidance, the greatest amount of local knowledge, the strongest sympathies, the most disinterested care and solicitude for the advancement and welfare of the people of India. Had we to deal with an Anglo-Saxon community we should at once find these requisites in a body of representatives chosen by itself; but in India this is impossible. The next best body that I can imagine, would be one which has been hereditarily and traditionally connected with the Government of India from its very outset, of which the majority of the members have actually served in the country—a body who, by the influence of their authority and of their large patronage, gather about themselves whatever there are in Great Britain of Indian servants on furlough or in retirement. Such a body, living in the midst of English knowledge and English civilisation, but surrounded, as it were, by an atmosphere of Indian sympathies, acquainted with the past by their own experience, with the present by continuous contact with all that there is of worth, of enterprise, of ability in their two glorious services—such a body, armed with due powers by the Legislature to remedy, by their advice and tutelage, the necessary ignorance of the Minister—such a body you might now secure by some slight amendments in the East India Company—and such a body you would now sweep away, to replace it by a new and crude theory of what you call the single government of a President surrounded by his Council. Now, first, with the view of comparing the two systems, let us go through the several functions performed by the East India Company, and consider the manner in which those functions would be performed by the Cannon-row Council. The most momentous duty of the Home Government is the selection of the Governor General. Upon his zeal, energy, and judgment, depends mainly the fate of India. How can the sinister interests of party in this country be best frustrated, how can the Minister of the day be most effectively withstood, should he, under the pressure of irresistible difficulties, seek to rid himself in the Antipodes of a colleague more dangerous even as an ally than as an opponent? Where should we find the most energetic resistance to such attempts, whether on the part of our independent Court of Directors, or upon the part of the Cannon-row Council, which it is proposed to substitute for it?—a Council, be it remembered, destined to sit round a green table in constant communication with the chief they are desired to control. Again, the East India Company selects the Calcutta Council, who advise and check the Governor General in India. Would you trust the delegate of the political party who has drawn the lot of President of the India Board, to select the controllers of his comrade, who has drawn the lot of Governor General; or would you not here again prefer to confide this choice to the East India Company rather than to the Cannon-row Council? So much for the mode in which due restraint is to be exercised over the otherwise irresponsible power of the Indian Minister. We all know how important it is, when an ignorant Governor General goes out, he should be surrounded by men of experience, of knowledge, and of standing—by men capable of restraining him when he might be inclined to go wrong. In this respect, certainly, the Court of Directors have the advantage of the Cannon-row Council. I am doubtful whether this, of which the noble Lord speaks, is to be a Council of advice or of restraint. But, however this may be, the East India Company at least may again do what they have done on more than one occasion. They may refuse to sign, and dare the President to appeal to the publicity of an open trial before the Queen's tribunals. Further, I have still a most important advantage to signalise, incidental to the constitution of the Court of Directors—an advantage arising out of the continuous struggle in which they are involved for the maintenance of their ascendency. Their opinions of measures, conveyed in their despatches, can only prevail in so far as they are formed with judgment and urged with ability. The consequence is, that the measures of the East India Company are elaborated and suggested by the most able men that can be selected for the purpose throughout the country. For this band of distinguished men would be substituted an ordinary Government department, swept in at haphazard by the hack Secretary of the Treasury, from the needy constituencies of the House of Commons. Having compared the rival schemes, with reference to the selection of the Governor General, to the selection of the Councils destined to guide and restrain him—to the selection of the department destined to elaborate the instructions under which he is to act—I would submit them still to another test, scarcely less important. We choose a machine, not only by the work it is capable of performing when bright and perfect from the maker's hands; we look also to its power of duration—to its power of resistance to the strains and shocks to which it is liable. In like manner, it becomes us now to satisfy ourselves that our new Indian Government will not only work well at the outset, but that it is constructed with such compensations and remedies as to qualify it to continue its work without essential change or deterioration. Let us first set forth the special difficulties and dangers which it will have to encounter. The Government of England is a composite Government of King, Lords, and Commons; but it has only one interest to subserve—the interest of the British Empire. The Government of India, on the other hand, whatever structure it may please Parliament to give it, must necessarily have two interests to consider, the interest of India, and the interest of the Empire. Hence arises the necessity of having an Indian element, and an Imperial element. The Court of Directors, or the Cannon-row Council, are intended to represent the wants, feelings, and interests of India, whilst the Imperial element is confided to the delegate of the chance Ministers of the day, which may happen to have been selected by the representatives of Great Britain, not because it thinks aright, or because it has thought at all about the Indian people, but because it holds popular opinions upon purely British subjects. Were we looking solely to the good of India, the Indian element in this double government should be made supreme; but, for our own good, we rule that it should be otherwise. In the interest of Great Britain, absolute peremptory authority is vested, and necessarily vested, in the Minister. The danger then is, lest this Minister, the representative of the dominant party of the day in the British Parliament, should, in the plenitude of his ignorance, by virtue of the brute force confided to him, absorb to himself the functions of the Indian element. There is yet a further danger, scarcely less fatal, lest the Home Government, administered by the Minister, should attempt to rule India, from Cannon-row, to the annihilation of the authority of the Governor General. To strengthen the Indian element against the possibility of such usurpation, Mr. Pitt left to the Directors great substantive powers. He made them independent of the Imperial Government in their origin—independent in their action. He connected them by their patronage with the two services, giving no patronage to the Board of Control. He armed them with the independent exercise of the privilege of nominating the Governors and their Councils, of recalling any functionary, without reason assigned, at their sole discretion. He left them, moreover, the power of passive resistance, by which they might compel the Minister to appeal to the open Court of the Queen's Bench, and make good, in the face of the world, the contested point between them. He gave them the opportunity of appealing to public opinion, of enlightening the public mind, through discussions in the Court of Proprietors, before whom any subjects might be discussed—any information of domestic interest might be produced—without reference to the wish or will of the Board of Control. But other ideas have prevailed since Mr. Pitt's day; and it seems that the Indian element is to be weakened and weakened, until, at the next Charter, it is to be handed over altogether to an absolute Colonial Minister, with the sham check of a Cannon-row Council. It will be then for you, my Lords, to decide how we shall deal with this company of merchant adventurers, who, encumbered rather than aided by the interference of the mother country, have conquered an empire more extensive than that of the Mogul; who have administered it more successfully than our colonial empire has been administered by King, Lords, and Commons—who have organised a civil service superior in ability, in distinction, in honour, in public spirit, to the civil service of any time and of any nation—whose army is without reproach—whose administration of justice, faulty as it may be in the old provinces, for which calamity the present generation is not responsible, is as perfect as human nature can allow in the latterly acquired provinces, for which alone they are equitably responsible. The evils of the old provinces have come down to them from the days of Lord Cornwallis and Sir Thomas Monro;—indeed the East India Company are no more responsible for the existing state of things in India, than we are for all the miseries which the Government of Queen Elizabeth has entailed upon Ireland. With regard to public works, there is no administrative work, no *Cadastre* or *Doomsday-book*, which exceeds in grandeur of conception, or success in execution, the revenue survey, already carried over a mighty range of country, and extending rapidly over the rest. It is true that they have left no brick and mortar monuments for time to waste and deface; but they have sown the seeds of liberty among their subjects, and three goodly plants have already shown some fruits, however misshapen and immature, in the petitions which have appeared on your Lordships' table—plants that will grow and prosper, under the same liberal and beneficent policy as that which has given them birth. And when, at the close of their allotted period of rule, these merchant adventurers deliver into your hands this mighty empire, so organised, so administered, in a state of absolute submission, to be dealt with according to your will, it will require, surely, some stronger reasons than have been advanced hitherto, to induce your Lordships to impose an ignominious termination on a career so glorious in the annals of our country.

The Bishop of OXFORD said, he must be excused for troubling their Lordships on this subject, on the ground that it was not merely a great political question, but also had a deep religious and moral bearing. He must be excused, also, on the ground that he was the only member of his order who was appointed by their Lordships to attend upon the Committee which had been sitting upon this question. He had there given his very best attention to the subject, and would now endeavour to point out one or two considerations which he thought ought to be observed upon before this Bill passed into law. While, on the one hand, he wished not to enter upon the political aspect of the question, he desired, on the other, to say that he believed that religious and moral considerations bore more deeply and most influentially on the political welfare of India in her relations to this country. It was impossible to view the manner in which, by means of a body of merchant princes, the great Indian Empire and its indwelling inhabitants, had been committed to the government of Great Britain, and not to feel that it had been so given by the hand of God into our stewardship, in order that we might faithfully discharge his intentions of mercy. If this were so, a failure on our part, for any secondary reasons, in the fulfilment of our bounden duty, must, more than any mistaken policy, tend to one deprivation of the command which, for special purposes, had been placed in our hands. He did not wish to differ from the noble Lord who said it was not the duty of this country, as a Government, to interfere directly with the religion of the people committed to its charge; but he excepted to one word more than once used that night. It had been said that as to the spread of Christianity, it was the duty of this country to maintain an absolute neutrality. He could not admit that word 'neutrality'—it was not the right word—though he might have accepted the word 'non-interference.' So far from being neutral, we ought to be most anxious that the greatest and best gift of God—the possession of truth—should in due time be communicated to the people of India; but we might abstain from 'interference,' because we could not, as a Government, interfere with these questions without bringing to bear upon them powers and motives which were not the true powers and the real motives by which the spread of Christianity should be accomplished. It was just because we were not neutral that we ought to refuse to interfere. We were, however, bound so far directly to interfere as to see that we put Christianity before the people of India at every advantage among those who went out from England to serve the Government of India, professing themselves Christians. We were bound to make provisions of chaplains, and clergy, and bishops for the people who went out there. He must confess, that if he had looked at this Bill as a final measure, he should have looked at it with very great dissatisfaction, because, unlike other Bills for renewing the Company's Charter, it made no provisions for keeping up Christianity among the Company's servants in that distant land. At the present time there was much need of an increase in the number of chaplains, and the foundation of at least another bishopric in India; but he was aware that the reason why no provision of that nature was introduced into this Bill was, that it was not intended to be a final measure. In an interview which he had had with the President of the Board of Control, the right hon. Gentleman informed him that the present Bill was limited to what directly concerned the Government of India, and that it was the intention of the Goverment to introduce other measures in reference to the judicial and ecclesiastical establishments of India. He would suggest that it would be the greatest possible comfort to many outside their Lordships' House to have a public assurance from the Government, before the second reading of this Bill, that it was their intention to make provision for the increasing Christian population of India. It was important, also, that those we sent out to India should be the best specimens we could select of the intelligence and morality of this country; and, therefore, there was one alteration in this Bill at which he heartily rejoiced—he meant the introduction of an examination instead of the simple principle of patronage. He thought the objections to this change would not hold in any way. It had been said that examinations would give for the civil service worn-out students, with brains already exhausted, and with bodies altogether unfitted for enduring the fatigues and inconveniences of Indian life. But surely this was a mistake; there was no reason, from experience, to suppose that the system of examination must do otherwise than furnish, whatever the task, the able and practical minds best qualified to fulfil it. Whether they looked at that House, or at the other House of Parliament, or at the Bench, or at the Bar, they saw, as a general law, that those who did best in the examination provided for them when young men, had risen highest afterwards in their respective walks of life. Whilst, however, he rejoiced at this change, he thought the Bill stopped short of what it should have done. They were giving up a great deal of patronage, and making it the result and the reward of creditable examinations; but mark what would be the effect of conferring it on Haileybury College. Haileybury was calculated for eighty students; the civil appointments averaged about thirty-five a year. Out of the eighty students, some four or five, on account of ill health, or for other reasons, ordinarily passed off each year into other modes of life. The candidates were thus reduced in number to seventy-five; of these, about thirty-five went off every year, and thirty-five were taken in to fill up, the result being that every student placed at Haileybury would receive an appointment in the course of two years. Thus they would be creating at Haileybury one of those close colleges which experience at the two old Universities had shown to work so ill for the higher purposes of academical education. Those best qualified to form an opinion on the matter, anticipated the worst effect from these arrangements. The head-master of one of the chief public schools expressed himself in a letter to this effect: "I can only say, much as I trust my sixth form at present, I could not answer for maintaining discipline in it if they should be placed in the position in which the students at Haileybury will be put if this Bill passes." What was that position? Their Lordships would observe that every one of the students at Haileybury would know—and all around him would know also—that he would be almost certain, after one or two years, diminishing down to a few weeks, in the course of a few months at least, to obtain an income in India varying from 400*l.* or 500*l.* to 1,000*l.* a year. The temptations of young men to forestall that almost certain income—the temptations of others to minister to their wishes, on the promise of future payment, would be fatal to the discipline of the college in which they were placed; and, therefore, all the disadvantages of a close college would in Haileybury be aggravated by the greatness of the prize immediately before the students. The expulsion of a young man from the college would be absolute ruin; and therefore the managers of the college would never resort to that proceeding except in the case of gross transgression. Even now an incompetent person, though rejected once, was almost sure to be passed afterwards. But it was the multitude of small things which marked to the observant eye who were unfit to be trusted with that great trust which the civil servants of the East India Company might be trusted with when they went out to India. The result would be to put Haileybury under new and most disadvantageous circumstances for maintaining discipline within, and to make it the worst kind of close college, with the greatest amount of patronage, to tempt instead of to reward the students. Their Lordships would observe another point. It was not merely an evil directly to Haileybury and incidentally to India, but through it a great advantage was lost, which they might have had by opening the competition in the final examination, and bringing in other supplies of young men besides those admitted to Haileybury. He knew it would be said, if all they wanted was a certain amount of intellectual quickness, it would be all very well to throw the final examination open, but they wanted something more—a certain moral probation of young men, and that probation would be lost if the young men were not subjected to the supervision of the managers of the college. But was that not a gratuitous assumption? What was easier than to extend the power given to the Board of Control with regard to Addiscombe, of admitting others to the final examination besides the students of Addiscombe? What was easier than to extend the same rule to Haileybury? What was easier than for the Board of Control to lay down such rules as would necessarily secure from the candidates evidence that they had undergone some such training somewhere, and that during it they had displayed qualifications which would enable them to perform the high trust they were seeking, with advantage to the people of India and to this country? What was easier than, if they came from the Universities, to require such testimonials? But he did not mean to limit it to the Universities—he would allow it to be perfectly open; he would allow candidates to come from any quarter from which they could bring proper testimonials that they had undergone a proper course of moral training, and were physically fit for the duties before them, and admit them with that preliminary proof to stand the trial with the students from Haileybury as to intellectual qualifications. He did not wish at all to do away with the College of Haileybury. That would be a very rash and a very unadvised measure at this moment. He would keep Haileybury, and Haileybury would always have great advantages. It might provide cheaper training in those things which were wanted, especially by those who went out in the civil service of India. It might in that way be maintained, although thrown open to competition; and if competition failed, they would still have Haileybury to fall back upon. By bringing the students at the end of their course into fair competition with those who had been trained elsewhere, Haileybury itself would advance to a degree of excellence which it could not hope to obtain under a close system, which gave without merit rewards which ought to be the reward of merit alone. That was not all. Let their Lordships consider the signal effect the allowing their students to compete for Indian appointments would have on the great Universities. At present the Universities educated those who were to be the future statesmen of England, and those who were to succeed to large hereditary property. The Universities educated to a great extent those who looked forward to the Bar, and those entirely who were intended for the Church of this country; but there were a great number of young men, an increasing number of young men, who, having distinguished themselves in obtaining academical honours, and having no desire to enter the Church, no particular leaning to the Bar, and no opening to mercantile pursuits, did not know where to turn for employment in the busy state of the world in which they lived. To them it would open a new vent, to make an Indian life possible at the termination of their academical career. In every comparatively small University in Germany they found a flourishing class of Sanscrit scholars; but although our Universities had their richly-endowed Sanscrit professorships, the professors were useless, because they had no Sanscrit classes to study under them. Throw open the competition and the anomaly would at once disappear. Their Lordships would see at once it would be a great benefit to the Universities to have those young men led to take an interest in India. It would be a great gain to the Universities, but not to the Universities only. It would be a gain to India and the civil service, just in the same degree as to the Universities. Their Lordships would observe the peculiar working of the clause. It absolutely sealed up the civil service of India from all young men who happened to be above the age of seventeen. The young man who distinguished himself at Oxford, and left at the age of twenty, unless he entered as a student again with the boys at Haileybury, would be for ever incapacitated from taking part in the civil service of India. He might have formed the greatest love for Indian pursuits, he might have felt the most direct calling for the Indian service, he might have manifested talents and capacities of a kind to qualify him in an especial degree for the service, and yet it was absolutely closed to him by the restriction to those who had passed the second examination in connexion with Haileybury. If they formed, by the action he recommended, classes in the Universities in which young men would be educated for Indian pursuits, it would confer still greater advantages upon India; for what could be more beneficial than to send out those who had had all the advantages of English education and English connexions at English Universities? When settled in India, they would still look back to the time when they were studying at home with those who had risen since to high positions in the two Houses of Parliament, and a higher tone would animate their minds when comparing situations with those with whom they had mingled in the fair and honourable strife of the University arena. And that would apply, not only to the Universities, but largely to all other ranks of life and society; because he was not for limiting it at all to the Universities, but for extending the interest in India and Indian subjects through every part of the kingdom and different classes of society, which it would be impossible to expect if they limited the supply of servants to Haileybury alone. It was, then, upon these grounds that he earnestly entreated Her Majesty's Government to reconsider that portion of the Bill which referred to Haileybury College. He would far rather, if the Government would undertake to consider it before the Bill went into Committee, leave the matter in their hands, than give notice of any Amendments upon such a Bill as this. He would leave it in their hands, earnestly entreating them to remember that, if they should in this way seal up the supply of the best qualified men for the Indian service, they must necessarily lower the character of that service, and so present the morality and attainments of a Christian people, in the eyes of the heathens of India, in a lower light than they might have done. And, after all, it was upon that basis that the security of our Indian Empire must be rested. It had been said, with equal truth and eloquence, that if, at this moment, the British Empire in India were to pass away, it would leave behind it the traces of fewer magnificent buildings than marked the sway of almost any other people who ever for a season exercised the rights of empire over such a country. It was not much the habit of the British people—even at home—to raise magnificent structures as emblems of their power and greatness. It was rather their vocation—and he thought it a higher one—to leave as the impress of their intercourse with inferior nations marks of moral teaching and religious training; to have taught nations of children to see what it was to be men; to have trained mankind in habits of truth, justice, and morality, instead of leaving them in the imbecility of falsehood and perpetual childhood; and, above all, to have been instrumental in communicating to them, not by fierce aggression and superior power, but by the gentle persuasion of that moral superiority, that greatest gift bestowed by God upon ourselves—the only true ennobler of fallen humanity—true faith in His word, and true belief in the revelation of His Son. He begged to leave this question to Her Majesty's Government, and should not give notice of any Amendment, trusting it would receive full consideration from them before the Bill went into Committee.

LORD WHARNCLIFFE said, that though he must own that, so far as he was concerned, he regretted that their Lordships should not have had an earlier opportunity of discussing the measure, yet he did not blame the Government for the decision they had adopted of at once legislating for the government of India. Though it might have been desirable to have more time after the inquiry of the Committees to mature a question of this description, the mode in which that object should have been attained was by the appointment of the Committees at an earlier period. Of all points connected with the consideration of the Indian Government, he felt it was most important that Parliament should establish some well-considered and efficient machinery—some well-devised form of government, in order to deal efficiently with the various questions upon which the internal welfare of that extensive empire depended. Whatever might be the result of these inquiries of the Committees of both Houses of Parliament, it was clear that by far the larger portion of them must be disposed of in India itself, and that it was only with a very small portion that Parliament was competent to deal. Under these circumstances, it was most desirable, if Ministers could satisfy themselves as to the best mode of dealing with the matter, that they should regard their first duty to consist in reconstructing and remodelling the Home Government. Looking at the Court of Directors as a public body, he must say, without being influenced by any feeling of hostility to them, that he could not help considering that that body had not fulfilled the duties of executive government as usefully and efficaciously as it might have done; and that, in respect to that portion of the functions of the Home Government with which it was charged, it did not tend to give vigour and efficiency. He gave the Court of Directors full credit for having done much to advance the good government of India, especially of late years; but it was impossible not to feel that in the very nature of the relations between the Directors and the Board of Control, there was a cumbrous and perplexing system of communication, tending to delay, and prejudicial to good administration. In corroboration of this statement, he would refer to the evidence of Mr. Chapman, before the Commons' Committee, where he mentioned an instance of a certain Commission of Inquiry having been appointed in India, in 1850, whose Report, though approved by Lord Dalhousie, and by the Court of Directors, on its being sent to this country, was not replied to until March, 1852. Another strong objection to continue matters as they were, was, that they would no longer be submitted to; and the only reason, he understood, for the proposition to continue the Court of Directors merely was, that it was an existing body. As regarded this country, it was well understood that India was not under a double government; and any profession to the contrary was, as regarded India, keeping up an imposture and delusion. It appeared to him that there would be some difficulty in working the Council given to the Governor General by the present Bill. Whatever regulations Parliament might make with regard to that Council, it was absolutely essential that it should continue in the Governor General that supreme superintending power and control, without which it would be impossible satisfactorily to conduct the affairs of that empire. He also conceived it his duty to address an observation upon the admissions to the civil service. It was his very decided opinion that it would be injudicious to the last degree to confine all the competition for admission to that service to those who had passed through the Company's College, at Haileybury. It was perfectly true that a competition could not be relied upon for securing in all cases precisely the qualities which were required in order to enable the candidate to perform the duties expected of him in India; but it was better that a candidate should succeed in a competition by being crammed with information that would be of service to him there, than that he should go thither without competition, and without information of the requisite nature. One good effect would be attained by the system of competition—namely, that the young men so selected would, when they arrived in India, be likely to demean themselves towards the Natives with due consideration and respect. He could not help regarding the present measure as a mere temporary settlement of the question. It was impossible to suppose that the Government Bill could continue in operation, either to the satisfaction of the people of this country or the people of India, for any length of time.

Earl GRANVILLE said, it would only be necessary to trouble their Lordships for a few moments in reply. The noble Earl (the Earl of Ellenborough) had expressed his disappointment that the Government should be content to nominate in the first instance only three members of the Court of Directors, instead of nominating the whole six. But there was a manifest advantage in nominating only the smaller number in the first instance, and in postponing the nomination of the three other Directors to some future time. It was very important that men of the highest character and qualifications should be nominated by the Crown, and three such men would be more likely to be met with than six. He was not bound to defend the present constituency of the East India Directors against the noble Earl; but, when the noble Earl compared them to Old Sarum, he must take leave to remind him that the East India proprietary contained names remarkable for great wealth and intelligence. No one had suggested a constituency that would work practically better than the present one. He agreed with the right rev. Prelate (the Bishop of Oxford) that it was right to take measures for the spiritual welfare of all those whom this country sent out to India. He could not, however, give any further pledge than that the matters brought under the notice of the Government by the right rev. Prelate should be fully considered. He was happy to find that the noble Lord (Lord Wharncliffe) treated with the contempt it deserved the allegation that the Government ought not to have legislated because the Parliamentary Committees had not finished their labours. The Government would not have been justified in acting upon a mere question of Parliamentary etiquette, when they themselves thought, and were also assured by the Governor General, that it was dangerous to the peace of our great Indian Empire to postpone legislation. Notwithstanding some remarks that had been made to the contrary, the Government measure actually strengthened the existing East India Company; but if, for want of vitality, they were not able to go on, the Bill gave the means of sliding, without any great change, into a simpler form of government.

On Question, *agreed to;* Bill read 2^a accordingly; and *committed* to a Committee of the whole House on *Monday* next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, August 5, 1853.

MINUTES.] PUBLIC BILLS. — 1° Copyholds, &c. Commission Continuance; Commons Inclosure (No. 3).

2° Militia Ballots Suspension, and Militia Law Amendment; Friendly Societies; Crown Suits; Female Convicts; Loan Societies; Apprehension of Offenders Act Amendment; Marriages, Holy Trinity Church, Hulme, Validity; Stock in Trade Exemption; Ecclesiastical Jurisdiction.

3° South Sea Company's Arrangement and Trusts; Assessed Taxes; Sheriffs (Scotland).

SOUTH SEA COMPANY'S ARRANGEMENT AND TRUSTS BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read a Third Time."

MR. SPOONER said, he rose to move that the Bill be rejected. The Bill, although standing on the private paper, was a public measure, and ought to have been brought in by the Government. It contained most extraordinary provisions, and gave the Directors of the South Sea Company power to deal with more than 3,000,000*l.* of their stock, in a manner which the House would know nothing of for some time to come. One of its objects appeared to be to convert the South Sea Company into a corporation for the administration of trusts. Another of its objects was to give the Directors of the Company and the Chancellor of the Exchequer a power to make any agreement they might think fit as to the conditions on which a large amount of South Sea Stock should be commuted, without consulting the persons interested, and without coming to Parliament for its consent. The Standing Orders had been suspended in favour of the Bill, and although it was a measure of vast importance, they had heard no statement whatever about it. True, it was referred to incidentally by the Chancellor of the Exchequer in his recent statement on the subject of the South Sea Annuities; but he could not gather from that or anything in the Bill itself, that every member of the Company, or at least so large a proportion of them as to justify the House in passing the Bill, had received notice of the purport and intention of this Bill. The South Sea Company, although a chartered company, was, nevertheless, a partnership, and therefore, in law, a measure of this nature to divert the capital of the Company from the object for which it was subscribed, could not be made legal without the sanction of all the partners. He should move that the Bill be read a Third Time that day three months.

Amendment proposed, to leave out the word "now" and at the end of the Question, to add the words "upon this day three months."

MR. BOUVERIE said, the hon. Gentleman had complained that this was a public Bill, introduced under the cover of a private Bill. He begged, however, to inform the hon. Gentleman that this was nothing else but a private Bill. If it had been introduced as a public Bill, Mr. Speaker would immediately have objected to its introduction in that way, on account of its being a private Bill. It was a private Bill, because it was promoted by a private company. He believed that great good would be done to the country if such a corporation as that proposed by the Bill were established. It proposed to perform for executors and trustees the difficult duties cast upon them by testators.

Sir FITZROY KELLY said, he thought the Bill of such importance that it ought to receive further deliberation, and be considered more at length than it could be at that period of the Session. The effect of this Bill would be to make the South Sea Company a great trading company, carrying on business as trustees for other parties; and, although that change might be advantageous to the proprietors, he contended that, without the sanction of all the proprietors, it would be neither more nor less than an act of spoliation to pass this Bill. The real operation of the Bill would be this—parties who had invested their money in South Sea Stock, under the impression that it was for a particular purpose, would be paid off without ceremony, if they did not consent to the terms of the Bill. In point of fact, the South Sea Company was a copartnership, and the object of this Bill was to compel the parties to dissolve the partnership. If the assent of all the proprietors had been obtained to it, of course his objections to the Bill would cease; but without that consent the Bill was nothing more nor less than an act of spoliation, and the House ought, therefore, to reject it. They were told, indeed, that the Bill was founded upon a resolution passed by the Company; but they had no information as to how the resolution was discussed or carried. They did not know whether all the proprietors entitled to vote agreed to it; if they did, of course there would be an end to his opposition, but upon these points the House was, as yet, entirely uninformed.

Mr. HENLEY said, he would suggest that the Bill should be sent back to the Select Committee, with instructions especially to report the proportions of proprietors who assented to this Bill. The Bill created new powers and new objects, which the Company were to carry out; and before such a change as that could be made in the constitution of the Company, the House ought to be satisfied that it had been sanctioned by the great majority of the proprietors. The Bill was, however, objectionable on other grounds; for instance, it extended the principle of limited liability, while some of the clauses were so framed that the Company could hold lands to any extent—a power which Parliament had always refused to confer upon joint-stock companies.

The SOLICITOR GENERAL said, that it was a fallacy to suppose that this Bill could not pass without the consent of every individual proprietor. The object for which the Company was originally established had been accomplished, and the Company was now virtually dissolved. It was only fair, therefore, that the Company should have the power of applying their funds to uses of present public advantage; and considering that the assent of the proprietors had been given to the Bill in the usual manner, he thought the opposition was quite uncalled-for.

Mr. CARDWELL said, he had examined the provisions of this Bill, and he had no doubt whatever as to its expediency, or as to the necessity for passing it. The policy which the Bill enunciated was approved of by the majority of the Company; and the reason it was not investigated by a public Committee was simply that the forms of the House required that it should be a private Bill. Being unopposed, it was referred to the Chairman of Committees, who thoroughly examined its provisions, and reported it as unobjectionable. Whence, then, arose this opposition? The Bill had been approved of by the Company in public meeting assembled; and since the supposed absence of the consent of the proprietors was the present ground of opposition, he thought the House ought to experience no difficulty in passing the measure.

Question, "That the word 'now' stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Biil read 3°, and *passed.*

SOUTH SEA AND OTHER ANNUITIES (PROVISION FOR PAYMENT, ETC.) BILL.

Order for Committee read.

Sir FITZROY KELLY said, he must now state his reason why he thought the House ought not to proceed further with this Bill. In the first place, the statements which he had made on a former occasion had not been refuted. He had said that the marketable value of these three new stocks were 93*l.* 91*l.* and 90*l.*, and no more. The result of the transaction was, that the holders of these stocks were losers by the conversion to which they had submitted, of about 7, 9, and 10 per cent on their capital, to say nothing of their loss of interest. The amount of these stocks was about 2,500,000*l.*, and, therefore, the result of the operation was, that the unfortunate holders had been losers of upwards of 200,000*l.* by the bargain. These statements he now ventured to make to the House, upon the highest authority—upon the authority of more than one person connected with the money market in the City of London, and who were well acquainted with it in all its parts and branches. If such be the result, then the question arises, will this House enable the Government to continue and repeat those proposals to the remaining portion of the public, having been accepted by some upon whom their acceptance had entailed a very serious loss—a loss of not less than 200,000*l.*—and a loss, too, which they must now endure? It might, indeed, be said that those unfortunate persons had not been compelled to accept these stocks; that under the Act of Parliament they had an option either to be paid off in 100*l.* money, or to accept the proposed amount of the new 3 per cent stock. Such persons, he was quite willing to admit, had not any great claim to the consideration of the House. It might be no valid argument on their parts to say, We believed in the different representations made by the various Members of the Government, that in proposing these three stocks they gave so many equivalents for 100*l.* It might also be said, that it was the business of those persons to have calculated better, and that they should not have listened to the representations of the Chancellor of the Exchequer; that, in short, they had only themselves to blame if the equivalents for 100*l.*, in the shape of new stock, turned out to be only worth 90*l.*, 91*l.*, and 93*l.* But yet it might be fairly urged that, such being the result of those operations, the Chancellor of the Exchequer was not warranted in proposing the renewal of such terms, nor Parliament in sanctioning such a proposal; for how did the matter really stand? They were to pay off some 9,000,000*l.* or 10,000,000*l.* of South Sea and other stocks; and they proposed to the holders of 3 per cent Consols and Reduced to convert 90,000,000*l.* more into any of these three new stocks. Accordingly the Act passed for that purpose. The proposal was made, but it now appeared that instead of 100,000,000*l.*, of which the Act authorised the conversion into one or other of these new stocks, and of which the Government spoke in so confident a manner, the whole quantity taken was only between 2,000,000*l.* and 3,000,000*l.*, and there was no reason for anticipating that any greater amount of these new stocks would be demanded, seeing that the holders of those stocks would lose the very large sum which he had just mentioned to the House. If the Bill had merely enabled the Government to propose to the other holders of South Sea Stocks, who were supposed to have no opportunity of converting their property, the option of converting it into any of these new stocks, that Bill would be objectionable upon the grounds urged against the former Bill when before the House; and in the present state of the money market it would be nugatory, unless to some who had peculiar occasion for these particular stocks. No man would, he believed, be found to accept any one of those three alternatives. He thought, therefore, that as it was holding out an inducement to the public, or to some amongst the public, to accept a proposal, which might bring upon them a very serious loss, that it ought not, under its present conditions, to be sanctioned by Parliament. It had been observed that the failure of the scheme of the Chancellor of the Exchequer was caused by the weather and the seasons, and such adventitious circumstances as it was impossible to foresee when the scheme was before the House. But he (Sir F. Kelly) must take leave to call the attention of the House to the unquestionable fact, that, with regard to the expediency and the justice of the conversion from any old stock to any one of these new stocks, the failure had occurred entirely uninfluenced by those causes, which had no effect upon the question whatever. If any one having 100*l.* 3 per cents when the Bill passed, had commuted it into 110*l.* of the 2½, which was the best of the three new stocks, let them see how they stood in consequence of the fall in the public securities. He had exchanged 100*l.* 3 per cent consols against 110*l.* new 2½ consols which had been at 100*l.*, but were now at 98*l.*, or a little less; but a fall in the price of consols, whether occasioned by the payment of dividends, or by the events which had been alluded to, and which occasioned the fall in public securities generally, was not greater than the fall which had taken place in the 2½ per cents. The only difference was, that if the funds had varied in the same state they were in when the Bill passed through Parliament, 100*l.* then would be 100*l.* still, but these new two-and-a-halfs, instead of being 93, would now be 95. If there were a fall of 2 per cent in the one stock, there would be a fall of 2 per cent in the other stock, and no more. Therefore, with respect to this scheme, the case stood as it did when the Bill was first before Parliament. None of these new stocks had anything like an equivalent for 100*l.* 3 per cent stock, and therefore any Act of Parliament which held out to the public the idea that, by accepting any one of those three stocks they would be accepting an equivalent to that which they abandoned, was a delusion to which the House of Commons ought not to be a party, seeing how the case stood. The Chancellor of the Exchequer said the public would sustain no loss by this transaction. He (Sir F. Kelly) did not charge upon the Government the loss which had occurred; but it certainly was incorrect to say that the public had sustained no loss. If the Government had, warned by events, paused before they proceeded further with the Bill, and deferred until more settled times the paying off of South Sea Stock, they would have been savers, and therefore gainers of at least 2 per cent on the whole 9,000,000*l.* or 10,000,000. paid off. He repeated, he did not bring any charge against the Government, further than that they held out delusive hopes. But what he complained of was, that, in the repeated warnings which had been given when the Bill was before the House, the Government should have persisted in holding out those delusive expectations. The scheme was ably devised, but it failed in its machinery—it failed entirely in the mode in which it was attempted to be worked out. The object of the Bill was to remove from the stock market a cluster of small stocks, which disturbed the financial operations of the Government, and by which the funds were affected; and they wished, in lieu thereof, to bring into existence three kinds of stock of a still minor amount and description, and which were to be suffered to disturb the money market for the next forty years, for without a breach of public faith they could not be extinguished before that period. There was, in his opinion, one way of remedying the Act. The mischief, as he had already said, was not in the original conception of the scheme, but in its machinery—if accompanied with suitable machinery, the creation of those three new stocks would, in his opinion, have been productive of great advantages to the public and to the Exchequer. But the misfortune was, that the Chancellor of the Exchequer having conceived the idea of the creation of those three new stocks, undertook a task which was beyond human capacity. He believed that if any one could have been successful in such an operation, it would have been the right hon. Gentleman, had he not endeavoured to achieve what no man could effect, namely, to ascertain the future value in the market of three new and untried stocks. The right hon. Gentleman had on more than one occasion appealed to former measures of Finance Ministers, and particularly to a measure proposed in 1844; but he begged to point out to the House that the two cases were not analogous. In former cases, the value of the new stock proposed to be created was accurately known, while in the present instance that was not the case. As matters now stood, there was only one way in which the evil could be remedied or corrected, and that was by the results of experience as to what those newly created stocks were worth. They might yet, if they would do justice to the stockholders, offer those who had dealt in those new stocks a sufficient addition to their amount to make them really worth 100*l.* They might make an equivalent increase in the capital of the amount of 2½ and 3¼ per cent stock, so as to be a real and true equivalent to 100*l.*; and even still 30,000,000*l.*, 60,000,000*l.*, or even 90,000,000*l.*, might be converted into these stocks. He admitted this step would immensely add to the capital of the national debt; but that again might be provided for by a measure similar to that which the right hon. Gentleman had consented to adopt when last the Bill was before Parliament. In its present shape, he objected to the Bill, and he would take the sense of the House upon it. By the Bill, the right hon. Gentleman proposed that any of the holders of those stocks might convert them either into the new stocks, or 3¼ per cent, or guaranteed 3 per cent stock. He objected altogether to that proposal. Having found that the money stocks fell 8 or 10 per cent, or at least were that much less than they expected they now would be, the Government now came forward with a clause, saying, "Accept one of those three new stocks; you can, though we know you will not, accept them, but you can have instead the 3¼ per cents." He thought that the House would act most wisely by at once frankly admitting that this scheme of treating these three new stocks as equivalent to one another, or as equivalent to 100*l.*, had proved to be founded on a not unnatural misapprehension, and that, therefore, the evil should be allowed to stop where it was, and that Parliament should be applied to for its authority to charge upon the Consolidated Fund the sums which had been paid off in money. So strong a sense had he of the injustice and impolicy of the Government's project with respect to these stocks, that he should feel it to be his duty to take the sense of the House upon the question of going into Committee on the Bill.

The CHANCELLOR OF THE EXCHEQUER said, that his answer to the hon. and learned Gentleman was this. The hon. and learned Gentleman had stated a particular opinion in regard to the present value of certain stocks; but, in the first place, that was a matter entirely of opinion, and, in the second place, even if the opinion of the hon. and learned Gentlemen were correct, he (the Chancellor of the Exchequer) did not think it had the slightest bearing on the question whether the House should go into Committee on this Bill.

SIR HENRY WILLOUGHBY said, that he took a very grave view of the probable effect of this Bill in case it should pass into law. It seemed to him calculated to strike at the very root of our national credit.

MR. J. B. SMITH said, he considered that, the South Sea Company having assented to the right hon. Gentleman's first proposition to accept a money payment, it was a very bad precedent in the Government to depart from the first proposition and to proceed to the second. The first proposition, having been deliberately made and deliberately accepted, should have been adhered to.

MR. WILKINSON said, he should support the Bill, simply on the ground that the Chancellor of the Exchequer must be enabled to meet the engagements he had been authorised to contract.

House in Committee.

Clause 1.

MR. SPOONER said, he wished to know whether the South Sea Company, as a Company, having refused to accept the offer which had been made to them, were to have the offer repeated?

The CHANCELLOR OF THE EXCHEQUER said, that the parties embraced by the first clause were several classes of proprietors who were disabled by the Charter of the South Sea Company from taking part in the proceedings of the Company. These classes were three in number: first, the class of corporations, or public bodies; secondly, the class of private trustees; and, thirdly, the class of smaller proprietors, who, not holding 500*l.* of the Company's stock, were not entitled to vote at the Company's meetings. With regard to the corporations, there were from a dozen to twenty of these bodies which held some 100,000*l.* of South Sea Stock; and the amount held by the class of private trustees was from 1,700,000*l.* to 1,800,000*l.* The total amount of South Sea Stock held by the three classes was between 2,200,000*l.* and 2,400,000*l.*, or about two-thirds of the whole capital or trading stock of the Company. All these parties being disabled from taking any part in the debates of the Company on the question of whether they should accept the commutation or not, the commutation must be taken to have been declined—as the law stood—as far as these parties were concerned; but without their having, in reality, given any vote in the matter, although they held by far the larger portion of the stock of the Company.

Sir F. Kelly

SIR FITZROY KELLY said, that supposing he was a trustee holding 500*l.* of South Sea Stock, he wished to know why he should not be able himself to commute at once without the intervention of the Company? Why should the Company be made the medium for effecting the operation?

The CHANCELLOR OF THE EXCHEQUER said, that the South Sea Company was a corporation possessed by law of a certain indivisible trading stock, although the interests of individuals in that stock was made saleable and transferable from one party to another. The consequence was, that when the Government made the offer to the Company to commute its stock, the effect of the commutation not being accepted made it absolutely necessary for the Company to come to Parliament for powers to divide this trading stock, which was otherwise indivisible. It was necessary that that should be dealt with by a private Bill, and the House had passed a private Bill, which amounted to the practical resuscitation of the Company; but that was a matter entirely distinct from the one they were now discussing. He had thought the most convenient course to pursue was to deal with the South Sea Company as a public body, and he proposed to give the trustees the same power, as far as regarded their portion of the stock, as the whole body had possessed by their votes. This clause must therefore be considered in conjunction with certain other clauses in the private Bill of the South Sea Company, which had been read a third time that day.

Clause *agreed to.*

Clause 2.

The CHANCELLOR OF THE EXCHEQUER said, that this clause grew entirely out of the view which the South Sea Company took of its own interest, and had no connexion whatever with the operation which had lately been going on. The Company desired to be constituted a trust Company, and Parliament had assented to its being made so. One condition to the carrying out of that arrangement was, that the Company should have a guarantee fund of 300,000*l.* in the public securities; and it was now proposed that that guarantee should be formed out of the Company's present stock, so as to obviate the roundabout and lefthanded operation of the Company's being compelled to sell their stock to-day in order that they might reinvest it again to-morrow.

MR. MALINS said, it was plain to everybody that the scheme of the Chancellor of the Exchequer had been a total failure; but the bargain ought to be adhered to, and the dissentient holders of the stock should be paid off. If the right hon. Gentleman had not sufficient balances in the Exchequer for the purpose, let him come to Parliament and ask for the necessary means.

Clause *agreed to.*

Clause 3.

MR. J. B. SMITH said, he thought the Chancellor of the Exchequer would place himself in a very disadvantageous position if this clause were passed; for if, on the 25th of December, the Treasury offered a commutation, and the parties had eleven days to consider whether they should accept it, operations might take place in the money market which would embarrass the right hon. Gentleman in his arrangements. He wished the Chancellor of the Exchequer to explain what course he proposed to adopt in the event of the stockholders refusing to accept the alternatives held out to them under this clause, which he much feared was a probable event.

The CHANCELLOR OF THE EXCHEQUER said, he must decline giving any explanation on the point, whatever might be its interest. He protested against the public discussion of remotely possible contingencies by Gentlemen, some of whom, he was bound to say, seemed to speak as if they had no other object than that of exaggerating the difficulties under which the public was placed, as likely to have very mischievous effects. He did not subscribe to the doleful and melancholy vaticinations in which some had indulged, nor was he prepared to accept the liberal and munificent offers which had been held out to him, of means for raising a loan to get out of the scrape. This might be a short and easy mode of proceeding for him; but it would not be advantageous for the public, of whose interests they were bound to act as stewards. He was quite ready to admit that he was placed in a disadvantageous position with regard to some of his arrangements; but he regretted that the public were also subjected to the same disadvantage. It was quite impossible, however, in the present state of uncertainty, that he could enter into any details as to the mode of proceeding it might be most prudent to adopt in making arrangements under this measure.

MR. HENLEY said, he thought this Bill was very obscurely drawn, and regretted that the Chancellor of the Exchequer had not condescended to inform the Committee what was the amount of money to which the clause now under consideration would apply. In his opinion, the measure proposed to the Committee would tend very greatly to destroy the public credit.

The CHANCELLOR OF THE EXCHEQUER said, he must complain that the right hon. Gentleman who had just sat down stated that he had not condescended to inform the Committee of the amount proposed to be commuted. He had already informed the Committee that the amount would probably exceed 2,000,000*l.*

SIR FITZROY KELLY said, he thought that the right hon. Gentleman would be placed in a very difficult position by the passing of this measure. If, on the 1st of November, he should be called upon to fix the price, and the 3¼ per cents were at par, the Government must, in any case, be losers. Suppose the right hon. Gentleman fixed the price at 99*l.*; then, if the stock rose, persons would accept the new stock, and if it fell they would accept the 100*l.*, so that in either case there would be a loss of the public money.

MR. SPOONER said, he protested against the proposal, for he was of opinion that any difficulty which existed the Chancellor of the Exchequer had brought upon himself.

Clause *agreed to;* as were the remaining clauses.

House resumed.

Bill *reported* as amended.

SUPPLY—MISCELLANEOUS ESTIMATES.

The House then went into Committee of Supply.

The following four Votes were *agreed to:*—

(1.) 4,000*l.*, Fire Mains, Windsor Castle.

(2.) 20,000*l.*, Buckingham Palace.

(3.) 32,641*l.*, Battersea Park.

(4.) 5,500*l.*, Chelsea Bridge.

(5.) Motion made, and Question put—

> "That a sum, not exceeding 35,000*l.*, be granted to Her Majesty, towards defraying the Expense of constructing an Embankment and Public Roadway between Battersea and Vauxhall Bridges: and an Approach from Sloane Street to Chelsea Bridge."

Mr. W. BROWN said, he must beg to renew his annual protest against these Votes of public money for London embellishments. Why was London, which was so rich, to be beautified at the expense of provincial taxpayers? London could afford to embellish herself, and should do it without coming on the country.

Mr. HUME said, he hoped his hon. Friend would consider the immense population that was to be benefited.

Mr. HEYWOOD said, he could see nothing in this matter but a local improvement, which ought to be paid for, as in the country it would be paid for, out of local rates. They ought to be the more cautious in adopting this Vote, because he believed it was but the commencement of other embankments, which ought to be continued from Vauxhall down to London-bridge, but which ought to be paid for by the inhabitants, and not by the United Kingdom.

Mr. DISRAELI said, he thought this Vote involved a principle of the utmost importance. The various counties throughout the country supported their own bridges, and therefore the cost of the Chelsea-bridge should fall not on the country at large, but upon the county of Middlesex. He had been very much surprised, therefore, at the opinion expressed by the hon. Member for Montrose (Mr. Hume), who had stated, some two years ago, in bringing forward a Motion on the subject of reform, that he had always found that population and property went together. If that proposition were a true one, it was clear that the large population of the metropolis was no reason for requiring that its bridges should be paid for by the united contributions of all the counties in the country. He really thought a stand ought to be made against the system of taking from the public purse for the use of the metropolis sums which must be supplied by the whole country. When he and his hon. Friends had complained of the excessive weight of local taxation which pressed especially upon the rural districts of this country, they had always been told that that system of taxation had its peculiar advantages. All those advantages, whether real or assumed, had, however, been withdrawn of late, and he thought it was the duty of hon. Gentlemen, when such Votes as that now before the Committee were proposed, to scrutinise them very closely, and ascertain whether they were founded upon just principles or not. It did not seem to him a sound principle that the various counties of this country should be called upon, besides paying for their own bridges, to contribute to the expense of the bridges of the county of Middlesex, and that, too, on the plea that the county of Middlesex contained the richest city in the world. He thought they ought to oppose this Vote, for he believed that by doing so they might be able to lay the foundation of a much more salutary system than was now pursued with regard to the distribution of Votes for public works.

Sir WILLIAM MOLESWORTH said, he concurred with very much that had fallen from the right hon. Gentleman. He cordially agreed with him that henceforth some plan should be adopted whereby the metropolis should be made to contribute the means for carrying out its own public works. But at present there was this difficulty—that they had no municipal machinery under which the funds could be raised. That power implied the principle of representation. The Government, however, had under its consideration the whole subject of metropolitan improvements, and he trusted the result would be the adoption of a sounder system. But with regard to this Vote—it was part and parcel of the scheme for the new park at Battersea, founded upon the Report of the Metropolitan Improvement Commission of 1845. In consequence of that Report, two Acts of Parliament had been introduced, one to authorise the formation of the park, and the other the construction of the bridge and the embankment, and the amount authorised to be raised under those two Acts was 200,000*l.* for the park, and 120,000*l.* for the bridge and the embankment — the arrangement being that the money should be advanced by the Exchequer Loan Commissioners on the security of the ground rents, tolls from the bridge, and other receipts, arising from the property. The works were commenced and some of the money was borrowed for the purpose; but the system of raising the money by means of advances from the Exchequer Loan Commissioners, instead of direct Votes of the House of Commons, was objected to by the right hon. Gentleman, and it was to carry out the recommendation of the right hon. Gentleman himself that these Votes were proposed. When he (Sir W. Molesworth) came into office he obtained estimates of what would be the cost of completing the works, and as to the time within which they might be finished. If they gave up the embankment, the bridge would be comparatively useless; and if they had not the bridge, the park would be of little benefit to the population of London. It was necessary, therefore, to consider the scheme as a whole. If the works had not been commenced, the case would be different; but the fact was that they were commenced, and a considerable portion of the money had been expended, and the question was, whether the works should be stopped and the money already paid should be lost, or whether they should be carried out and made productive for the purposes for which they were intended. The park would, according to the estimate, cost 308,000*l.*, the bridge 70,000*l.*, and the embankment and the new streets 147,000*l.*, or 525,000*l.* altogether. Of that sum 280,000*l.* had already been advanced by the Exchequer Loan Commissioners and expended, and the amount still required was 245,000*l.* He calculated that by the year 1862-3, supposing the park to be completed in 1855, as was expected, they would get back in ground rents and compensation 326,000*l.* from the park, and 62,000*l.* from the embankment, making together 388,000*l.*; and the tolls of the bridge were estimated at 6,600*l.* a year. The right hon. Gentleman said they ought not to make a bridge for the metropolis at the public expense. For that very reason it had been determined to charge a toll. He believed by carrying out the scheme now as proposed they would obtain back a very considerable portion of the money that had been expended for the park.

Mr. DISRAELI said, it was in consequence of the plan for making a park at Battersea that he particularly opposed this Vote. They were told by the right hon. Baronet that the plan of asking for Votes was adopted in consequence of the objection which he (Mr. Disraeli), on the part of the late Government, had made to the system of advances by the Exchequer Loan Commissioners for carying out this project. The right hon. Baronet had not stated, however, that the Commissioners had ceased to make these or similar advances, for at present the machinery for such advances still existed, although these Votes were proposed in Committee of Supply. His (Mr. Disraeli's) objection to the advances by the Exchequer Loan Commissioners was, that very considerable expenditure was thus incurred without any proper control on the part of Parliament, for purposes of a local and partial character, which had really nothing to do with the general convenience and interests of the country. The right hon. Baronet said, in effect, "We intend to continue the same pernicious system, but, in consequence of the statements you made, we shall continue it by other means." Now, he (Mr. Disraeli) considered that Battersea Park ought never to have been made. He objected to the expenditure of so large a sum of money as 500,000*l.* upon the formation of such a park. He wished to stop the system, for having constructed that park, why should they not be called upon to-morrow to make a park at Finsbury? He considered that every Vote granted in Committee of Supply for these objects was an additional argument in favour of analogous appeals to the Legislature. Such objects ought, in his opinion, to be accomplished by local funds; and if the Committee entertained the same view they would resist this Vote. He thought the time had come when they must put an end to these grants of public money for local objects, for it was most unjust to continue such a system. He therefore earnestly recommended the Committee to oppose the Vote; and, if they succeeded in resisting it, he believed they would put an end to one of the most flagrant systems of expenditure that had ever existed.

Mr. J. WILSON said, he cordially concurred in the sentiments expressed by the right hon. Gentleman; but he must observe that, when the present Government came into office, last December, they found the works for which this Vote was now required very far advanced; and. although the late Government had not commenced those works, yet they had not stopped them. It was complained that the works were not sufficiently under the control of Parliament; but he had stated to the Committee at an early period of the Session that they would be carried on, but that, as Votes would be applied for in Supply, they would be continued with the full cognisance of Parliament.

Mr. DISRAELI said, the hon. Member for Westbury was mistaken in supposing that no attempt had been made by the late Government to stop these works. The subject had been brought before him when he was Chancellor of the Exchequer, and it appeared to him of the greatest importance to the public interests that measures should be adopted for stopping all works of the kind. He took the earliest steps in his power to discontinue advances, and he had entirely opposed all grants for the establishment of a park in Finsbury, which was proposed to the late Government. It was represented to him by a very large deputation which did him the honour to wait upon him from that populous and wealthy district, that it was of the utmost importance that such a park should be made, and he told them he would consider the proposition if they would inform him what sum the district would contribute to the object. He was sorry to say, however, that the very wealthy community of Finsbury were apparently not prepared to advance a single pound sterling for the purpose. The late Government, therefore, had given no encouragement whatever to such projects.

Sir WILLIAM MOLESWORTH said, he found an Act of Parliament of the last Session, the object of which was, by amending the previous Act, to hasten the completion of the embankment of the Thames. According to the first Act the embankment could not be commenced until certain agreements were entered into with the landed proprietors, the object of which was to make those gentlemen contribute a certain sum of money towards the construction of the embankment. An Act —the 15 & 16 *Vic.* chap. 71—was therefore passed, of course with the assent of the late noble Chief Commissioner of Works (Lord John Manners), and the then Chancellor of the Exchequer, in order to empower the Commissioners of Works to proceed with the embankments before such agreements were made.

Mr. WILKINSON said, he considered the work a national work. It was strange that hon. Gentlemen opposite should object to this Vote on the ground that public money ought not to be granted for local objects, when the very next Vote was for a harbour in Ireland.

Mr. HENLEY begged to state, for the information of his right hon. Friend (Mr. Disraeli) that counties could not be, and were not, liable to build bridges, although they were bound to maintain them. His object was to get this bridge built, and then the expenses of it would be thrown on the counties of Surrey and Middlesex.

Mr. HORSFALL said, that the real question was whether distant counties ought to be called upon to pay for the luxuries of other parts of the country.

Mr. DUNCAN said, he objected to a toll being placed on the bridge; but, in the hope that eventually the Government would not impose any such toll, he was prepared to vote for the grant.

Mr. HUME said, he had objected to the commencement of these works; but now that they were actually in progress, it would be, in his opinion, not by any means a wise proceeding to discontinue them.

The Committee *divided*:—Ayes 94; Noes 27: Majority 67.

Vote *agreed to;* as were the two following Votes:—

(6.) 4,000*l.*, Archer's Patent Perforating Machine.

(7.) 5,000*l.*, Sir William Snow Harris (Compensation).

(8.) 30,000*l.*, Electric Telegraph (Continental).

Mr. CARDWELL said, with respect to this Vote he would state in explanation that a convention had been agreed upon between certain foreign countries for the establishment of electric communication throughout the whole continent of Europe. This country was invited to join the convention, but the Government of the day did not accept the invitation, because they had no power of establishing a communication with the wires upon the Continent. That communication had, however, since been effected, and he thought it most important that the Government of this country should avail itself of the advantages of the convention. The advantages of joining the convention, so far as the diplomatic service was concerned, were the right to priority of intelligence, to send measages in cipher, and to the continuous transmission of messages which might be sent through several countries without any delay. Then the advantage with regard to commercial messages was this—at present the English language was not allowed to be used in the transmission of English messages across the Continent. If the Government of this country joined the convention, messages in the English language might, however, be sent to all the Continental countries, the Governments of which had agreed to the convention. The estimate now proposed included the sum required for laying down six independent lines of wire from London to Dover, and thence to the opposite coast. This was the estimate of the whole cost Parliament would be called upon to incur. He had been informed by his noble Friend the Foreign Secretary that, even if this arrangement were confined to the transmission of diplomatic messages, it would be attended with great advantage. He (Mr. Cardwell) had, however, to deal with the commercial bearing of the question, and he was most desirous that, if any just and fair arrangement could be made, the benefits of this mode of communication should be available for the interests of British commerce. He might observe that it was not intended that any of the lines of this telegraph should extend beyond London, or interfere with the perfectly free competition which now existed between the Electric Telegraph Companies whose lines were established in this country. The States which had already joined the convention were France, Belgium, the Netherlands, Hanover, Wurtemberg, the German States, Prussia, Austria, Bavaria, Saxony, Switzerland, and Sardinia.

Colonel SIBTHORP said, he entertained a very great suspicion indeed of Her Majesty's Government, and of this new system which they were about to inaugurate. He was slow to regard anybody with suspicion, but he would not conceal from the country the folly of England being thus placed at the feet of the foreigner. He was there to protest against confidence being reposed directly or indirectly in the foreigner, be he the Russian, the Frenchman, or the American, for the game of all was to undermine England, and attain an ascendancy over her. There was that Crystal Palace, had he not told them that the Sovereigns would laugh at them for it; and that they were only befooling themselves in their eyes? [*Laughter, and* "Question, question!"] They might laugh at him and cry Question as they would, but he would tell them that by this scheme the Government was only encouraging the intrigues of the foreigner, and rendering this country subservient to him. His opinion was that the Vote was most absurd, unmeaning, and ridiculous, as it was aiding the foreigner at the expense of his own countrymen, towards whom he professed still to entertain an unshaken attachment.

Mr. COBDEN said, he thought it would be better to endeavour to effect an arrangement with the existing companies before applying to Parliament for money to create a rival set of wires.

Mr. CARDWELL said, that the Government had had objects in view which were wholly distinct. The one was, the advantage of our diplomatic communication, and the other was, that British commerce should enjoy the full benefit of the advantages which the convention gave to those nations who joined in it. It was highly desirable that this country should not be wholly dependent upon the Electric Telegraph Companies in foreign countries.

Mr. COBDEN said, he objected to our Government interfering with enterprises which ought to be left to the action of private competition; and he wished to know if all the objects which the right hon. Gentleman had in view might not be secured from the lines at present in existence?

Mr. CARDWELL said, if we wanted to enter into this convention, we must do so as a Government. The Imperial Government of France had given the monopoly of the supply of electric telegraphs along the whole coast of France to a single commercial company, and in like manner the Belgian Government had given a monopoly of their coast to an English telegraph company. The only way of preventing monopolies was for this country to accede to the convention through its Government.

Vote *agreed to:* as was the following:—

(9.) 2,500*l*. Royal Dublin Society.

House resumed.

CANTERBURY WRIT.

Order read, for resuming adjourned Debate on Amendment proposed to be made to Question (29th July)—

> "That Mr. Speaker do issue his Warrant to the Clerk of the Crown to make out a New Writ for

the electing of two Citizens to serve in this present Parliament for the City of Canterbury, in the room of Henry Plumptre Gipps, esquire, and the Honourable Henry Butler Johnstone, whose election has been determined to be void."

And which Amendment was—

> "To leave out from the word 'That' to the end of the Question, in order to add the words, 'no New Writ be issued for the City of Canterbury during the present Session of Parliament,' instead thereof."

Question again proposed, "That the words proposed to be left out stand part of the Question."

Debate *resumed.*

Sir WILLIAM JOLLIFFE said, that having gone through the evidence which had been taken before the Commissioners, he should not offer any opposition to the Amendment of the noble Lord the Member for the City of London, that no new writ be issued during the present Session. He wished, however, to know whether the noble Lord intended early next Session to deal with these boroughs, or whether he proposed that they should remain—be their population more or less—disfranchised, with a view of considering them in connexion with a general measure of Parliamentary reform? The matter was one of considerable importance, as it involved a great constitutional principle. They had issued this Session six Commissions affecting no less than eleven Members; and before that the borough of St. Albans and the borough of Sudbury had been disfranchised; therefore no less than fifteen Members were excluded from seats in that House. It was for the House to consider whether they would proceed to legislate on so great a question as that of a change in the constitution of the House, with these vacancies continuing. He thought it was very desirable that the noble Lord should give some information as to what the intentions of the Government were upon that point.

Lord JOHN RUSSELL could only so far state what the intention of the Government was as to say that when all the Reports of the several Commissioners should be printed, the Government would consider what measures ought to be adopted with regard to the different places which were affected by them. As to whether it would be advisable to include them in any general measure, or to deal with them by a separate one, was a question which must be left open for consideration. As to the discussion of any great measure of reform, he did not think any advantage would arise by the House issuing writs for the election of new Members by those corrupt boroughs. Certainly, such a course would not afford any advantage to the House in the consideration of any great measure of Parliamentary reform.

Question put, and *negatived.*

Words *added.*

Main Question, as amended, put, and *agreed to.*

Ordered—"That no New Writ be issued for the City of Canterbury during the present Session of Parliament."

The House adjourned at One o'clock till *Monday* next.

HOUSE OF LORDS,

Monday, August 8, 1853.

Minutes.] *Took the Oaths.* — The Earl of Minto.

Public Bills. — 1ª Sheriffs (Scotland); Assessed Taxes; Passengers Act Amendment.

2ª Naval Coast Volunteers; Liberated Africans (Sierra Leone); Land Tax Redemption; Newspaper Stamp Duties; Consolidated Annuities (Ireland); Dublin Carriage; Turnpike Acts Continuance (Ireland).

3ª Brecon Collegiate Church.

LAW OF LANDLORD AND TENANT (IRELAND)—THE CONSOLIDATION BILLS.

The Marquess of CLANRICARDE said, there were some important Bills which stood for to-morrow, and which professed to consolidate and amend the laws affecting landowners and occupiers, and freehold and leasehold property in Ireland. He was sure their Lordships would agree with him that all Bills for consolidating the law should be considered with the greatest care, and that the whole of the statutes relating to the subject dealt with should be compared with the new code. It had been usual in all such cases to issue a commission, but that step had not been thought necessary in the present instance. The question he wished to ask was, whether such of the Bills relating to the law affecting landowners and occupiers and freehold and leasehold property in Ireland, which purported to consolidate a large number of statutes, had been submitted to the law advisers of the Irish Government, and the opinion of those learned functionaries obtained as to the safety and accuracy of those Bills in that respect?

The Duke of NEWCASTLE agreed with the noble Marquess that it was essential, in the case of any Bills for consolidating the law, that they should be compared with the existing statutes, and that the greatest care should be taken in their preparation. He had great pleasure, therefore, in being able to answer the question in a way which he thought would be satisfactory. It would be recollected that the Bills to which the noble Marquess referred had been introduced by Mr. Napier, when Attorney General for Ireland, and that they had not only the advantage of his great learning and legal ability, but were submitted by him to the most eminent lawyers before they were introduced to the other House. After the change of Government, notwithstanding the reliance that might have been placed on the opinion already given, it was thought desirable that the Bills should be submitted to the law officers of the new Administration. They were accordingly submitted to the Lord Chancellor of Ireland, and the Attorney and Solicitor General for Ireland, and they reported that the Bills had been drawn up with great care and accuracy, accompanying their report with a recommendation that they should be passed as speedily as possible into law.

The Marquess of CLANRICARDE said, it was physically impossible, with reference at least to the schedules, that those learned personages to whom the noble Duke referred could have seen the present Bills, for, on the last stage of the Bill in the other House last Monday, not less than six Acts of Parliament had been struck out of the schedule, and not less than five Acts which were not previously there put in. The Bill came up to that House on Thursday, and was not printed again till it came before their Lordships, so that it was impossible the learned gentleman to whom the noble Duke referred could have seen the schedules in their present state.

The Duke of NEWCASTLE said, notwithstanding what had fallen from his noble Friend, the answer he had given was perfectly accurate. No doubt, if such Amendments as he mentioned were introduced at the last stage of the Bill, they could not have been seen by the gentlemen to whom he had referred; and he was unable to say whether they were aware of the nature of those alterations or not. He had spoken from information derived from the Secretary for Ireland; but of course his answer did not apply to alterations made on the third reading. He should make inquiry upon the subject.

The Earl of MALMESBURY observed, that these Bills must not be regarded as the identical Bills brought in by the late Government, for they had been very considerably altered.

RUSSIA AND THE PORTE—QUESTION.

The Marquess of CLANRICARDE: My Lords, it will be recollected that I took the liberty of putting a question one day last week on the same subject as that which I have now to bring before your Lordships, and that I then received an answer from my noble Friend the Secretary of State for Foreign Affairs, which I admitted at the time was, so far as it went, quite satisfactory. But, my Lords, I regret to say that I am compelled to repeat the same question now, and, in putting it, to ask a second question of my noble Friend, in consequence of information which has been very recently received. According to that information which has appeared in the public journals of this country, under date from Jassy, the 28th of July, it appears that the Government of the province, of which that city is the capital, has been entirely superseded, and that a new Government has been established by the authority of the Russian Emperor. It appears that the Hospodar is allowed to form part of this new Government, but that three assistants or Commissioners have been appointed to act with him, and that this council has the entire legislative and administrative power within the province. And, I believe, the same course has been pursued in Wallachia as in Moldavia, and that these two provinces are now under a new administrative and legislative Government appointed by the Emperor of Russia. But, my Lords, that is not all; for it appears that contributions for the support of the Russian forces are levied directly from the inhabitants of the provinces; and, more than that, my Lords, it appears that certain Boyards have been forcibly compelled to enlist in the service of the Russian Emperor. Thus, my Lords, we have these two provinces, if these accounts be correct—we have these two provinces in every respect under the rule and government of the Czar—the administrative and legislative functions carried on by Russian authority, and the taxation and resources of the country managed, raised, and administered under the authority of the Russian Emperor; and still more than that, you have the Russian armies forcibly recruited from those who are the subjects of those provinces, and under the direct government of the Porte.

Now, my Lords, the first question I have to ask my noble Friend is, whether he has received any information on this important subject, either contradicting or affirming what I have stated? And the second question—and it is one which very naturally occurs upon the first; so naturally, that I cannot refrain from putting it, even though I may be considered by my noble Friend indiscreet in doing so—and I am sure it is one which almost every man in this country, and most certainly every Member of either House of Parliement, must be most anxious to have answered—the second question is, if these facts are true and cannot be contradicted, what has the Government of this country done thereupon? This question, as your Lordships will perceive, divides itself into two parts—first, what have Her Majesty's Government done here at home? And, secondly, what have they done by their functionaries abroad? I have very little doubt as to the latter point; and I hope I shall be told that there is very little reason to doubt that, at the moment when I have now the honour of addressing your Lordships, the combined fleets are at last before Constantinople, on the other side of the Dardanelles. I cannot believe it possible that the Ambassadors of France and England should have had any restrictions imposed by their respective Governments on their discretion in regard to the directions they may think it necessary to give to the Admiral commanding the combined force, nor can I doubt for an instant that my noble Friend and relative at Constantinople will have thought it right to hesitate in acting with that spirit and energy which becomes the representative of this great country. If I ask, then, my Lords, what has been done at home, I hope and expect that I shall be told that either long before this intelligence was received in this country, or, at all events, since it was received, there has been, not a mere request for explanation, but a categorical demand that the Danubian Principalities shall be immediately evacuated by the Russian forces. For, I say, if we have undertaken and advised the Porte, so that the Porte has held back her arm, and not attempted to defend her territory, we have made ourselves parties to these transactions, as well by what is doing now as by what has been done under former treaties; and I cannot believe, nor will I allow myself to believe, that these statements that have arrived are in all respects true, because there is no explaining away what is known to be the fact—there can be no doubt whatever, if the statements reported be true—that Russia, in assuming the government of these two Principalities, and in so taking possession of the territory in question, has committed an aggression upon Turkey, in utter contradiction of the circulars voluntarily issued by her to the Courts of Europe on the subject, as well as of the manifestoes issued by the Russian general on entering the Provinces. I am not, however, my Lords, going to discuss that matter now, of which notice has been given for a discussion on a future evening; but I must say, I cannot doubt that the energetic steps I have referred to must have been taken—because what is this act, but the strongest possible proceeding of war on the part of Russia? We were told, when the Russian forces entered these provinces, that it was not to make war upon Turkey. Why, what I have described is itself war. It is either war or piracy; and if it is not war, it is piracy. And are we in this position that we are to suffer war to be waged upon our ally upon such pretences as are here put forward, or are we to stand by and see this act of violence committed upon Turkey without interfering? If we are to be told that it is a question of treaty whether the fleet shall be inside or outside the Dardanelles, I say there is now such a state of war as abolishes all treaties between Russia and Turkey, so far as Russia is concerned. There does not exist a single treaty binding on Turkey after the aggression which has been perpetrated upon her by Russia. There can be no reason whatever, then, for not acting. And what is the state of things disclosed by the answers we have received from the Government in either House of Parliament? That we have sent notes. Aye, but you have sent other notes; and we were told there was another note to be sent from Vienna last Sunday or Monday; but while you are sending notes the Russian forces are advancing, and, beyond the Principalities I have named, are taking possession of another territory nearer to Constantinople. It may be said, "Good news has been received, and appears in the papers of to-day," and I shall be told probably, if that news is true, that the proposal which has been sent from Vienna has been received favourably at St. Petersburg. But we do not know what that proposal is, and before you can expect that the fact of its acceptance can give unqualified satisfaction, we must know what is the nature of the proposal which has been made. It is clear, however, that it is not the proposal which was alluded to last week in the House of Commons; for we were then told that the messenger would leave Vienna with a proposal from England and France on the Sunday or Monday, whereas this news dates from St. Petersburg on the 3rd instant, and it is utterly impossible that leaving Vienna on the 1st, it could have reached St. Petersburg on the 3rd. Therefore this news must relate to some previous Austrian proposition. We do not know, then, what the proposal which has been accepted is. But I am sure, after what has occurred, your Lordships will not consider, and the country will not consider, any proposition satisfactory, if it be not for the immediate and complete evacuation of the Turkish territory. But under this, which I call good news, there is news of a very different quality received to-day; for it is therein stated that the Russian flotilla, which had been collected at Ismail, is in possession of the whole of the upper part of the river, and consists of 200 vessels, of which 150 are gun-boats. Thus while we are passing notes and sending couriers, we have not only the occupation of the Principalities of Moldavia and Wallachia, but the invasion of Bulgaria, and the whole of the Danube, that great river, the most important to the commerce of Europe, in the possession on both sides of a Russian force. These are things which, while I am anxious to wait with the utmost patience for the explanations it may be convenient to the Government to give, render it impossible for me to refrain from putting the questions of which I have given notice, and to which I hope we may obtain a direct answer. I can assure your Lordships that there is no man in either House of Parliament who has a more sincere abhorrence of war than I have, unless it be necessary—I do not say justifiable, but unless it be absolutely necessary—for the maintenance of the honour and character, and essential to the dignity of the country. But at the same time I do say, that if we are to sacrifice our honour and character, and our dignity as a nation when they are involved, in the face of Europe—then I say the whole material interests of the country must also suffer. It is for this reason, my Lords, that I have taken the liberty of making this statement before asking the questions which I am now about to put to my noble Friend. Those questions are, first, I wish to know once more whether my noble Friend has any official authentic information in reference to the statement I have made of the proceedings of the Russian authorities in the Danubian provinces of Turkey; and if that is the case, what steps have been taken by the British Government in consequence of such proceedings?

The Earl of CLARENDON: My Lords, I am afraid it will not be in my power to give my noble Friend any answer materially different from that which I gave five days ago in reply to the same question. I agree entirely now, as I did last week, in everything that has fallen from my noble Friend with respect to the consequences that would arise, both to Turkey and to Europe, from any permanent occupation, or anything resembling a permanent occupation, of the Principalities by Russia. But I must again inform my noble Friend that we have no information—no official information—of the character my noble Friend has brought before your Lordships—I will not certainly deny that many of the events to which he has alluded may not have been committed by the Russian Government—(but I must, at the same time, add, that I derive my information merely from the same sources as my noble Friend)—I will not deny that there has been a sort of a Committee of Government formed for carrying on the government of the Principalities together with the Hospodars; but we have no official information whatever of that kind. And I am sure my noble Friend will agree, and your Lordships will be of opinion, that for the Government to proceed to act upon newspaper reports as they arrive would be the height of rashness. My noble Friend has said that he believes the Danube has been crossed, and that Bulgaria has been actually entered by Russia. I have no reason to believe that such is the fact, but the contrary; for I have this afternoon received letters from Galatz of the 28th ult., in which no allusion is made to that circumstance, though there is certainly some allusion to what I will not more particularly advert here in your Lordships' House as to the few gun-boats that were brought down the river, and of the bellicose character of the Russian proceedings. We have likewise communications from Jassy to the 27th, and from Bucharest to the 26th, and in neither of them is there any mention of this new form of government being established. It is true it is stated in these communications that the presence of the Russian troops has led to the infliction of much hardship upon the inhabitants, and that the peasants are made to do a certain amount of work, and are withdrawn from their agricultural operations; but there is no mention of any recruiting having taken place, or of any forced contributions, while there is mention of a large quantity of provisions having been sent from Bessarabia, which is a part of the Russian territory, for the use of the Russian troops in the Principalities. Therefore, I say, and I am sure your Lordships will agree with me, that for the Government to act upon such information as we see in the newspapers—and some of the accounts which we have seen since the question was brought forward last week have been already proved to be incorrect—I say for the Government to act upon such reports would be the height of rashness. I assure my noble Friend that he cannot exceed me, first in his abhorrence of war, and next in his desire for peace, provided that peace be an honourable peace—and I am sure no other peace can ever be to the permanent interests of this country, or receive the support or sanction of this great nation. But, my Lords, at the point at which we have arrived in these negotiations, and which I do see reason to hope are tending to bring about a peaceful solution of the difficulty, I am quite sure you will concur with me that exciting debates in either House of Parliament at this moment are not likely to aid in producing that peace, and that particular character of peace, which alone can be permanently beneficial to this country. I can further inform my noble Friend that the negotiations appear to me to be assuming that character which we all of us must desire. And, I may add, that the question has not been left as one simply between Russia and the Porte—it has not been left as a question between England and France, united closely though they are for the support of the Porte—but it has assumed a European character; that is, in all these proceedings not only the Porte, but Austria, Prussia, England, and France, all are acting cordially together in order to check designs which they consider inconsistent with the balance of power, or with those territorial limits which have been established by various treaties. This, then, is a state of things which I say is satisfactory to your Lordships and to the country, because it is likely to lead to a satisfactory and a lasting peace. I hope your Lordships will not press me to enter further into details as to the state of the negotiations now pending between Vienna

and St. Petersburg, further than to say that nothing has been done at Vienna, except with the full consent of the English and French Governments, and to assure your Lordships once more that the English and French Governments will consent to no arrangement which does not protect and secure the independence of Turkey.

The Earl of ALBEMARLE: My Lords, it is quite impossible to believe, that when two great nations like England and France stand forward in defence of a Power like Turkey, that the negotiations can be other than successful, or to believe that a discussion upon their negotiations and proceedings should disclose anything discreditable to either Power. The noble Earl (the Earl of Clarendon) cannot say he has been hurried for explanations by this side of the House. We have patiently waited, notwithstanding the deep anxiety in the country upon the subject, until this late period of the Session, without saying a word that can in the remotest degree tend to impede the success of the negotiations which we were told were pending. But, my Lords, there is a point at which this patient conduct must cease. Parliament is to be prorogued, I believe, in about eight or ten days; and when the public understand that Parliament is to be prorogued in ten days or a fortnight, when the country is on the very brink of war, and they know nothing of what has passed, or of the actual state of the negotiations between this country and Russia, though they have been perfectly well informed of what has passed between the French Government and Russia, by the circular of M. Drouyn de Lhuys, and though they have been twice informed of what the Russian policy was by the notes of Count Nesselrode—when they consider that their own Government has not thought fit to avail themselves of the same channels of information, nor utter a word in Parliament by which the real state of affairs can be gathered—I say I think it will be the general opinion of the country, as well as of your Lordships, that before Parliament separates for five or six months, some information a little more in detail than anything we have yet had should be given by Her Majesty's Ministers. I see no reason why Parliament should not have full information, without incurring any risk of a debate that could be in any way injurious to the progress of the negotiations or undignified as regarded this House. For myself I can safely say, that if I were to participate in any debate on the subject, I should carefully abstain from saying a syllable that could in any way impede the desirable progress which the noble Earl has intimated the negotiations are making—desirable, because no man in this country, certainly no man in this or the other House of Parliament, but must desire peace as long as peace can be maintained with honour. I trust that, under the present circumstances of the Session the noble Earl will not, on some future day, refuse to give the House and the country some idea of what is to be the policy of Her Majesty's Ministers in their negotiations with the Russian Government, and that he will tell your Lordships and the country a little more precisely than he has yet done, that it is to be a *sine quâ non* in any negotiations, that Russia should evacuate, and speedily evacuate, the Danubian Provinces:—because, when the noble Earl talks of "permanent occupation" of these Provinces by Russians, it is a term difficult of explanation. Anything like a permanent occupation would be an appropriation of those Provinces. I do not think the country will be satisfied with any thing less than their immediate evacuation: and I conceive the noble Earl owes it to the country to state, that the policy of Her Majesty's Government is to insist upon the speedy restoration of those Provinces to their lawful Sovereign.

The EARL of CLARENDON: I should be very sorry if there existed the slightest misapprehension, even for a single day, with respect to my meaning with regard to the Russian occupation of the Danubian Provinces. I have no hesitation now in informing my noble Friend, without waiting for any further discussion, that we look to the immediate and complete evacuation of the Danubian Provinces as a *sine quâ non* of any agreement whatever. With respect to any discussion, or any statement which it may seem to any Member of the House desirable to make, I hope your Lordships will bear in mind that the Government have not wished to shrink from this discussion, or to lay the fullest information before Parliament of what has been done. I did not even ask my noble Friend (the Marquess of Clanricarde) to postpone the Motion of which he had given notice for a previous evening. On the contrary, I told my noble Friend that if he thought fit to ask for information on behalf of your Lordships and the country, he was perfectly right and justified in so doing; and the noble Marquess, yielding to the request of noble Lords, did so independent of the Government, and without even giving the Government notice of his intention. I hope, therefore, it will be remembered that the Government do not shrink from any discussion; and any disposition I ever had to lay the fullest information before your Lordships is greatly increased by the prospect—I fear not quite so immediate a prospect—of the close of the Session. I do think it desirable the country should have every information we can give it, and I can assure my noble Friend, nothing will prevent Her Majesty's Government from doing so, except those reasons which have hitherto influenced them—regard for the public service—and which have been recognised and approved by this House.

The EARL of ELLENBOROUGH: I should be very glad to receive a denial of a report, which, indeed, I can hardly believe. I allude to the report that Russia has availed itself of the present moment for demanding from Persia payment of a large sum of money, and has intimated her readiness to accept a province in part payment. I beg to ask whether the noble Earl has received any information on this subject?

The EARL of CLARENDON: I have seen the report to which the noble Earl refers, and have taken the best means to ascertain its truth; but I am without any official information on the subject, one way or the other. If I may draw inferences from other information, I should say that no such arrangement has been proposed.

GOVERNMENT OF INDIA BILL.

Order of the Day for the House to be put into a Committee, read.

Moved—"That the House do now resolve itself into a Committee."

On Question, *agreed to:* House in Committee accordingly.

On Clause 1 (Until Parliament shall otherwise provide, the British Territories in India to be continued under the Governor of the Company, subject to the Provisions of this Act).

The EARL of ALBEMARLE said, the people of India complained of the excessive taxation to which they were subjected for the purpose of maintaining enormous establishments. It having been determined that the double government should be maintained, no economy could be effected here, and therefore it was necessary to turn our eyes to India, in order to ascertain what reductions might be made there. The suggestion he had to make in this respect was, that the Government of the Presidencies of Madras and Bombay by Governors in Council should be abolished, and Lieutenant Governors substituted for them. To show their Lordships the saving which would be effected by this arrangement, he would contrast the cost of government in the Presidencies with that of the North West Provinces. The population of the North West Provinces was 23,800,594, and the civil and political charges were 185,872*l.*; while in Madras, with a population of only 16,339,426, the civil and political charges amounted to 314,824*l.* In Bombay the case was still worse, for while the population was only 11,109,067, the civil and political charges were not less than 363,312*l.* Thus, then, it appeared that Madras, with 7,500,000 fewer people, paid nearly 70 per cent more for its civil and political administration than the North West Provinces; while Bombay, with less than half the population of the Provinces, paid nearly twice as much for its administration. It should be borne in mind, also, that the Provinces were not only more economically but also much better governed, than the Presidencies. Applying the same scale of expenditure to the Presidencies as existed in the Provinces, the annual saving would amount to 300,000*l.*

Clause *agreed to.*

Clause 2 (After the Second Wednesday in April, 1854, there shall be eighteen Directors of the Company).

The EARL of ELLENBOROUGH, in reference to that part of the clause which requires the presence, signature, consent, or concurrence of ten Directors, in cases where fourteen were necessary before, proposed to add the following clause:—

> "Provided, that in every case in which all the Proceedings between the Court of Directors and the Commissioners for the Affairs of India with respect to any Letter proposed to be sent to any Authority in India having been completed according to Law, the said Commissioners shall have directed that such letter so finally approved by them shall be transmitted forthwith, and such Letter shall not be signed as hereinbefore enacted within the space of Seven Days, or having been signed, shall not have been transmitted to India by the first Mail thereafter, it shall be lawful for the said Commissioners to sign the same, and such Letter so signed shall be transmitted to India by the said Commissioners, and shall have the same Force and Effect as if it had been signed by the requisite Number of Directors as hereinbefore enacted."

The Earl of Albemarle

The noble Earl said, that the object of the proposed clause was to facilitate the transaction of business, and to prevent any obstruction taking place from the members of the Court of Directors being unwilling to sign a letter of which they disapproved. He could not say that during his time in India such a circumstance had occurred; but he knew that it often happened much to the prejudice of public business. The proper course to be taken was laid down by the Act of Parliament. Communications took place between the Board of Control and the Court of Directors; and when the Board of Control was satisfied that a letter of which they approved ought to be transmitted to India, they issued a direction to that effect. By law, a certain number of Directors ought to sign such letter, in order to secure its transmission; but the Court of Directors had occasionally taken upon themselves to withhold their signatures. Now he knew not how, unless the Court of Queen's Bench were to be applied to for a *mandamus*, which would create delay, these gentlemen could be compelled to take up a pen and write their names. The Directors were not at liberty to refuse to sign a letter, unless they were of opinion it was illegal; and they had not the privilege of going to the Court of Queen's Bench upon questions of policy. Only on questions of law could they do that. But they might undoubtedly obstruct public business by refusing to sign; and therefore he proposed to add the proviso which he had just read. He would inform their Lordships of his reasons for this proposition. He had once, when at the Board of Control, directed a letter to be so sent to India; and he thought it had been sent according to law; but to his great surprise he found afterwards that it had not been sent. This letter related to a legal question of the greatest importance—to the position of the fourth ordinary Member of the Council, and the power of the Governor General to overrule his Council in legislation. It was contrary to law, and to the intention of Parliament, that he should do so. One of the Members of Council at Calcutta entertained a different opinion, and he (the Earl of Ellenborough) thought it necessary immediately to have the opinion of the law officers of the Crown, and the law advisers of the Court of Directors upon the subject. Their joint opinion, in connexion with his own, was prepared, and he thought it had been sent out to India; but to the best of his belief it never was sent. Undoubtedly the directions he had given with regard to the position of an ordinary Member of Council never were sent at all. This was a violation of the intentions of the Legislature; and he thought it would be met by the proviso he now submitted to their Lordships.

Amendment proposed—

"Provided, that in every case in which all the proceedings between the Court of Directors and the Commissioners for the Affairs of India with respect to any letter proposed to be sent to any authority in India having been completed according to law, the said Commissioners shall have directed that such letter so finally approved by them shall be transmitted forthwith, and such letter shall not be signed as hereinbefore enacted within the space of seven days, or having been signed shall not have been transmitted to India by the first Mail thereafter, it shall be lawful for the said Commissioners to sign the same, and such letter so signed shall be transmitted to India by the said Commissioners, and shall have the same force and effect as if it had been signed by the requisite number of Directors as hereinbefore enacted."

Earl GRANVILLE said, he had taken an opportunity of making inquiries upon this subject, and he had been assured that no delay had occurred in consequence of the signatures of the Directors being required to documents sent from the Board of Control. With regard to the instance referred to by the noble Earl, he knew nothing of the facts; but he did not apprehend it would be necessary to adopt the proviso in order to meet a case which might possibly never occur, and which, if it did occur, could not be discovered until long after.

The Earl of ELLENBOROUGH said, if this provision were not adopted, it would be absolutely necessary for the Board of Control to give most stringent directions to the Court of Directors that in every case where a letter was directed to be sent to India, the day should be signified on which the letter so sent to them was signed and forwarded. But the Board of Control had no power to compel the Directors to put their signatures to a letter unless they went to the Court of Queen's Bench, which would involve a delay of several months.

Lord WHARNCLIFFE agreed with the noble Earl in the opinion that it would be advantageous that the Board of Control should have the power of sending out a letter in the event of its not obtaining the requisite number of signatures within a prescribed period; such seemed to be the common sense view of the question, but, at the same time, he did not think that the proviso could meet such a case as that referred to; because it appeared the noble Earl was not aware of the letter not having been sent until he had left the Board of Control.

The Earl of ELLENBOROUGH said, the omission was a grievous violation of the law, and of the intentions of Parliament. The Directors were bound to obey the orders of the Board of Control; but if they did not obey, power should be taken to compel them. If his proviso were rejected, he hoped the signature of the Directors would be made imperative, because in that case, if a letter were not signed and transmitted, it would be a misdemeanour in the eye of the law, and punishable as such.

Earl GRANVILLE thought, that it would almost be better to do away with the Court of Directors, than to adopt such a provision. Such a provision would have the effect of casting discredit on the Court of Directors, just at the moment when such vast power was to be again entrusted to their hands.

The Duke of ARGYLL thought so too; but he could not apprehend such a case likely to occur again. Perhaps the case would be met by the 33rd clause, which provided that when the Directors had any doubt as to the forwarding of a despatch, the Judges were to be consulted.

Lord BROUGHTON said, he could state from experience that despatches were now and then detained by the Court of Directors; but a *mandamus* was hardly ever resorted to; for if resorted to a great deal of time would be taken up. Such a provision would do no harm to the Court of Directors, and might do a great deal of good to the service.

The Earl of ELLENBOROUGH said, he gave the Directors a week to sign, which surely could not be considered peremptory; and if they did not sign at the end of that time the Board of Control ought to have the power.

Lord BROUGHTON said, the meaning of the Act of Parliament undoubtedly was, that the Board of Control should be absolute. The proposal was a very simple one, and in his opinion it would be effectual.

The Duke of ARGYLL considered that the proviso was not necessary.

Lord MONTEAGLE said, that it had been stated by the noble Earl, that in one case a despatch of considerable importance, which had been sent to the Court of Directors to be signed and transmitted, had not been forwarded at all; but it was clear that the present proposal of the noble Earl would not meet such a case as that, for it would not be known that the letter had not been sent.

The DUKE of ARGYLL thought that the proviso was altogether unnecessary; but, at the same time, as he did not see that any harm could arise from accepting it, he should not oppose its insertion. He would suggest, however, to the noble Earl, that the signature of the Secretary of the Board of Control was not known or recognised in India as possessing any authority, and that perhaps it would be advisable to substitute for the signature of the Secretary of the Board of Control that of the Secretary of the Court of Directors.

The EARL of ELLENBOROUGH said, that the Board of Control had no power over the Secretary of the Court of Directors, and that it would decidedly be preferable to give the power of signing a despatch to the Secretary of the Board of Control.

Proviso *inserted.* Clause *agreed to.*

On Clause 3 (Her Majesty to appoint Three of the first Directors for Two, Four, and Six Years. Directors appointed by Her Majesty to be Persons who shall have served Ten Years in India),

The EARL of ELLENBOROUGH moved to "omit the words 'before the said second Wednesday in April,' and insert 'after the last Wednesday in the month of March.'" His object was to withhold any information as to the Government nominees until the whole of the elected fifteen had been appointed. He trusted that Government, when carrying out this clause, would bear in mind that which he had in view when he proposed a Council for Indian affairs, namely, the providing of adequate representations for all the Presidencies, and as far as possible for all the departments of the Presidencies in the Court of Directors, so that there should always be one person in the Court of Directors to whom the Indian Minister could resort for information upon any subject. His Amendment would work in that direction, as the Government, being in possession of the elected list, if they found Bombay, for instance, unrepresented, might supply the deficiency by the selection of a proper nominee. He thought, also, that Government should select among their nominees one temperate, judicious military officer of high standing in India, who should give advice that would be received with deference on subjects connected with the rules and regulations of the Indian army. He could assure the House that he had known the greatest mischief to occur in consequence of the injudicious decisions of a civilian court. He might mention the half batta case in the army of Bengal, which rankled in the breasts of the officers to this day, and of which the late Duke of Wellington complained bitterly. He had himself known cases in which regiments had been driven to the brink of mutiny through injudicious orders as to their allowances. He could assure the House that it was not safe to deal with military allowances, without a perfect knowledge of the feelings of the army, and without a consideration of its right. For these reasons he trusted that the Government would place as one of their nominees in the Court of Directors a military officer in whom they could confide, for the Board of Control were, generally, not particularly well informed as to he feelings of the army in India.

EARL GRANVILLE suggested that the proposal, if put into the shape of an Amendment, would be more in order upon a subsequent clause.

LORD BROUGHTON said, it was the duty of the President of the Board of Control to ask the opinion of the Secretary at War or of the Commander in Chief upon every subject connected with military discipline or the pay of troops in India. If he did not do so, he neglected his duty. He did not see any objection to a military man being among the nominees of the Government in the Court of Directors. Whilst on his legs he might as well correct a statement made in the evidence given before the Committee on Indian Territories by a gentleman of great weight, and who now held high office. In the evidence given by Sir Charles Trevelyan, he stated, with reference to the noble Earl opposite (the Earl of Ellenborough) and himself, that they had stated that the President of the Board of Control decided everything himself—matters of state and government of all kinds in India; and he added, "It is not safe that one man should be trusted with so much power." This was true if the fact were so; but Sir Charles Trevelyan might have seen, if he had taken the trouble to look into his (Lord Broughton's) evidence given before the Salaries Committee, that he held himself responsible as President of the Board of Control for whatever was done in Indian administration during the time he held that office; but he stated, "the orders to the Government of India were given upon the responsibility of the President of the Board of Control as the organ of the Government." The words, "as the organ of the Government," made the whole difference. Never, during the many years he was President of the Board of Control, had he signed any secret despatch without consulting the Prime Minister or the Secretary of State, more particularly connected with India, or, if it was one of very great importance, the whole Cabinet. So that, in fact, though the President of the Board of Control was the responsible person, he never could act, and never ought to act, except as the organ of the Government.

Earl GRANVILLE thought the evidence of Sir Charles Trevelyan referred not to his noble Friend (Lord Broughton), but to the noble Earl (the Earl of Ellenborough).

Lord BROUGHTON said, the evidence of Sir Charles Trevelyan certainly referred to him.

The Earl of ELLENBOROUGH said, the fact was perfectly true, but it was unnecessary to go into any explanations upon the subject.

Amendment *negatived.*

The Earl of ELLENBOROUGH, in reference to the latter part of the clause, proposed that the whole of the six nominated Directors should be appointed at once instead of only three in the first instance. It had been stated, as a reason why the Crown should appoint only three Directors at first, that there might not be six retired Indian servants of sufficient eminence to be found. But surely with 300 pro-consuls, as they had been called, 1,200 retired officers in this country, he conceived it would not be difficult to find six persons perfectly competent in all respects to form part of the Court of Directors. He could himself easily select six, from Bengal and Agra, eminently qualified for the purpose, and men in whom the whole of India would have confidence. He conceived that if the Government desired to make this a really efficient measure, they would at once nominate the whole six, instead of confining themselves to three. They would find no difficulty whatever in obtaining the services of gentlemen qualified in every respect for the duty.

Earl GRANVILLE said, Her Majesty's Government could not assent to the suggestion. It was their desire not only to get the very best men, but men who had most recently returned from India, full of knowledge on subjects connected with it and who had, he might say, the latest information upon them.

Amendment *withdrawn.*

The Earl of ELLENBOROUGH proposed that the length of service required from the nominees of the Crown, in order to entitle them to enter the Direction, should be not ten years, but some shorter period. Such a length of service would disqualify Governors of Presidencies, who seldom held office for such a term, but whose information and experience would be of the greatest value.

Earl GRANVILLE admitted that there was great truth in the observations of the noble Earl, but he feared that such a proposition might open the way to suspicions of political favouritism in the nomination. If there was one thing more important than another in respect to this measure, it was that there should not be the slightest degree of party feeling mixed up with it.

Amendment *negatived.*

Clause *agreed to.*

Clause 4 (The present Directors, and the Directors out by rotation, to appoint from their own body fifteen of the first Directors under this Act, five for two years, five for four years, and five for six years).

The Earl of ELLENBOROUGH, anticipating the bare possibility of the thirty Directors refusing to select the fifteen, in which event the Government of India would be practically in abeyance, proposed an Amendment giving power to the Government to select from the present members of the Court twelve, whom they might deem the most fit to act in the newly constituted Court, and to nominate at once the six which they are entitled to nominate by the fifth clause, on the occurrence of casual vacancies.

Earl GRANVILLE thought the House could hardly anticipate such an event as the Directors disobeying the directions of an Act of Parliament, by which they would be guilty of a misdemeanour.

Amendment *negatived.*

Clause *agreed to.*

Clause 5 (Upon the happening of casual vacancies, number of Directors appointed by the Crown to be increased to Six, those not so appointed to be reduced to Twelve), *agreed to.*

Clause 6 (Vacancies among Directors how to be filled up).

The Earl of ELLENBOROUGH said, he would once more reiterate his opinion that the present constituency, by whom the Court of Directors was to be elected, was totally unfit to discharge the duty assigned to it; and he thought it would be a matter of great importance to the public that very large additions should be made to the constituent body. He begged, therefore, to move an Amendment, by which all retired officers of the Company, civil and military, who should have served twenty years in India, should be added to the present Court of Proprietors. There were now about 1,500 of such retired officers, 250 of whom had already votes in that Court. His Amendment would, therefore, give an addition of 1,250 votes, which would make the constituency about 3,000; and he defied any man to canvass such a constituency in the manner that had hitherto been customary. Such an arrangement would give to the Court of Directors a more Indian character than it had at present, while the Indian constituents would still be in a minority. His object was to infuse new and healthy blood into the elective body.

Earl GRANVILLE defended the clause as it stood, on the ground that the adoption of the Amendment would make a great change in the present Court of Proprietors, whilst he thought it would very much increase the evil apprehended, by increasing the number of persons to be canvassed.

Lord MONTEAGLE said, their Lordships had it in evidence that the elections at the East India House were—to use no more offensive term—at least more liable to undue influence in the exercise and promise of patronage than almost any other elections. The Government appeared to have adopted the present constituency simply and solely because they found it already in existence. Had they been forming a constituency for the first time, the last thing they would have thought of would have been the forming such a one as the present. The object of the noble Earl's Amendment was to give a more intelligent constituency; and, in the next place, to put an end to the exercise of patronage at those elections; and he believed that if there was an infusion of new blood into the constituency, you would create a more intelligent body, and get rid of the undue ways in which patronage was now exercised. Besides the addition to the constituency suggested by the noble Earl, he thought a power of voting in the election of Directors might be given to proprietors resident in India. On this subject he had put a few questions to the intelligent and able gentleman who was now secretary to the East India Company. He had asked Mr. Melvill—

> "Should you see any practical objection, taking into account the rapid communication now between India and Europe, and taking into account also the length of time at which the election of a Director takes place after his first candidateship, to allowing to qualified proprietors in India the same privilege of voting by power of attorney that is exercised by residents in the north of Scotland or the west of Ireland, or any other part of our European dominions?"

Mr. Melvill's first answer was—

> "We have already felt some inconvenience. I know a case in which a dead man has been polled; and I fear we should find many cases of that kind."

Subsequently, however, that gentleman had confessed that he did not see any objection in principle, merely on account of non-residence in Europe. Then he had asked Mr. Melvill—

> "Do not you think that if the obvious difficulties of ascertaining the right of voting could be overcome, a proprietor of East India Stock in India has as just a claim to vote for a Director of the East India Company as a proprietor of stock in England?"

To which Mr. Melvill's reply was—

> "If we were forming a new body to elect, I think so."

He (Lord Monteagle) thought there was an injustice in excluding persons in India who were qualified to vote, and who, if in England, would have been allowed to do so. Mr. Melvill said, he should think so too "if we were forming a new body to elect;" but the fact was you were now doing so, and were constituting a new body for the government of India, and consequently on the authority of Mr. Melvill, Indian voters ought justly to be admitted.

The Earl of HARROWBY said, the radical defect of the present system was that the Court of Proprietors had no means of knowing the merits of the persons whom they were to elect. He thought it of the highest importance that this constituency should be animated by the infusion of a little new blood into it, and could see no objection to the addition of these persons, as proposed by the noble Earl. There was nothing to be said in favour of the constituency as at present constituted.

Earl GRANVILLE said, that notwithstanding what had been said by the noble Lord (Lord Monteagle) as to the character of the elections at the India House, there was the clearest evidence that malpractices there had not been the rule, though suspicion might have attached to them in some cases. As to conferring the privilege of voting upon proprietors resident in India, he thought the evidence of Mr. Melvill was anything but conclusive in favour of that proposal. That gentleman said, in answer to the noble Lord—

> "I think the great object of any constituent body for the election of the Directors is to provide as good an instrument as possible for the government of India, and for the promotion of the happiness of the people of that country. As I said before, I do not think that any system of election, or any extension of the present franchise, would provide for that object better than the present."

He (Earl Granville) thought, therefore, that he had got Mr. Melvill on his side of the argument. With regard to the alleged ignorance of the Court of Proprietors as to the merits of those whom they were called upon to elect as Directors, he believed that if the noble Earl (the Earl of Harrowby) possessed India Stock, and were called upon to vote, he would make it his business to obtain accurate information upon the subject; and he thought as much knowledge of persons qualified for the office was to be had in London as could be gained by the personal knowledge of a collector, or an officer who had passed twenty years in some retired spot in India, where he was not likely to obtain information. It was impossible to deny that, under the working of the present system, very distinguished men had been elected to seats in the Board of Directors.

The Earl of ELLENBOROUGH said, that Government was to come out next year as great reformers of the constituency at home, and yet on this occasion they refused to add to the constituency by whom the Court of Directors was elected those who could not fail to be a very superior class of voters.

Lord ELPHINSTONE confessed he should view with considerable regret the adoption of any proposal to give votes to persons residing in India, because it would lead to a system of canvass in that country most detrimental to the Company's service.

The Duke of ARGYLL said, the basis of the Bill was that it created no new constituency at all, but that it proposed to carry on the government of India through the means by which it had been carried on for the last twenty years, in trust for the Crown, and under the control of the Crown. The Government were certainly adding to the Board of Directors an element not elected by the proprietors, but they were not altering the constituency. He considered the Amendment inconsistent with the object of the Bill, which was to vest the government of India in the East India Company.

Lord BEAUMONT did not think the noble Duke had mended the matter. So far as he was concerned, he had rather convinced him of the necessity for the Amendment than otherwise. He would, indeed, rather they should get rid of the existing constituency entirely; for as the East India Company had ceased to be a trading Company, it was absurd to make the possession of stock a qualification for voting. It was true that the object of the Bill was to vest the Government of India in the East India Company; but he imagined the object was to ameliorate and amend the government of India with a view to the advantage of India, and not with a view to the advantage of any body of persons in this country; and surely they were not to be precluded from attempting to amend the constitution of the Company, so as virtually to amend the government of India and to do good to India itself. He supported the Amendment, in the hope that there would be some improvement of the constituency.

The Duke of ARGYLL begged to remark that he had stated it as a fact, and not as an opinion of his own, that the Bill proposed at present to continue the government in the hands of the East India Company.

The Earl of HARROWBY could not see the advantage of having London merchants and bankers engaged in settling the ryotwar system in India. They were very respectable gentlemen, no doubt, but they were not to be taken as judges in Indian matters; and the proprietors of India Stock had as little necessary connexion with India as the proprietors of Bank Stock.

The Earl of ELLENBOROUGH said, that whatever might formerly have been his opinion, further experience had satisfied him that it might be inconsistent with the public interests that the commercial element should prevail to any very great extent in the Direction, as much public inconvenience might be occasioned by persons engaged in commerce having previous knowledge of fiscal changes in India. When in India he proposed, and assumed that the proposition would be acceded to by the Court of Directors, that no money should be advanced on the hypothecation of goods after a certain time; but, from the violent pertinacity with which the Court of Directors adhered to that pernicious system, he supposed that there was too much of the commercial element in the Court, and that there must have been persons there interested in the continuance of the abuse. He was in favour of adding a considerable number of persons cognisant of India to the present constituency; and he might here mention a circumstance communicated to him by the senior clerk of the Board of Control, when he (the Earl of Ellenborough) was first appointed to that department. Two gentlemen in the City were canvassing for the office of Director, and both applied to him as President of the Board of Control. He asked the clerk what was usually done in such a case, and the clerk replied, "I will tell you what used to be done in former times. It was an understood thing in the time of Mr. Dundas that the Government and all their principal supporters bought votes for the election of Directors; and Mr. Dundas had at his disposal 300 votes, and he elected the whole Court." That was the case in those good times, and there would be no difficulty in doing the same thing now, for 50 votes in the hands of the Government might enable them to turn the election. He therefore thought it advisable to extend the constituency largely, by adding to it independent men, over whom the Government had no control.

Lord WHARNCLIFFE said, the existing constituency had one merit, and that was, it contained within itself the seeds of its own utter extinction. The time must come when the East India Proprietary would expire, and then the creation of some other machinery for the government of India would be forced on the consideration of the Government.

Lord BROUGHTON was satisfied that a quorum ought to be fixed for the Court of Proprietors; for at present a few discontented proprietors had the privilege of meeting and abusing the Government, Directors, and everybody else. They ventilated their arguments *in vacuo*, for frequently very long debates were carried on with only five or ten proprietors present, or, when the Court was very full indeed, fifteen. The alteration of the constituency, however, was a large question, and not consistent with the basis on which the Bill was founded.

The Earl of ELLENBOROUGH said, the account given by the noble Lord of what took place in the Court of Proprietors might be very correct; but how could he know anything about the matter? Surely, the noble Lord never read the debates there!

Amendment *withdrawn.* Clause *agreed to.*

Clauses 7 and 8 *agreed to.*

Clause 9 (Six of the Directors not appointed by the Crown to be persons who shall have served ten years in India).

The Earl of ELLENBOROUGH said, it never could be intended that this clause was to pass as it stood. The six Directors to be nominated by the Crown were to have had ten years' service either under the Crown or the Government of India; but here all that was required was that the six Directors should have resided in India. There was no security taken that they should have had any Indian experience or knowledge, and, for aught they knew, the six Directors might have been indigo planters or opium dealers; the consequence would be, that instead of the Government partaking of an Indian, it would be invested with a commercial character. He should move an Amendment to the effect, that all classes of the Directors should be obliged to show that they had served for ten years in India, either under the Company or the Government.

Earl GRANVILLE should be sorry to enact anything that would prevent the appointment of six Directors who had been engaged in mercantile matters, or had been the owners of shipping.

Amendment *negatived.* Clause *agreed to.*

Clauses 10, 11, and 12 *agreed to.*

Clause 13 (Directors before acting to take the oath herein named).

The Earl of ELLENBOROUGH said, the clause was very curiously worded, and contained a very curious oath. The person who drew up the clause had done it in so slovenly a way that he had omitted the word "emolument" in the second part of the oath, though it was inserted in the first; therefore the Director took an oath that he would accept no "emolument," but he took no oath that he had no "promise of emolument." The person who drew the Bill had further done it so carelessly that this clause stood with the words "said Company," without any reference to any Company whatever. Whenever he saw a lawyer using a great number of little words, he knew the meaning was that they should be of no effect. The Director should swear that he had not taken "money or money's worth," and these were the words that ought to be inserted. There were many different ways in which bribery could be effected—such as reducing the price of articles furnished to a sum much below their real value. In the last part of the oath the Director swore he would be "indifferent and equal to all manner of persons." Why, he violated that oath every time he gave away a cadetship! For what purpose did he take office? To do exactly the reverse of that which he swore he would do. Instead of that oath, therefore, he proposed the following, which would much more clearly state what the Directors ought, and ought not, to do. He proposed, then, to omit the oath down to "understanding," and to insert the following words:—

> "I solemnly swear that I will be faithful to Her Majesty Queen Victoria, and will, to the best of my ability, perform the duty assigned to me as a Director of the East India Company in the administration of the government of India in trust for the Crown. I further swear that I have not entered into any engagement or understanding with respect to the nomination of any person to any appointment in my patronage, or in that of the Court of Directors, for the purpose of obtaining any vote, or any aid, or support, at my election as a Director of the East India Company, and that I am free in honour to dispose of every part of such patronage as I may think fit. I also swear that I will not derive, or seek to derive, any advantage in money or money's worth from the disposal of such patronage."

Why should they swear to do their duty to a Company which did not exist? No honest man could object to take this oath; and as to money or money's worth, if the Directors really meant what they swore in regard to patronage, they could not hesitate in taking it in the form he proposed.

Earl GRANVILLE said, he had that feeling about oaths of this kind, that, personally, he should not be sorry to see the oath in question omitted altogether; but, considering the high functionaries who were still called on to take oaths, such as Judges and others, he did not think it would be right to leave it out in the present case. With respect to the noble Lord's observations on the nature of the oath, he must say he thought there was some strength in the first part of them, and his own form of oath, unlike all other general oaths, was especially and cunningly devised to meet every sort of malpractice on the part of the Directors. But, however disposed he might be to accept the amended oath, he thought, if their Lordships accepted it, after the noble Earl's speech, they would, in the opinion of the public, convey a suspicion and an expression of belief that the Directors were utterly unworthy of confidence. He, therefore, felt it to be his duty to call on their Lordships to resist the change.

The Earl of ELLENBOROUGH replied, that a certain degree of suspicion must be attached to all persons called on to take oaths, or why were they asked to take them at all? Their Lordships were obliged to take an oath at that table; the Judges and all persons filling great public offices were obliged to do the same; and, in fact, there was a great and just Parliamentary suspicion attaching to all persons called on to take an oath in the exercise of their public functions. He thought they should distinctly impress on those gentlemen an understanding of the character in which they were called on to conduct the administration intrusted to them, and that they should be made to comprehend clearly they were only the trustees of the Crown.

Earl GRANVILLE said, the Government would reconsider the oath before the third reading; but, at the same time, he wished to disclaim, on the part of the Government, any feeling of suspicion with respect to the Directors.

The Earl of ELLENBOROUGH was glad to accept the noble Lord's promise. He had no desire but to obtain an explicit declaration from the Directors that they were only the trustees of the Crown.

Clause *agreed to.*

Clauses 14 to 20 *agreed to.*

Clause 21 (So much of 3 & 4 *Will.* IV. as provides that the fourth ordinary member of the Council shall not sit or vote, except at meetings for making laws and regulations, repealed).

Lord WYNFORD was understood to propose an Amendment, but his Lordship was inaudible.

The Earl of ELLENBOROUGH said, he hoped that the Government would consider the expediency of nominating as fourth ordinary member of Council some youthful English statesman of business habits, and acquainted with the mode of managing affairs in some public department in this country. He hardly knew anything that would add more strength and comfort to the Governor General in his arduous office; for he never saw a country where there was such an absence of all businesslike habits as India, so that it was matter of astonishment to him when he went out there, though he did not pretend to anything more than some acquaintance with the proceedings at the Board of Control. With great ease, and without any detriment to the public service, he was enabled to effect a saving of one week in the transmission of letters from the Governor General homeward, and of one hour per day in the transaction of business by the Council.

The EARL of ALBEMARLE availed himself of the opportunity to impress on the Government the necessity of a larger employment of Natives in high official stations in India.

Amendment *withdrawn;* Clause *agreed to.*

Clause 22 (Legislative Councillors added to the Council of India, for making Laws and Regulations).

The EARL of ELLENBOROUGH observed, that words were not inserted in the clause providing that the appointment of these additional Members from each Presidency should take place from time to time, and moved an Amendment to that effect. There was no such provision mentioned, and therefore he did not know whether Councillors could be removed when once they had been appointed. [Earl GRANVILLE: They are removable.] The clause did not say so. For what period were they appointed, and on what understanding? The ordinary Members of the Council were understood to be appointed for five years; but these additional Members were, it appeared to him, placed in a totally different position. Were they, he would ask, appointed as they would be by the Governor General, to be removed at the end of his tenure of office, or were they not to be removed until the end of five years? The clause provided—

> "That one member of each Presidency, and the Lieutenant Governors for the time being established in the said territories, should be appointed by the Governor of such Presidency and the Lieutenant Governor of such Lieutenant Governorship respectively, from among the persons having been, or being at the time of their appointment, in the civil service of the Company for ten years."

Now, he would ask, could the Lieutenant Governor appoint himself? From the wording of the clause he was sure he could; but, in any case, he was sure he ought, for he would make the best member of the Council. He deprecated the exclusion of military men from the Council. He had felt the inconvenience arising from this exclusion, and had more than once suggested that a military member should be succeeded by a military man, and a judicial member by a judicial officer. He would, therefore, suggest the omission of certain words in the clause, by which a power would be conferred on the Governor General to nominate military as well as civil members of the Council.

The EARL of ALBEMARLE expressed a hope there would be no distinction of any class in the Council.

LORD BROUGHTON approved of the proposition of the noble Earl opposite, but expressed a general distrust of the working of the new Council. As the clause stood, it must mean that the Governor General should be able to choose two Natives, which would lead to all kinds of mistakes and inconveniences. The whole service was opened generally. A Native might enter Haileybury, and might be made member of Council, and if in the course of events, by the death of a Governor General, he should happen to be the senior member of the Council, he might become, *pro tempore,* Governor General of India. He had great doubts about this Council altogether. He was afraid the working of it would be that we would have a sort of little Parliament in Calcutta, and that the Governor General would lose something of the authority which he thought it was perfectly necessary he should possess. In the eyes of an Oriental, the head of a State was looked on as the source of all power, and more particularly he was regarded as the maker of the laws; and it seemed to him impossible that those who made the laws should not be invested with the sovereign power. Anything which had the tendency to diminish the authority of the Governor General in the eyes of the people of India would be most pernicious, and might go far to deprive us of our Empire. Was it to be supposed these ten or twelve members—["They are fifteen"]—well, then, fifteen members—would meet without discussion or debate, ending in a division, and that this division would not be made public? Nothing was secret in India—it was difficult to keep the most secret matters in the most secret despatches from becoming known; and the noble Earl knew well instances where the most important matters of that kind had been disclosed before they reached this country. Besides, they had a free press in India, and one paper would take the part of a portion of the Council, and say they were right; and another would say they were wrong, and in this way there would be great differences of opinion created. He must say, he was most apprehensive of this new way of governing India. The Council would become a body for many other purposes than mere legislation. Was it to be the taxing body of India? He thought it must become so. He contended that they should not confer on any one but on the Governor General, through his agents, the power of initiating laws; that the consent of the Governor General should be given before any new laws were proposed, for, in his opinion, it was far better that a veto should be exercised in the first instance than afterwards; and thus they might avoid an antagonism between the Governor General and the Council, which would prove, if not dangerous, at least most inconvenient.

LORD WHARNCLIFFE concurred very much in the views of the noble Lord who had just sat down, and thought it would be most inexpedient to control the power of the Governor General in legislating for India. He thought, with the noble Lord, that the setting up this Legislative Council would have the effect of impairing the authority of the Governor General, and of establishing that which would appear to be a popular assembly, without any of the essentials of such a body. An experiment such as this would, in a country like India, be attended with a very doubtful result.

The EARL of ELLENBOROUGH was inclined to think that by the Bill, as it now stood, the Governor General would retain the power of taxation, not by ordinance, but by Acts passed by the Legislative Council. He thought the noble Baron opposite was mistaken in supposing that the senior Member for the new Council could become Governor General *pro tem.*, for that office could only be held by an ordinary Member of the Council. It was, however, a question which should be well considered by Her Majesty's Government.

LORD BROUGHTON: But a Native may be a Member of the ordinary Council.

The EARL of ELLENBOROUGH did not consider that was the case.

LORD MONTEAGLE contended, a Native might become a Member of the ordinary Council, if he entered the service in the ordinary manner by admission at Haileybury College.

The EARL of ELLENBOROUGH objected to the preference given to civil servants over military; and in the case of the two Legislative Councillors to be appointed by the Governor General under this clause, moved the omission of the qualifying word "civil," in order to make servants of the Company, whether civil or military, eligible for the appointment.

Amendment *agreed to.* Word *struck out* accordingly.

Clause *agreed to.*

Clause 23 (Appointment of Vice-President of Council to preside at meetings in absence of Governor General).

The EARL of ELLENBOROUGH proposed to extend the purpose of the clause by allowing the senior ordinary Member of the Council to preside therein in case of the absence of the Vice-President.

Amendment *agreed to.*

Clause *agreed to.*

Clause 24 *agreed to.*

Clause 25 (No Law or Regulation of Governor General in Council invalid by reason of the same affecting any Prerogative of the Crown) *postponed.*

Clause 26 (Time for Meeting of Council with new Legislative Councillors to be fixed by Governor General by Proclamation).

The EARL of ELLENBOROUGH moved the addition of the following proviso:—

> "Provided further, that nothing hereinbefore contained shall affect the power now vested in the Governor General in Council, as such Council was constituted by the Act 3 & 4 *Will.* IV. c. 85, to authorise the Governor General alone, when absent from the Council in any part of India, to exercise all or any of the powers which might be exercised by the Governor General in Council, except the power of making laws and regulations, and the notification thereof by the said Council shall have the same force as any law or regulation to that effect would have had if this Act had not been passed."

EARL GRANVILLE said, the Government could not consent to the noble Earl's Amendment.

Amendment *negatived.*

Clause *agreed to.*

Clauses 27 to 29 *agreed to.*

On Clause 30 (Commander in Chief of Her Majesty's Forces to be Commander in Chief of the Company's Forces),

The EARL of ELLENBOROUGH moved the addition of the following words:—

> "And such Commander in Chief of Her Majesty's, and of all the Company's forces in India, shall, *ex officio*, be an extraordinary Member of the Council of India, and such Commanders in Chief in any Presidency shall be, *ex officio*, Members respectively of the Councils of such Presidencies."

The noble Earl said it would not do to leave it to the Court of Directors to separate the Commander in Chief from the civil government, as such separation was injurious to the public service, and dangerous to the State.

Lord BROUGHTON thought it better that the being Members of the Councils, should be the natural instead of the legal consequence of being Commanders in Chief.

Amendment *negatived.*

Clause *agreed to.*

Clauses 31 and 32 *agreed to.*

On Clause 33 (Salary of President of the Board of Control),

The Earl of ELLENBOROUGH expressed his gratification at the provision by which the President of the Board of Control was placed in point of salary on a level with the Secretaries of State. He would express a hope, however, that the Gentleman at the head of the Board of Control, whoever he might be, would not derive any advantage from this increase of salary, for the very best way of spending it would be by receiving at his table on their return from India all the distinguished officers who had quitted that country. In this way the President of the Board might very easily spend the additional 1,500*l.* a year he would receive, and in return he would derive information which he could never obtain from papers, and which would be of the greatest possible value to him in the conduct of public business.

Lord BROUGHTON doubted the expediency of having in Parliament only one of the Secretaries to the Board of Control. Neither did he think that the appointment of a permanent Secretary would be a good plan. This permanent Secretary, let him be whom he might, would enter office with certain strong feelings or prejudices. If he had belonged to one branch of the service, he would always give his opinion in favour of that service; if he had been at Bengal, he would stand up always for the interests of Bengal; if at Bombay, for the interests of Bombay; and if at Madras, for those of Madras. Moreover, such an official would be placed in an invidious position with respect to clerks of long standing at the Board, many of whom were men as intelligent and as capable of giving advice to the President of the Board as any men who could be found. The appointment of a permanent Secretary would be only adding to the embarrassment of the President of the Board of Control, and producing jealousy in the staff.

The Earl of ELLENBOROUGH expressed some apprehensions as to the expediency of such an appointment. He was quite sure from what he knew of the Board of Control, that the business of the department would go on perfectly well without an officer so appointed.

Earl GRANVILLE defended the provision, and said it had been found extremely desirable, in cases of changes of Administration, to have some person at hand who could inform the Board of all the details of the business on hand.

Clause *agreed to.*

Clause 34 (Yearly allowances to Chairman, Deputy Chairman, and Directors, instead of those now payable under bylaws) *agreed to.*

Clause 35 (Regulating the Salaries of Officers in India).

The Earl of ELLENBOROUGH complained of the reduction in the salary of the Commander in Chief, whose office was the only great prize in the Army, but who now could not save more than 1,500*l.* or 2,000*l.* a year.

Clause *agreed to.*

Clause 36 (Provisions of 3 & 4 *Will.* IV., respecting Admission of Students to Haileybury College repealed, and existing Rights of Patronage of Appointments to cease).

Earl GRANVILLE proposed after the word " the," line 10, to insert the words " appointment of persons in the civil service of the Company and the."

Lord MONTEAGLE said, if it was thought upon a mere examination of persons from all parts of the country to secure efficiency for the service, they would very soon find the effect of the " cramming" in the brilliancy of the person examined, and his incompetency to fill the office to which he was appointed. The system proposed would lead to nothing but a lowering of the standard of those appointed to the service.

Earl GRANVILLE said, the noble Lord's objection seemed to be that under the Bill any clever scamp would be enabled, by " cramming," to pass the requisite examination. He thought, however, it would be perfectly disgraceful to the college, if, in nineteen cases out of twenty, the students there were not able to beat out of the field a person who had not the advantage of a special education like that given there. The stimulus applied in this way to the college would, he anticipated, be very beneficial.

Amendment *withdrawn.*

Clause *agreed to.*

Clause 37 *agreed to.*

On Clause 38 (Board of Control to make

Regulations concerning Examinations, Admissions, and Appointments, to Haileybury College, and concerning Examinations for Admission to the Military Seminary at Addiscombe. Regulations to be laid before Parliament),

The Earl of ALBEMARLE suggested that the Government should make some alteration in the clauses relative to the examination of students, with the view of securing the free admission of Natives into the service.

Clause *agreed to.*

Lord MONTEAGLE, adverting to the circumstance that, notwithstanding the clause introduced into the last Act renewing the Company's Charter, declaring the eligibility of Natives to the covenanted service, not one had ever been admitted, proposed a clause, declaring that no natural-born subject of Her Majesty should, by reason of religion, or colour, or place of birth, be incapable of holding office and employment under the Company, whether in the covenanted or uncovenanted service. if this clause should not be inserted in the Bill, the Company would treat the wishes and intentions of the Government in this respect as mere moonshine. He begged to give notice that he would propose this clause again on the third reading, in order that his proposal might stand recorded on the Journals.

Earl GRANVILLE observed, that the aptitude of Natives for certain departments of the service had been satisfactorily established before the India Committee. If, therefore, he objected to the noble Lord's clause it was not from any doubt that Natives of India would be found fully qualified to fill the offices referred to in it. The noble Lord's clause, however, was directed against an imaginary evil. The reason why Natives had not been employed in the civil service was this:—The clause in the existing Act was merely permissive, and the civil service being entirely dependent on nomination, it had happened that no Director had nominated a Native. Had a Native been nominated, he must have been employed. The present Bill abolished the system of nomination, and any Native who exhibited equal talent with Englishmen at the examination would obtain employment.

Clause *negatived.*

Clauses 39 to 43, inclusive, *agreed to.*

Clause 44 (Manufacture and Sale of Salt by the East India Company to cease and determine).

The Earl of ELLENBOROUGH moved that the clause be rejected, though he thought that the Motion might have been made more properly by one of Her Majesty's Ministers, as the clause formed no part of their original proposition. At the same time, he was ready to move its rejection, because he believed it would operate most injuriously, and because it constituted a most unwarrantable interference with the financial arrangements of India. This interference had been proposed not for the advantage of the people of India, but for the benefit of a small number of persons employed in this country in the manufacture of salt, and the whole of the Indian revenue derived from salt would be imperilled if the clause passed into law. The clause established no regulations which would facilitate the collection of the tax, and, in order to raise the duty on salt, it would be necessary, if the clause passed, to employ an army of excisemen in India. If smuggling were practised, as it certainly would be, the price of the article would be so reduced that, after all, the importer would not obtain that advantage which he anticipated. There had been in preceding years an increase of consumption and a large reduction of price; but it must be remembered that the revenue in India did not rise with the same elasticity as the revenue in this country. While their Lordships were creating what was described as a better Government for India, and enlarging the Legislative Council—while they were endeavouring to give consistency and dignity to the Government of India—it was not right to interfere for the first time in a matter strictly of internal regulation, and it was not fitting or seemly, for the purpose of giving a small additional profit to certain traders in England at the expense of India, to imperil the revenue of that country. It was better to treat India as a perfectly independent country in matters of finance. In India there were not the means of commuting taxation, as the Natives felt the greatest indisposition to pay any new tax, and for these reasons he moved that the clause be expunged.

The Earl of ALBERMARLE concurred in what had fallen from the noble Earl as to the impolicy of interference with local taxation, but, at the same time, expressed his disappointment that this hateful monopoly, which affected the health of the people, and caused, from the tax imposed, extreme misery and distress among the people of India, was to continue. The noble Earl here referred to certain statistical papers for the purpose of showing how greatly the tax on salt checked the consumption. He concluded by observing that this was a subject on which he felt the deepest interest, and he still hoped that the Government in India might have instructions from the Home Government to alleviate this most distressing and grievous tax.

Amendment *agreed to.*

Clause *negatived.*

Clause 45 *agreed to.*

The report of the Amendment to be received *To-morrow.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, August 8, 1853.

MINUTES.] NEW WRIT.—For the City of Cork, *v.* Francis Stack Murphy, Esq., Commissioner for the Relief of Insolvent Debtors in England.

PUBLIC BILLS.—1° Corrupt Practices at Elections.

2° Registrar of Meetings; Copyholds, &c. Commission Continuance; Commons Inclosure (No. 3).

3° Pilotage; Charitable Trusts; Lunatic Asylums.

SUPPLY—MISCELLANEOUS ESTIMATES.

House in Committee of Supply.

(1.) 50,000*l.*, Civil Contingencies.

MR. HUME said, he must complain of an item of 374*l.* in the Vote paid for the passage of General Rosas to this country.

MR. J. WILSON said, the item was paid by the Treasury in consequence of a communication from the Foreign Office to the Treasury. General Rosas was brought over in a ship of war, and it was always usual in such cases to pay the expenses out of the Treasury.

MR. HUME thought this was carrying civility to an enemy a little too far. There were several other inconsistent and extravagant items in the estimate: he would suggest that in future the Treasury ought to look more closely after them. He hoped that these miscellaneous estimates would be submitted next year to a Select Committee for revision, and that all fees payable on occasions of honours being conferred, should be done away with.

MR. SULLIVAN begged to call the attention of the Committee to the item of 2,000*l.* paid for the purpose of obtaining accurate statistical information with respect to the progress of agriculture in Ireland. He did not complain of the amount, but was desirous that the machinery for obtaining the information to which he referred might be placed upon a more efficient footing than that upon which it was at present placed.

MR. J. WILSON said, he attached the greatest possible importance to the subject to which the hon. Member had called their attention. Captain Larcom, who was at the head of the statistical department in Ireland, was a most efficient officer, and he felt assured that his most zealous attention, as well as that of the Government, would be directed to the subject.

MR. VERNON SMITH said, he objected to what he termed the desultory character of the entire Vote. He did not see why so many estimates should be referred to one general head, and why, at all events, with respect to several of the items under the words "civil contingencies," a particular Vote should not be taken.

SIR JOHN SHELLEY said, connected with this subject, there was a very destructive disease prevalent among the stock of the agriculturists in this country, and large sums had been expended by private individuals and societies for the purpose of instituting inquiries into the nature of that disease, and of obtaining accurate statistical information with respect to it. He thought it extremely necessary that the Government should take the matter into their own hands, and appoint parties to investigate the subject, who should receive their salaries out of the public funds.

Vote *agreed to;* as were the following three Votes:—

(2.) 511,887*l.*, Commissariat Department.

(3.) 45,239*l.*, Half Pay, &c. Commissariat Department.

(4.) 3,500*l.*, Governor of Jamaica.

(5.) 50,000*l.* Naval Coast Volunteers.

SIR JAMES GRAHAM said, that when he had introduced the Bill for the organisation of this force, he had stated, in answer to questions put to him, that the probable expense of raising 10,000 men would be about 100,000*l.* a year, including the bounties to be paid. As half the present year was now gone, and as he did not anticipate raising above 5,000 men before the end of the present financial year, he therefore now proposed to take a Vote of 50,000*l.* only for this purpose, which was half the anticipated annual charge of the whole force.

MR. HUME said, he hoped that the country, now that it had to pay 100,000*l.*

a year for militia, and another 100,000*l.* for naval coast volunteers, would be very speedily disgusted with the warlike fever which had lately infected it. For his part, he had no faith in bounties, and he believed that the proper way of raising an efficient naval force was by increasing the mercantile marine.

Captain SCOBELL said, he must complain that ablebodied seamen were now the only class which had no bounties held out to them.

Sir JAMES GRAHAM hoped the gallant Officer would go down to Spithead on Thursday, and he would there see as fine a body of British seamen as ever were collected together, all raised without bounties.

Vote *agreed to.*

(6.) 835,212*l.*, Post Office Packet Service.

Mr. HUME said, he wished to know, before this Vote was agreed to, what was the tenor of the Report of the Committee which had been appointed to inquire into this subject. He had been informed by very competent men that the effect of voting so large a sum for the packet service had hitherto been to impede to some extent the progress of the facility of intercommunication between this and other countries. Rival companies had been prevented from starting, and of course competition was at an end. He wished to know if a reduction of the amount proposed to be voted, had not been recommended some time since by the Committee which was appointed to consider the subject.

Mr. COWPER said, the Report of the Committee to which the hon. Gentleman referred, was already on the table of the House, and had been for some days, having been printed on the 29th of July. Having been a Member of that Committee, he could assure hon. Members that the whole subject of the contract packet service had been thoroughly examined. All the details of the subject had been fully gone into, and would be found in the Report. The Committee had not been able to recommend any immediate or great reduction in the service, because most of the sums paid for it were sums agreed to be paid by the Government under contracts for a series of years; and so long as the contracting parties continued to execute their contracts efficiently, it was not possible for the Government to determine them. At a future period, however, when the present contracts came to a conclusion, there was a prospect that arrangements might be made by which the service could be performed as efficiently and more economically than it was at present. A system was practicable by which the Post-office could promote competition among companies. In the present estimate there was a small reduction on that of last year, and the saving had been effected by removing the Mediterranean service from the Queen's packets to the Peninsular and Oriental Steam Navigation Company. Owing to the great increase of steam navigation, and the application of the screw to merchant shipping, it was possible that agreements might be entered into with the mercantile marine for carrying the mails, by which the Government would not have to pay the greater portion of the expenses of the packets, but only just sufficient to defray the expenses of the freight, with a margin large enough to insure the speed and despatch which were necessary for postal service. According to an estimate which would be found in the Report of the Committee, the gross amount received by the Post-office upon foreign and colonial postage, was 556,492*l.* The net receipts, deducting the amount to be paid to foreign countries and the inland postage, were 443,782*l.* The annual amount paid for the service which earned this, was 822,390*l.* The total amount paid for all lines, including colonial, foreign, and the British Islands, was 877,797*l.*, and this was paid to vessels which earned 521,613*l.*, carried to the account of the Post-office. It had been found necessary to pay large sums on the chief lines in order to induce the parties to embark their money in the undertakings required. On the whole, he believed that this service had been performed in a manner generally satisfactory. The North Atlantic Ocean was now traversed with a punctuality and regularity which would allow of a journey over 3,000 miles of stormy ocean to be compared favourably, for security and certainty, with one over an equal distance of *terra firma.* The Peninsular and Oriental Company had also fulfilled their contracts with a praiseworthy efficiency and regularity. There were certainly a few exceptions to be made; for instance, the Australian Steam Navigation Company—a company which had been brought before that House on several occasions—owing to inexperience in its management, had entirely failed in executing its contract, which was consequently put an end to. Many complaints too had reached the Admiralty with regard to the irregularities of the West India line; and the Admiralty had felt bound to give the Company fair notice that, unless the service were performed for the future with the requisite punctuality and despatch, the Government would feel bound to take advantage of that clause in the contract which gave them power to put an end to it.

Mr. HUME hoped that no new contract would be entered into without the fullest inquiries being made. He thought the country had great reason to complain that, after paying all these large sums for the packet service, they were not allowed the benefit of an ocean penny postage. He believed the main reason why it was not established, was the obstinacy of the departments interested. He was certain the Government did not properly take into consideration the immense number of emigrants who had left our shores in the course of the last few years, and the great interest which this country had in their being enabled to keep up a correspondence with their relations at home.

Mr. JOHN MACGREGOR said, he believed that a postage of 3*d.*—1*d.* for the land postage on this side, 1*d.* for the ocean postage, and 1*d.* for the land postage on the other side, would amply cover all the expenses of carrying letters to the Colonies. Sixpence per letter was too much, at least for emigrants. He hoped the Government would direct their attention to the establishment of a regular and speedy communication with the Australian colonies.

Mr. COWPER said, he had alluded to the transference of the Mediterranean service to the Peninsular and Oriental Company, by which a saving was made. No doubt similar transferences might take place in other directions. With regard to the service from Dovor to Calais, and from Dovor to Ostend, the Government would ask for tenders, and if the inquiry was satisfactory, then the Queen's packets would be given up. With respect to the service to Australia, he had to say that at present the experiment as to which was the best route was in progress, mails being sent alternate months by Singapore and by the Cape of Good Hope, and the choice of a route by the Government would depend upon the results.

Vote *agreed to.*

(7.) 200,000*l.*, Kafir War.

Mr. ADDERLEY said, as this was the only occasion when it would be possible to bring this subject before the House, he hoped he should be pardoned if he took up a few moments in adverting to the late settlement of the Kafir war. He thought that House, as guardian of the public purse, was bound to see that the war which had lately been raging in Kafraria was settled on such a footing that there could be no expectation of seeing it renewed within a short time. The present occasion was one of peculiar importance, because the Colony had just received from this country representative institutions with all the rights of British citizens, accompanied, at the same time, with a strong intimation that together with those institutions the colonists would be expected to undertake their own internal defence. If the present opportunity were passed by, this country would never again have the opportunity of calling upon the Colony to place itself on that footing. The whole of that Colony was being put entirely on a new footing, and if this House expressed no interest in this new arrangement, and left all to the Colonial Minister—whatever might be the sequel, whatever wars might break out, however bloody and ruinous to this country and the Colony—it would have no right to complain. He wished to elicit from the Under Secretary for the Colonies what arrangement had been made, and what treaties had been entered into, and whether he could hold out any expectation that the settlement effected would be permanent? Generally speaking, he had supported the colonial policy of the noble Duke now at the head of the Colonial Office, but he strongly condemned the noble Duke's policy with regard to the frontier question. In his opinion, the inhabitants of a distant dependency were themselves the persons who ought to fix the territory which they wished to occupy—they should fix the limits, and then apply to Her Majesty, praying Her to take that territory under Her allegiance. He believed that in the annals of this Colony there had been no more fertile source of war than the varied and capricious views taken by the different Colonial Secretaries of the frontier question. It seemed as if each succeeding Minister had determined on this point to indulge his own views to the utmost, and to immortalise himself by a policy of his own. There was not a Colonial Minister who might not be known by his peculiar frontier policy. He believed it was now proposed to hire Swiss troops to occupy and guard the frontier, as more fitted for mountain warfare than British troops. He saw no objection to the plan; but it certainly ought not to be adopted without being first submitted to Parliament, for this was certainly the first time that it had been proposed to hire foreign troops to defend our frontiers. This, he believed, was certain, that so long as we maintained colonial wars with troops sent out from this country, and paid by the Imperial Treasury, so long should we be involved in hopeless incessant warfare there. That was the case in Canada after the capture of Quebec. Army after army of Imperial troops disappeared in unsuccessful warfare, and the end of the struggle was that this country had to withdraw the Imperial troops, and leave the local militia—the hunters and backwoodsmen—men who led the same sort of life as their enemies, to put an end to the war, which they did very speedily. He had talked with Colonel Eyre—a very competent authority on the subject—and his opinion was, that England had so long taken the conduct of the war upon herself that the colonists themselves would not turn out as they would have done once; they had lost all self-reliance, and when they had other people to fight for them, it was not likely that they would be very ready to leave their wives and families and fight for themselves. On the other hand, we had trained the Kafirs to a greater efficiency in warlike operations. Colonel Eyre was of opinion that it would be necessary for the House of Commons to consent to the maintenance of a force of 10,000 men; but, if we could train back the settlers into military efficiency, and into habits of self-reliance, no very long time would elapse, he thought, before they would be able to cope with the Kafirs, which regular troops never could completely be made to do. By sending out troops to the Colony we created a moneyed community there, interested in keeping up a state of war for the sake of the supplies which were sent out from England, out of which fortunes were to be made. That, he believed, was already pretty clearly perceived in the Colony. The noble Duke had done three things—first, he had sent out Sir George Clerk to South Africa, with instructions not to report, but to carry out the abandonment of the Orange River Sovereignty: next, he had consented that a constant force of 4,000 men should be kept up in that country at the expense of Great Britain, with head quarters at Graham's Town; and, lastly, he had effected an arrangement of tribes upon the Kei River frontier, such as no doubt the noble Duke supposed would be the best for the maintenance of peace. Now, with regard to the first point, he very much doubted its legality; he doubted whether Her Majesty, having once proclaimed a territory within Her allegiance, not by treaty or conquest, but by occupation, could renounce that territory, and throw Her subjects there off from their allegiance. Certainly She could not do it, he thought, without the sanction of an Act of Parliament. He believed all the colonists, without exception, condemned this renunciation. When Sir George Cathcart first went out, he called the settlers in the Orange River Sovereignty together, and put it to them whether they were willing to be taken under the jurisdiction of the colony, and whether, if so annexed, they would undertake the defence of their own territory. That they undertook to do, under condition that Great Britain would provide them with a force of 500 men for five years, and they were even willing to bear the expense of this force, as he was informed. If such were the case, he put it to the Committee, whether it would not cost the country more to abandon this territory than to retain it. The noble Duke the Colonial Secretary had allowed that, if the territory were given up, we must compensate those who had settled in the territory since it had been made part of the Colony, and he believed these were 15,000 in number. Besides, by giving up the Orange River territory we should be abandoning the best frontier line which we could possibly have; and, if another war broke out, of course we should not be able to call on the colonists to sustain it, because, having ourselves arbitrarily fixed a frontier, which was contrary to their wish and their advice, we could not expect them to defend it. If we abandoned the Orange River Sovereignty, Natal, which in that case would be perfectly isolated, and which, as it was, had always been a source of great anxiety and uneasiness during the Kafir war, would be for ever lost to this country. The Orange River territory, too, was the best line of internal communication, and if we lost it we should lose the soil best calculated for that produce which Manchester so much desired to see cultivated on our own soil, and within our own dominions. What, too, was to become of the slave trade, for every one knew that if there was one point more than another where the slave trafficw as assailable, it was on the east coast of Africa? With regard to the second point, if 4,000 troops were to be maintained in the Colony, they must be paid for by the colonists; and with regard to the arrangement of the tribes, he believed it was the general opinion in the Colony that what had been adopted was of all others least likely to lead to a permanent peace. He was informed that it had been found necessary to locate hostile tribes on the territory of friendly tribes, and that, he thought, was an arrangement which could not fail to bring about a speedy renewal of the war. If the hon. Gentleman the Under Secretary for the Colonies could not give the Committee satisfactory information on all these points, he should feel it his duty early next Session to move for a Select Committee to inquire into the subject.

Mr. FREDERICK PEEL assured the Committee that the measures referred to by the hon. Gentleman had received the approbation of the colonists themselves, who recognised in them a security for the good government of the colony, and for the maintenance of peace. That with regard to the first point to which the hon. Gentleman had alluded—the evacuation of the Orange River territory—the opinion which the noble Duke at the head of the Colonial Office had expressed on the subject was very much strengthened by the fact, that the possibility of this course being taken was foreseen by Lord Grey some time ago, and that the right hon. Gentleman the late Secretary for the Colonies, as he was informed, had himself been prepared to act upon the same view. Her Majesty's Government were of opinion that, where it was practicable, instead of extending, we ought rather to contract, the limits of the Colony. The principal difficulty with which the Government in South Africa had to contend, had arisen from the enormous extent of that territory, from the long line of frontier, and from the impossibility of protecting that line, so that not one single point should be left open without an expense to this country disproportionate to the value of the object to be secured; and, moreover, far beyond the ability and disposition of this country to persevere in. He was sure that of all measures which had been adopted at the Cape, the most questionable in respect to their policy had been those which had involved the acquisition of territory. When Sir Harry Smith first went out to the Cape, there were very large additions made to the Colony. Not to speak of what took place in the north, the Orange River territory was annexed without any previous communication with the authorities at home, and with very little acquaintance with the feelings of the inhabitants; and even that little, as it had subsequently turned out, was entirely incorrect. Sir Harry Smith annexed that enormous extent of territory, and during the five years which had elapsed, it had been of no advantage either to this country or to the colonists. On the contrary, it had been a source of constant uneasiness and anxiety both to Sir Harry Smith and to General Cathcart, lest there should be a rupture between the Kafirs and Europeans within the territory; and, if anything of the sort had taken place, it would have proved inconvenient to the prosecution of hostile operations against the enemy, and would have greatly retarded the satisfactory settlement of the war. Her Majesty's Government had contented themselves with expressing a general opinion in favour of an abandonment of that territory, and of the withdrawal of the protection which was reluctantly extended to it at the instigation of Sir Harry Smith. Her Majesty's Government were quite aware that, with regard to the manner and time of carrying out that measure, they must depend upon a conjunction of circumstances, which could only be siezed by persons on the spot; and instead, therefore, of laying down any positive directions in this country, they had appointed Sir George Clerk as a Special Commissioner to Kafraria, and it would be his duty to take all the steps necessary for carrying out the object which Her Majesty's Government had in view. The hon. Gentleman questioned the legality of this renunciation of the Orange River Sovereignty; but he (Mr. Peel) was not prepared to say that there was not the same facility for abandoning as for acquiring territory. The hon. Gentleman's objection would equally apply to the case of the Dutch Boers beyond the Vaal River, who had been made independent. At the same time, it might be necessary to grant protection to such as exercised magisterial authority in the territory for the acts which they had done there during the period of its retention; and, if so, such a Bill, containing the necessary provisions, would be introduced at the earliest opportunity in the next Session. The hon. Gentleman's next objection was, that it would be more expensive to abandon the Colony than to retain it, because so many settlers would have to be compensated. Claims for compensation, he apprehended, could only arise on one of two grounds, either that the titles to property had been rendered less secure, or that the value of the property itself had been diminished; but in evacuating the territory, every care would be taken to make the titles to property as secure as they would have been had we retained it, and, so far as the value of land was concerned, he believed it would be considerably enhanced by the change. He certainly saw no rea son why the loss of Natal should be a consequence of the abandonment of the Orange River Sovereignty; there was no connexion between the two, for they were separate from each other by the natural boundary of a range of mountains. With regard to the advantages of the territory in the way of internal communication, though we had now had possession of it for five years, they had been so little appreciated by the colonists that within the last twelve months an arrangement had been made with a steam navigation company, by which a vessel was despatched to Natal once a month, showing plainly that the sea communication had been found much more convenient. We had originally occupied the Orange River territory with the view, not so much of making it part of the Colony, as of exercising an arbitration between the inhabitants, and of composing their quarrels; but that had been found impossible without marching a military force into it. General Cathcart, whose opinion was entitled to some respect, had come away from the territory fully impressed with the opinion that it was not, and never had been, the wish of the natives to be placed under our rule. With regard to the Dutch farmers, there was every reason to believe that they still cherished the same feelings which led them originally to abandon the Cape Colony. It was the wish, they were informed, of the Dutch farmers to be allowed to organise an administration of their own. He felt that the frequent bloody and costly wars in the Colony had rendered it imperative upon the Government to endeavour to make arrangements by which their recurrence should be obviated, or by which, in the event of their recurrence, the responsibility of them should be transferred from us to the colonists. No one would dispute that, he thought, when it was remembered that in the course of the last six years we had expended 4,000,000*l.* in Kafir wars. The hon. Gentleman's remarks went to this, that we ought to remove our troops from the colony, and so relieve ourselves of all responsibility; but that would only be repeating the error of 1846 and 1847. Everything had been done to relieve the troops in the way of rendering the local forces as efficient as possible; and, on the whole, there was every reason to believe that precautions had been adopted, and an impression made on the minds of the natives which would greatly diminish the risk of a war breaking out at any future time.

Sir De LACY EVANS said, that if the hon. Gentleman (Mr. Adderley) renewed the subject at a future opportunity, he should be prepared to show that the military views which he had expressed were utterly incorrect. He fully approved of the abandonment of the Orange River Sovereignty.

Mr. VERNON SMITH said, he by no means shared in the opinion that this was the last Vote which that House would be called on to grant for a Kafir war. He believed that more territory must be ceded, and the Colony contracted into more defensible limits, before they could venture to indulge in the hope of a permanent peace there.

Vote *agreed to.* House resumed.

RUSSIA AND THE PORTE—QUESTION.

Sir JOSHUA WALMSLEY: Sir, I have to put a question to the noble Lord the Member for London, upon a subject which is deeply interesting to the people of this country generally, but more especially to the mercantile classes, and which, I believe, also very nearly concerns the dignity and the responsibility of every Member of this House. The question I have to ask of the noble Lord is, whether Her Majesty's Government will, previously to the prorogation of Parliament, submit to the House of Commons a statement of the existing relations between this country, Turkey, and Russia, touching the aggressive attitude assumed by Russia towards the Sublime Porte, and whether they will appropriate a day for the expression of the opinion of this House upon this important subject?

Lord JOHN RUSSELL: Mr. Speaker, in answer to the hon. Gentleman, I have to state, with respect to his first question, that before the prorogation of Parliament, I will give such information on the subject of the existing relations between Russia and Turkey as I may think consistent with my sense of public duty. In answer to the second question of the hon. Member, I cannot say that I think it would be advisable for the public interest that in the present state of the negotiations between Russia and Turkey, there should be any day devoted to a general discussion of that subject.

Lord DUDLEY STUART: Sir, a rumour of the most important character has been circulated in the public prints of to-day. I allude to the rumour that the Emperor of Russia has agreed to certain proposals which have been submitted to him by the different Powers of Europe for the adjustment of the differences between Russia and Turkey. I wish to ask whether the noble Lord can state that there is any truth in that rumour, and that we are now nearer to a pacific solution of that question than we were a few days ago?

LORD JOHN RUSSELL: In answer to the question of my noble Friend, I have to state that there is a foundation for the rumour to which he has alluded, and that we have just received a despatch from Her Majesty's Minister at Vienna, which is of a satisfactory nature. The answer which has been received from the Court of St. Petersburgh is in reply to the first proposal which was agreed to at Vienna. I have further to state that the messenger who was to have gone to Constantinople, and who, as I said on a former occasion, would leave Vienna on the 31st of July, did not actually leave Vienna until the 2nd of August; so that the reply from Constantinople cannot be received as soon as it was at first expected.

SIR DE LACY EVANS: Will the noble Lord communicate the promised information at such a time as will enable the House to discuss the question?

LORD JOHN RUSSELL: I beg to explain that what I said was, that I would give such information as it would be in my power to give consistently with my sense of public duty; and I think that it will be more satisfactory that I should give that information at the latest moment before the prorogation of Parliament.

MR. LAYARD: Am I to understand that there will be a discussion of the question before the prorogation?

LORD JOHN RUSSELL: As far as the Government are concerned, it is not their opinion that it is desirable, under existing circumstances, there should be a discussion.

BUSINESS OF THE HOUSE — RECOVERY OF PERSONAL LIBERTY BILL.

LORD JOHN RUSSELL moved that on Wednesday next the Government Orders of the Day should have precedence until three o'clock.

Motion made, and Question put, "That the Government Orders of the Day have precedence on Wednesday next till Three o'clock."

MR. BOUVERIE said, he thought it would be better that the Government Orders should have precedence throughout the whole of the day, and that the words "until three o'clock" should be omitted from the Motion.

Amendment proposed, to leave out the words "till Three o'clock."

MR. NEWDEGATE said, that it was impossible to mistake the intention and object of the Motion made by the noble Lord (Lord J. Russell), when the House considered the nature of the notice which stood first for Wednesday next, that was, the Recovery of Personal Liberty Bill, second reading, upon which an Amendment had virtually been adopted by the House for the appointment of a Committee to inquire into the system and practices of Conventual Establishments. The noble Lord and the Government had been in a minority on that subject on the 22nd of July, and the object of the noble Lord was to render the ratification of the decision of the House in favour of an inquiry into convents impossible; the noble Lord, in fact, brought the weight of the official votes, which were at the command of the Government, to destroy the last remnant of sphere for independent action, which remained to the House. For the House had, at the instance of the Government, yielded first Thursdays to Government business, had then consented to morning sittings, then, on other days of the week, to the exclusion of Members engaged on Committees upstairs, and had at last yielded Tuesdays also, until the only days of the week which remained for the business introduced by independent Members were Wednesdays, the morning sittings on which were limited to terminate at six o'clock. The noble Lord now proposed to take away half the six hours in the week which remained for the discussion and decision of measures introduced by Members not of the Government. The noble Lord's proposal was merely limited to the first three hours, in order to conceal the fact that he intended to abrogate the last remaining opportunity for independent action on the part of the House. He (Mr. Newdegate) therefore preferred the more manly and direct abnegation of the right of independent Members, proposed by the hon. Member for Kilmarnock (Mr. Bouverie), and upon that as raising the true issue would take the sense of the House. The noble Lord was perfectly aware of the difficulties with which those who desired a solution of this question, by a decision of the House, had to contend. Those who took an interest in a question which stood first on the Orders for Wednesday, were seeking, as the noble Lord was perfectly aware, merely to terminate the discussion on that question by a fair debate, and to enable the House to record its opinion distinctly, as he (Mr. Newdegate) had reason to hope, in favour of an inquiry into conventual establishments. A party which adopted practices at variance with the efficient action of Parliament had told them that they were to be defeated by delay. That was a party organised in such a manner (he meant the party called the Irish Brigade) as constituted them, though in the House, scarcely a part of the House; who aimed at commanding the House by an obstructive minority. They might create delay, but with a fair six hours before them, it must become obvious to the country, after three previous discussions on this subject, that the delay they would practise would be simply an attempt to defeat the legitimate action of Parliament, and such conduct would meet with just reprobation. The House could spare the time to test this issue, for on Friday last there were forty-two Bills before the House of Lords; there were thirty-one on their way to it; and all that was asked was, that during the leisure which the House of Commons had shown it had when it had decided on having a holiday on Thursday, the discussion on a question which had stood long on the Votes should be brought fairly to an end. If the proposal of the noble Lord were adopted, the debate, which by courtesy he (Mr. Newdegate) ought to open, would be again interrupted, as it had been before. Seeing, therefore, that the noble Lord was determined to deprive the House of all independent action, he would divide the House on the issue as raised by the Amendment.

Mr. T. CHAMBERS said, there would be less difficulty in acceding to the proposal of the noble Lord (Lord J. Russell), if he would afford facilities for the termination of that discussion on some other day. An hon. Member, who, like him, had brought before the House a question of that character, had serious responsibility imposed upon him, and could not consent to the indefinite postponement of the decision of the House with respect to it.

Lord JOHN RUSSELL said, he would readily agree to the Amendment of the hon. Member for Kilmarnock (Mr. Bouverie), especially after the statement of the hon. Member for North Warwickshire (Mr. Newdegate), so that Government orders should take precedence during the whole of Wednesday.

Mr. NEWDEGATE preferred the Amendment, merely because it was more direct than the Motion.

Lord JOHN RUSSELL thought it a sufficient reason for taking the Bills brought forward by the Government, and others which might require consideration with a view to their being passed, that this was the month of August. It was the only chance of seeing those Bills carried into law with a satisfactory result. He supported the Motion, that the question relating to Nunneries should come to a fair decision; but the House decided by a majority that the question as to reading that Bill a second time should not be confirmed. The real question, then, was not as to that Bill, which had been completely set aside, but as to the appointment of a Select Committee; and he put it to the House whether there was any use in going into that question at this time of the year? It might be advisable that the House should come to a decision on a question of importance which had been brought before it, and that they should not allow their time to be wasted by long debates, so that no decision could be arrived at; but if they were to make a struggle for that purpose, he thought again that it ought not to be made in the month of August. There was no chance of success in that struggle, even if they took the whole of Wednesday; and for that reason he should advise the hon. Gentleman (Mr. T. Chambers) to make the attempt, if he wished to try it, in February, and not in August.

Mr. SPOONER said, he agreed with his hon. Friend and Colleague (Mr. Newdegate) that, if there was to be an alteration with respect to the order of business on Wednesday, he should prefer having the subject of Nunneries wholly postponed. If hon. Members were animated with the spirit which ought to actuate all of them —namely, a desire not to create delay, but to discuss the subject fairly, they might bring the debate to a conclusion on Wednesday. The noble Lord took credit to himself for having voted in favour of the proposition of the hon. and learned Member for Hertford, and cast blame on the Opposition. The noble Lord's memory, he apprehended, was at fault.

Lord JOHN RUSSELL said, he must explain that what he had said was, that he wished a fair decision—not that he voted for the proposition of the hon. and learned Gentleman.

Mr. SPOONER said, he thought the Motion nothing but an attempt on the part of the noble Lord to put an end to a discussion which he dared not meet, but which the country demanded. The noble Lord, in the Charitable Trusts Bill, had exempted Roman Catholics from inquiry into their charities; and now he said there should be no inquiry into their nunneries. Those were acts quite in accordance with the spirit which the noble Lord had shown of late—the disposition to aid and abet those whom he ought to control. They were acts which were totally inconsistent with the well-timed and well-written letter called "the Durham Letter." The public ought to know at least who wished to have inquiry, and who wished to stop inquiry. He hoped his hon. Friend would divide the House to show who were sincerely desirous to have inquiry.

Mr. HUME said, he very much doubted the sincerity of the hon. Gentleman who had just sat down. Was it fair on almost the last day of the Session to urge a renewal of the discussion on this Bill? What he (Mr. Hume) should desire in the situation of the hon. Gentleman would be, that a full and fair inquiry should be made. The time for discussion would be when that inquiry was moved for.

Mr. HUTT said, he also doubted the sincerity of the hon. Member for North Warwickshire (Mr. Spooner), who spoke of discussing the subject at the very time when country Gentlemen and independent Gentlemen were leaving the House.

Mr. LUCAS said, he could not allow the impression to go forth, that hon. Members at his part of the House shrunk from the discussion of this subject. So far from being unwilling, he was anxious to discuss it, and he would tell the House the reason why, personally, he was anxious to discuss the question. He was anxious to call the hon. Member for North Warwickshire (Mr. Newdegate) to account for certain statements which the hon. Gentleman made on former occasions when he (Mr. Lucas) had not an opportunity of answering. If he did not think it most absurd that the House should spend next Wednesday in a discussion which could end in nothing, he should wish to have a discussion. It would be affectation in him not to understand the allusion to a party of whom the hon. Gentleman spoke as being banded together, and as acting contrary to Parliamentary precedent. He (Mr. Lucas) was sure that the party with which he was connected had not conducted itself in a manner inconsistent with Parliamentary usage or practice. If the hon. Gentleman alleged an intention of talking this question out, the noble Lord had given an answer by reference to a discussion in a previous Session, when an example was set from the Opposition side of the House. Had the hon. Member been in the House when the Edinburgh Annuity Tax Bill was brought forward, he would have seen that it was "talked out." That was done from the Opposition side, with a distinctly avowed intention, known to every Member at the time, of not allowing the House to come to a division on the subject. He (Mr. Lucas) should be the last person to take any unfair advantage of the forms of the House to produce an unfair result. He confidently appealed on that point to any Gentleman who paid any attention to the course he had taken since he had entered the House. To proceed at an early period of the Session, when it was possible not only that a division might be arrived at, but that some result might be drawn from that division, and, if the House were to appoint a Committee, the Committee could enter into and conclude an inquiry, was a very different thing from dealing with a Motion made at this time of the Session, when a decision for the appointment of a Committee would only have, as respected the convents, the result of an adverse decision, without there being any possibility of inquiry, and would therefore only give a false colour to the Motion of such inquiry.

Mr. NEWDEGATE begged to explain that the allusion he had made to a party which had a peculiar organisation, and was confirmed by a speech made in Ireland by the hon. Member for Mayo. [*And was proceeding, when cries of* "Order!" *and* "Chair!" *were raised from the Ministerial benches, and Mr. Speaker interfered.*] The hon. Member begged to intimate that he had proceeded on statements made by the hon. Member for Mayo, and Dr. M'Hale, at a dinner, in Ireland, which speeches he had quoted to the House on a former occasion in the presence of the hon. Member for Mayo (Mr. G. H. Moore), a well-known member of the Brigade, who had never impugned the correctness of the report he (Mr. Newdegate) had read to the House; that report of the hon. Member's speech gave the description of the party to which he had alluded, and of that party the hon. Member for Meath (Mr. Lucas) was a member. He begged to refer the hon. Member to that report as his explanation of the allusion which he (Mr. Newdegate) had made when he addressed the House.

Mr. BOUVERIE said, he held very strong views on this question himself. The practical question, however, was, what was the use of spending Wednesday, the 10th of August, in a discussion that would lead to no practical result?

Mr. MAGUIRE said, that no Catholic Member would shrink from a discussion when so many monstrous assertions had been made by hon. Members who had been led away by their imaginations.

Question, "That the words proposed to be left out stand part of the Question," put, and *negatived*.

Main Question, as amended, put.

The House *divided*:—Ayes 105; Noes 52: Majority 53.

Resolved—"That Government Orders of the Day have precedence on Wednesday next."

RUSSIA AND THE PORTE—QUESTION.

On the Order of the Day for going into Committee of Supply,

Mr. DISRAELI said: Sir, I take this opportunity of making an inquiry of Her Majesty's Government with respect to a question which I understand has been adverted to in an earlier part of the evening, namely, to the account that has been received of the acceptance by the Emperor of Russia of certain propositions which were presented to him by what I may call the Congress of the Great Powers, which has been sitting at Vienna. I understand that the noble Lord (Lord John Russell) holds out no prospect to the House of the papers being laid upon the table, or of any day being appointed for a discussion upon this important subject. And considering the month, and the date of the month, I am not at all surprised that the noble Lord indulged in these observations. But what I wish to know from Her Majesty's Government is, considering the peculiar circumstances of this case, whether the noble Lord has any objection to state to the House the nature of those propositions which, we understand, have been accepted by the Emperor of Russia?

Lord JOHN RUSSELL: Sir, I cannot at present state the propositions which have been made to the Emperor of Russia. I have already stated, in answer to a question, that before the prorogation of Parliament I will give all the information which it is consistent with duty to afford. What that information may be, of course I will not anticipate; but I will certainly state to the House as much as it will be in my power to state with a view to the public interest.

SUPPLY—MISCELLANEOUS ESTIMATES.

(1.) 407,667*l*., Government Prisons and Convict Establishments at Home.

Mr. HUME said, he wished to know whether there was about to be introduced any general plan of secondary punishment, for he had not yet heard of any plan whatever being about to be proposed? He found in the Estimates a charge of nearly 1,500,000*l*. for law expenses and prosecutions connected with our Courts, and when he considered the state in which criminals in this country had been left since the abolition of transportation, he certainly thought that some general plan of secondary punishments would have been submitted to that House. He did not know whether any inquiry had been instituted into a matter which was so important to the social condition of the country; but he looked with great regret at the alarming increase of crime, and at the utter impossibility, so far as he saw, of diminishing it. He had always been an advocate of transportation as affording the best chance of reformation in these cases, and he very much doubted whether the recent experiments which had been made upon the criminal population had come up to the sanguine expectations of the noble Lord the Member for London and others. He knew that the expense of those experiments was very great, and that very little had yet been done. The only remedy which he could see was to provide a more extended system of education for the great masses of the community.

Lord JOHN RUSSELL said, he thought that it would be much better to defer any discussion upon this subject until the second reading of the Transportation Bill, which would come on to-morrow. Whatever plan might be adopted, must depend very much upon the change of circumstances from time to time. The alteration with respect to transportation had been in a great measure owing to the present state of the colonies, and the strong feeling that existed there upon the subject.

Vote *agreed to*.

(2.) 478,740*l*., Militia.

Mr. SIDNEY HERBERT said, that perhaps he should best consult the convenience of the Committee at that late period of the Session if he addressed to them a very few observations in proposing this Vote for the Militia. The number of men that was now enrolled, as far as could be judged from the last returns, was about

62,000. The whole amount that had been taken upon this estimate was larger; but as the force was now before them for the first time, it had been necessary to make allowance for all contingencies, and an ample margin had therefore been allowed. He should, perhaps, also call the attention of the Committee to the fact that the whole of this amount was not for raising and training the militia, but that there had to be deducted about 100,000*l.* for the old staff of militia and non-effectives who were annually dying off. He must take that opportunity of congratulating the right hon. Gentleman opposite (Mr. Walpole) upon the success which had attended this measure hitherto. It had certainly fully justified his expectations. The efficiency of the regiments had been borne testimony to by the most competent officers, who had inspected them, and who had expressed their surprise at the degree of efficiency to which they had attained in the short period they had been embodied. What was more important, perhaps, was the universal good conduct which had characterised these men, when it might, perhaps, have been expected that the congregating of such large bodies of men of such an age might have produced some disturbance. In every part of the country, however, the civil authorities had borne testimony to the excellent conduct of the men forming the militia. He wished also to express, on the part of the Government, their thanks for the great interest which had been taken in raising men by the colonels and other officers of those regiments, and for the attention and diligence which they had bestowed upon their duties, which had led to such beneficial and satisfactory results.

COLONEL SIBTHORP, as one who had the honour of commanding a regiment of militia, begged to express the gratification with which he had listened to the high terms of commendation in which the right hon. Gentleman had spoken of that body generally. He should suggest, however, that a second period of training should be allowed, being convinced that both the men themselves and the majority of the civil population also would be favourable to such a step.

MR. BRIGHT said, he wished to ask whether it was the intention of the Government to fill up the numbers of the militia to 80,000, as fixed by the Act of last Session, because Ministers had said that they did not want to raise any more men than was absolutely necessary. Now, the Committee would doubtless remember, that last year there were very alarming rumours spread abroad in the country, and in that House, with the view of persuading the Legislature to re-establish the militia; and the noble Lord who now filled the office of Home Secretary even went the length of saying that he thought it probable that 60,000 Frenchmen might some night be landed on the shores of Great Britain, and, therefore, it was very necessary that 80,000 militia should be embodied to oppose them. Now, the friends of peace had stedfastly maintained the emptiness of these apprehensions; and he thought that subsequent events had shown that they were not the party who were wrong in their anticipation of the events about to take place. He understood even that a Member of the Government of the noble Lord, who was not now in his place, had fixed precisely the time—it was to be within three months—at which this dreaded event was to come off. Upon statements such as that to which he alluded, great preparations had been made; the militia had been embodied, additional votes of men had been passed, and large expenses incurred, but for which the Chancellor of the Exchequer would have been enabled to make his valuable Budget more valuable still, by the remissions of taxes. As, however, instead of those alarms having proved to be well founded, he understood that Admiral Dundas had received the French officers on board of his ship, and that he himself and the English officers had been entertained at dinner on board of the French ships, and that they had drunk the health of Queen Victoria and of Louis Napoleon, Emperor of the French, with so much cheering that it was difficult to hear the artillery. He wanted to know, under these circumstances—when the two nations were on such friendly terms, and when with respect to another matter in dispute there seemed a probability of no war arising out of it—whether Government considered it necessary to go on increasing the militia force, and to fill it up to the whole complement. Having got over the panic of last year, and discovered that we had made fools of ourselves, we might now venture to let the wave subside, and the country might, perhaps, feel itself sufficiently secure to allow this portion of our force to fall into decay, as it did before; by which the expense of its maintenance would be saved. It was said that the militiamen made very fair soldiers after twenty-one or twenty-eight days' training. [Colonel Sibthorp: Hear, hear!] He was not going to dispute it, because he was not a judge. [Colonel Sibthorp: No!] But if men could be made fair soldiers in so short a time, it would not be necessary to take them for years before you required their services. The noble Lord the Member for Tiverton (Viscount Palmerston) had turned out to have been wrong as regarded last year; he might be wrong also as regarded the future, and 60,000 invaders might not come over at all; so that the constant expenditure of 400,000*l.* or 500,000*l.* a year might be avoided. Unless they were certain that this expenditure was absolutely required, and this force absolutely necessary, they would fail in their duty to the country if they voted it; and, for his part, he did not hesitate to say that he regarded the whole matter as an imposture, got up in order that the public might be deceived and robbed. The only result was to diminish the power of the Chancellor of the Exchequer to remit taxes; and there was a far greater probability of the evils of war when nations pursued the mad system of maintaining great rival armaments. He would, therefore, suggest that, in the present friendly state of our relations with France, seeing the right hon. President of the Board of Control no longer made speeches to his constituents at Halifax discreditable to himself and injurious to his country, it might be proper to make representations to the French Government before any long period elapsed, for the purpose of seeing whether both nations could not agree to reduce their armaments to some extent. It was not his intention to divide the Committee against this Vote; but he was so convinced of the folly of the course pursued by our statesmen upon this subject, that he took this the first opportunity of the Session of raising his voice against it.

Mr. SIDNEY HERBERT said, he should offer but a few words in answer to the observations of the hon. Member. In the first place, with reference to the remark of the hon. Member that a militiaman could be trained into a good soldier in twenty-one days, he begged to say that he had every disposition to give credit to the militia force; but the Committee must not imagine that at the end of that short period the militia would be in as effective a state as the army. They were trained, no doubt, more rapidly than the army, because men coming to the task in the way they did took a greater pleasure in it, and devoted themselves to it with greater zeal than regular soldiers could be expected to do. The hon. Gentleman had asked him whether he intended to raise the 80,000 men which the Act permitted them to raise? In reply to that question he begged to say, that deducting the non-effective part of the service, he believed that, in all probability, there would be raised about 74,000 or 75,000 men, if the enlistment continued to go on as rapidly as it did at present. He certainly was not prepared to assent to the doctrine of the hon. Gentleman, that because there were indications of familiarities between two nations—that, however much good feeling there might be apparent between them—and he sincerely trusted that in the present case the good feeling might long continue—their armaments should be changed and altered up and down according to these indications. Besides, he begged to remind the hon. Member, that a certain amount of force must be presented to that House by the Government on their own responsibility, as that which they considered necessary for the general security of the country. The House had assented to the propositions of Government on this head, and voted the amount of force proposed. He would only observe that the expense would not be much diminished by disbanding the militia, because they had engaged to make for five years an annual payment of 1*l.* for bounty, and of course the whole payment must be made. He admitted that the original estimate of the expense of the force might have been exceeded in some degree in consequence of the period of training having been extended from twenty-one to twenty-eight days, and in consequence, also, of some few items which were not foreseen when the plan was first mooted. The number of men voted last year was 50,000; it was now proposed to vote an additional 25,000, making in all 75,000.

Mr. BRIGHT said, the vote was 100,000*l.* more than last year, and it would, he supposed, be more next year, so that 200,000*l.* would be added to the expenditure. Was it intended to fill up the number of men to 80,000 this year?

Mr. SYDNEY HERBERT said, the number to be raised last year was 50,000, and this year 30,000. It was only proposed to raise 25,000 this year.

Mr. BRIGHT said, that there was no

sufficient reason for the number of men which had been raised, and still less for adding to the number, for the reasons on which the arguments in favour of a militia last year were founded had passed away, and there were no valid reasons for such an expenditure.

COLONEL SIBTHORP would tell the hon. Member for Manchester that he recollected his *Delectus* at School—*cuilibet in sua arte credendum est.* He should not expect the hon. Member to be a very efficient soldier, nor would he be extremely anxious to have him in his corps. The hon. Member might, perhaps, possess intelligence enough to know that prevention was better than cure, and he did not hesitate to say, attached as he was to this country, that he wished the French had made an attempt to come here, and that he had had the happiness of being one of those down at the coast to meet them. They would very soon have been glad to go back, and would have got a lesson that he thought they never would have forgotten, for he believed they would never have attempted to put their fingers in the fire again. He did not know where the hon. Member would have been on such an occasion, but he should certainly have made inquiry as to his whereabouts. The militia were not only liable to be called upon in case of an attempt at invasion, but they were very necessary to keep Manchester, and similar places, in good order. Their services would be found useful should any domestic disturbances arise; and the hon. Member ought to know that the French might have a disposition both to invade and to revolutionise this country.

SIR JOHN DUCKWORTH said, he could bear testimony both to the efficiency of the militia as soldiers, and to their good conduct in quarters. He would suggest that it would be a great improvement to have them placed in barracks, instead of being billeted on the publicans, for not only was it advantageous to a regiment to be kept together in barracks, but the publicans would thus be relieved from expense and inconvenience, for which they did not receive adequate compensation as matters now stood.

MR. HUME said, he considered the alarm of last year to have been utterly unfounded, and was still of opinion that we were wasting the public resources, instead of proceeding to relieve them of every burden which could be removed. The military mania now abroad would cost the country very nearly 1,000,000*l.* The irrational panic that prevailed had now subsided, and we enjoyed the friendship of the French nation. He was of opinion that one of the best things that could be done, by way of showing our confidence in their ruler, would be to reduce our forces. Including disembodied officers, there were not less than 91,819 persons connected with the militia.

MR. WALPOLE said, he would beg to remind the hon. Members for Montrose and Manchester, that when this measure was brought forward by the late Government it was distinctly stated that it was not proposed in consequence of any apprehension of hostile proceedings on the part of any other country. He (Mr. Walpole) then said, that the measure had been propounded by the late Sir Robert Peel's Government, and by the Government of the noble Lord opposite; and it had been urged upon the consideration of Administration after Administration, by those who were most competent to form a judgment upon such matters, that it would be wise and judicious to establish for the permanent defence of the country some such force as that which had last year been sanctioned by Parliament. He thought, then, that the Legislature had not taken a false step on this subject, and that it would be most injudicious to disband the militia force, especially after the testimony which had been borne, not merely to its popularity, but also to the admirable conduct of the men, and to the great efficiency they had attained, after a very short period of training. He wished to take this opportunity of expressing his opinion that the successful working of the measure was attributable in a great degree to the assistance afforded to the Government in carrying it out by the noblemen and gentlemen in the various counties, to whom the country was under great obligation.

MR. HUME said, he would have placed his opinion on record by going to a division, had he not been aware that public feeling was in favour of the measure. The right hon. Gentleman opposite (Mr. Walpole) seemed to forget the addition made to our naval force, which had been augmented by 10,000 seamen. We had now 380,000 troops in arms, or ready to be called out, which, in proportion to the population, was a larger military force than that of France.

MR. VERNON SMITH begged to ask whether the system which prevailed under the old Act of making mere complimentary colonelships, by giving the commissions to gentlemen of the county, was to be continued in the present time? He hoped not; for the great point was to make the corps efficient. If the old system went on, then you would find some noble Lord or Gentleman being at the same time colonel of a regiment of yeomanry and a regiment of militia; and what was then to be done if a war broke out?

Sir JOHN SHELLEY said, he would also inquire, at the same time, whether the old system would be continued of allowing officers who were abroad to hold militia commissions?

Mr. SIDNEY HERBERT said, the attention of the Secretary of State for the Home Department had been called to the circumstance that persons employed in the colonial service also held commissions in the militia. There were not many cases of that nature, but the noble Lord had insisted that all persons who were permanently employed in the Colonies should resign their commissions in the militia. In future, also, lieutenant colonels commandant, instead of full colonels, would be appointed to militia regiments; so that, if the militia should be stationed in a garrison town where there were troops of the line, the command of the whole force would be taken by the officer commanding the regular troops, who would probably be superior in rank to the lieutenant colonel of the militia.

Vote *agreed to.*

House resumed.

THE MALT DUTIES.

Order of the Day for going into Committee of Ways and Means read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. E. BALL rose to bring forward the Motion of which he had given notice. On a former occasion, when he had brought forward a similar Motion, and was near carrying it, the right hon. Gentleman the Chancellor of the Exchequer had glided like a spectre into the House, and while delivering himself of a long speech sent his scouts out about town; and having collected such a number of his supporters as showed him that he must be successful, had succeeded in defeating the Motion by a small majority. He (Mr. Ball), though he had not been fully heard on that occasion, did not think that he should have brought the subject forward again, had it not been that he had been informed by influential persons that the Ministers had been unhappy at having been deprived of his speech; and that being so, he thought himself bound to give it to them on the first opportunity. He was the more disposed to do this, because the Chancellor of the Exchequer had answered arguments he had never used, and had utterly misunderstood the whole case. The peculiar aptitude of the right hon. Gentleman in this respect was pretty well known; but he (Mr. Ball) had not been prepared to find him supposing that the Motion was for the repeal of the malt tax, and the abolition of 5,000,000*l*. of revenue. He had no such intention; what he had asked was that some small relaxation of the malt duty should be granted to the producers of malt. This was a demand just and reasonable in its nature, and which, while it would prove a great boon to the agriculturist, would be in a very slight degree detrimental to the revenue. It would realise the old adage, "giving is getting," and by conceding it the Chancellor of the Exchequer would ultimately benefit the revenue, while he increased the resources of the country and the means of supporting the people. He could cite the authority of eminent statesmen who had declared their opinion that, in consequence of the ruin of the Protectionists by admitting foreign corn producers to compete with them, the malt tax ought to be abandoned. He did not, however, ask that, but he thought a modification of the tax should be made, which would cheapen the production of meat. The corn laws had been abolished, and it would have been fair to urge that the malt tax ought to be abolished also. But the repeal of the malt tax was not the present proposition. The case laid before Parliament was this: Provisions of all kinds were dear. Allow the agriculturists the means of making them cheaper. Meat was dear; let malt, then, be cheap. The English grazier had to contend with the foreigner, who grew his grain and dealt with it as he pleased, applying it to the feeding of his cattle, and thus bringing them into the market cheaper than the English farmer could, who was restricted in the use of the grain he grew. What was asked, then, was, that the English farmer might be permitted to use malt in the feeding of his cattle, and thus be enabled to produce meat as cheaply as he could. It was an immense advantage to the foreign farmer that he could prepare and apply his barley as he found best. Allow the English farmer a similar advantage. It was a great grievance that he was actually not allowed to use his barley, made into malt, freely in the fattening of his live stock, though it was found that it was the food best fitted for the purpose. This he could not do without first paying a duty of 100 per cent upon it. It was not fair to the consumer, while it was peculiarly unfair to the producer. It was an injustice which could not be tolerated as consistent with the principles of free trade. The Chancellor of the Exchequer had said that experiments had been tried which convinced him that the farmer would derive no benefit from the boon demanded. But he trusted he might be permitted to say that the farmer was the best judge of that, and might be allowed to know how he could best produce meat cheaply. And there was this great inconvenience — that inferior barley, not fitted to be made into malt for the purposes of brewing, might be very well made into malt for the feeding of cattle, but could be not be so used, and this was practically often lost to the farmer. It was important, also, with a view to this question, to consider the present position of labour. Ordinarily there was a redundancy of labour, but now the reverse was the case. Strikes were taking place everywhere, and there was a deficiency of labour, and no class of labourers were more depressed and worked harder than the agricultural labourer. It was desirable, therefore, to mitigate the hardship of his position by allowing the agriculturists to produce food as cheaply as they could. Let the farmers be enabled and encouraged to produce good beer for their labourers, that they might recruit their exhausted strength with a more wholesome beverage than they could procure at the public-houses, where they were seduced into drunkenness, which exposed them to physical and moral destruction. The highest moral considerations should lead the Legislature to encourage the farmer to brew good and cheap beer. All the English farmer claimed was that under free trade he should be as free as the foreigner was, and be allowed to find the best and fittest food he could for his cattle, in order that he might in his own markets be able to compete with the foreigner. The result of this would necessarily be to cheapen meat and beer, and promote their consumption. It was most desirable to do this, for there was certainly scarcity in every article of provision; and there was every prospect of a deficient harvest, bad in quantity and quality—in addition to which we had hardly any corn in granary, for it was one of the results of the repeal of the corn laws that whereas we formerly had usually 2,000,000*l.* or 3,000,000*l.* of quarters of corn in store, we now had none laid up against the evil day. Then as to cattle and sheep, the supply was smaller than ever. There was a deficiency in animal as well as cereal produce. This was the present result of the vast experiment that had been tried, the ultimate issue of which no one could predict; and under such circumstances surely it would be wise to allow the agricultural producer to use his crops and raise his cattle as well as he could, and thus promote plenty and cheapness of provisions, and tend to banish discontent and distress from the land.

MR. SPOONER seconded the Motion.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words 'in the opinion of this House, the Duty on Malt operates most injuriously to the community at large; that it greatly tends to increase the cost of animal and cereal food; that it promotes drunkenness, by withholding Beer from the labourer in his work, and driving him to the public-house; and that therefore it is expedient that the Excise regulations relative to Malt be relaxed,' instead thereof."

MR. CAYLEY said, he entirely concurred in the speech of the hon. Member for Cambridgeshire, and considering it, as he did, utterly unanswerable, he advised the Chancellor of the Exchequer not to attempt to answer it, for it would be difficult for him to do so, and it would be wiser for the right hon. Gentleman to promise to take the subject into serious consideration previous to the next Session. The importance of doing something with the malt duties ought to obtain the relief suggested.

The CHANCELLOR OF THE EXCHEQUER said, that he had not the slightest intention of endeavouring to answer the speech of the hon. Gentleman, for this, amongst other reasons—that it was answered by anticipation. The hon. Gentleman was well aware that what he had to say on the subject was offered to the House on a former occasion; and although he certainly thought it was in general bad taste in a Member of that House to praise his own speeches, he (the Chancellor of the Exchequer) could not help saying that he had every reason to be satisfied with the result of the speech that he addressed to the House on that occasion. The hon. Gentleman had himself admitted that while a division before that speech would have terminated in his favour, such were the irresistible arguments which he (the Chancellor of the Exchequer) then adduced, that by the time he closed there was a majority against the Motion of the hon. Gentleman. Under these circumstances he felt it altogether unnecessary to enter upon the discussion of the question on the present occasion. He would, however, promise to give to the question that consideration which had been asked by the hon. Member for the North Riding of Yorkshire (Mr. Cayley).

Mr. SPOONER said, he must reprobate the jocose way in which the right hon. Gentleman spoke on the subject, and would recommend him to recollect that it was not the force of his reasoning which had secured his success on the occasion referred to, but the number of his supporters, who had given him a majority against reasoning and against justice and good sense. The right hon. Gentleman had alluded to the "experiments" which had been tried under the auspices of the Government; but they were of the most absurd character. A couple of philosophers had conducted them, and having taken a couple of heifers just calved and full of milk, had tied them up by the neck and fed them on dry malt. Why, of course, that was not the sort of experiment likely to succeed. But practical men had found by experience that under proper management malt was the best food for fattening cattle. If the Chancellor of the Exchequer had been led to an opposite conclusion, all he could say was, that he had been grossly misled. It was of the utmost importance in more points of view than one, that the agriculturist should be allowed to use the produce of his farm for the purposes of production as he thought best. Would the manufacturers submit to be fettered by the Excise as to the raw material they used? By malting inferior barley into food for cattle, it would be made profitable, when, otherwise, probably it would be lost to the farmer, and this was a consideration of the more importance at the present period, when the supply of barley was likely to be large in quantity, but to a great extent inferior in quality. In a moral point of view, the proposed measure was important, because it would tend to draw the labourer from the beershops by enabling the farmer to brew good beer for his labourers. Under all the circumstances, as the Chancellor of the Exchequer had consented to consider the subject, he would suggest to the hon. Member for Cambridgeshire not to divide the House, but to rest satisfied with having explained his case and secured this promise.

Sir JOHN SHELLEY said, on a former occasion the Chancellor of the Exchequer had certainly with success spoken against time and secured a majority; but, as to his arguments, they were fallacious, because founded on the worthless experiments of the "philosophers" who had taken two couple of heifers, two of whom were diseased. Could anything be more absurd? If the right hon. Gentleman really wished to get at the truth, he would have better experiments tried, and would particularly see that the effect of malt was tried on sheep. As a practical man, he (Sir J. Shelley) could assure him that he had been grossly deceived into imagining that the question was of no importance to the farmer.

Mr. E. BALL said, the right hon. Gentleman had wisely avoided attempting to meet his arguments, knowing their weight. Acting upon the advice of the hon. Member for North Warwickshire (Mr. Spooner) he should not divide the House.

Question, "That the words proposed to be left out stand part of the Question," put, and *agreed to.*

Main Question put, and *agreed to.*

Ways and Means *considered* in Committee.

Resolved—

"That, towards making good the supply granted to Her Majesty, the sum of 10,634,087*l.* 2*s.* 4*d.* be granted out of the Consolidated Fund of the United Kingdom of Great Britain and Ireland."

Resolved—

"That, towards making good the Supply granted to Her Majesty, there be issued and applied to the service of the year 1853, the sum of 355,143*l.* 4*s.* 8*d.* being the Surplus of Ways and Means granted for the service of preceding years."

CUSTOMS BILL.

Order for Committee read.

House in Committee.

Clause 1.

Mr. APSLEY PELLATT said, he wished to call attention to the condition of the inferior officers in the Customs, and the impossibility of their obtaining promotion, and would beg to move the following Amendment:—

"That no persons who have not undergone a long training in the lower classes, such as weigher, locker, or superintendent locker, shall be eligible for the office of landing waiter or gauger; that all vacancies in these departments be filled by well-qualified and experienced officers only."

Early in the Session the hon. Gentleman the Secretary to the Treasury promised that the object which he (Mr. Pellatt) was anxious to see accomplished would be attained by the regulations to be adopted by the Treasury, but there was nothing in the Bill which even alluded to it. He therefore trusted the Committee would affirm the principle he was contending for, and adopt the Amendment he had proposed.

Mr. W. BROWN said, in seconding the Amendment of the hon. Member for Southwark, he begged to express the great satisfaction which he felt at the provisions of the Bill, which consolidated the Customs law, and abrogated a great many Acts of Parliament that served only to impede and embarrass mercantile men. A doubt had been expressed that the judicial hearing of disputes between merchants and the Board of Customs would not be with open doors; but he had no such fears. He believed that the Courts would be opened to the public and to the reporters for the public press.

Mr. J. WILSON said, he completely concurred in the views of the hon. Member for Southwark (Mr. Pellatt), who, however, seemed not to be aware that the regulations which he was anxious to have adopted were the subjects of a Treasury Minute, and not of an Act of Parliament. There was no attempt by this Bill to make any special regulations or arrangements. General powers only were given to the Commissioners to employ such persons as they should think fit. He could assure the hon. Gentleman that the promise he made at the early part of the Session was being complied with to the letter.

Mr. MITCHELL said, he must complain that the examinations of the higher and lower classes of officers were too much alike. It was true that one class were required to read and write, while the others were required to read and write well; but practically this distinction was without a difference. He should suggest also the inadvisability of making the general appointment of landing waiter at twenty-one years of age. The system now adopted at the public docks was a better one. These young men were received at the age of seventeen, and if they went through their duties for three or four years with the approval of their employers, they were at the age of twenty-one made clerks. If on the other hand they showed no aptitude, they were left to some inferior appointment.

Mr. HORSFALL said, although the Bill he held in his hand contained 355 clauses, little need be said by him beyond thanking the Government, and especially the hon. Secretary to the Treasury, for the large measure of relief the Bill afforded to the commercial community of this country. He was happy to think that, ever since the accession of the present Chairman of the Board of Customs, means had been used for gradually improving the regulations of that Board, and he looked upon this Bill as one of the greatest boons ever conferred on a trading and commercial community. Not less than from 1,000 to 1,500 Acts of Parliament were either repealed or consolidated by this Bill. The object of the present Bill was to simplify the law, and that object had been happily accomplished. His constituents had gone through the whole of the clauses, and he rejoiced to say that it met with their hearty approval. With regard to the Amendment of the hon. Member for Southwark, he believed there was a disposition on the part of the Government to do justice to the officers. He wished, however, to offer one suggestion to the Government. He thought the Chairman, or one of the Commissioners of the Board of Customs, ought to have a seat in the House of Commons. If anything connected with foreign affairs occurred, the Secretary of State of that department was present to give explanations; if anything relating to the Home Department happened, even down to the case of a cabman, there was an opportunity of questioning the Home Secretary; and so in regard to our Colonies; but let the most important questions arise connected with the commerce of the country, and that great interest was found to be unrepresented in that House.

Mr. J. WILSON, in reply to the hon. Member for Bridport (Mr. Mitchell), said that the hon. Member was under a misapprehension as to the examination of the different grades of Custom-house officers. If the lower grade could read and write their name, it was all that was required; but the upper class were examined in arithmetic as far as decimals, and were also required to be able to write correctly from dictation.

Mr. APSLEY PELLATT said, he was satisfied with the explanations which had been made by the hon. Secretary to the

Treasury, and would therefore withdraw his Amendment.

Amendment *withdrawn.*

Clause *agreed to;* as were the remaining clauses.

House resumed.

Bill reported as amended.

CHARITABLE TRUSTS BILL.

Order for Third Reading read.

Mr. LUCAS said, he wished to take that opportunity of saying that he thought that those who were interested in Catholic charities had committed a mistake in coming before the House on a former occasion, and claiming, or having the appearance of claiming, for those charities an exemption from the laws which ought to affect all classes of the community equally. He had a very great objection to taking any course which could have even the appearance of putting forward a claim to exceptional legislation on the part of the Catholics of this Empire. He believed that they had no interest in such exceptional legislation, and he believed that it would be a very great blunder in them to demand it, so far as their own interests were concerned, for it was their own true policy to stand on the ground of common right and common law. But with regard to this particular question, it happened, in fact, that Catholics were not demanding any exceptional legislation in their favour. He believed that the best course that could have been taken would have been to introduce into this Bill clauses which would have placed Catholic charities on a proper footing, and redressed the grievances of which they complained, instead of excepting them from the operation of the Bill. He considered that exception to be of very little value, and he should as soon see the Bill without it, though he was quite willing to acknowledge the readiness with which the noble Lord had introduced it. He (Mr. Lucas) was therefore disposed to move the introduction of a clause to carry out the object which he had in view; namely, the exempting them from disabilities on the ground of superstitious uses, and if it should be found to be impossible to insert it in the Bill, he hoped that the noble Lord would at least give some assurance, on which Catholics might rely, that every effort would be made next Session to place Catholic trusts on a satisfactory and firm basis.

Lord JOHN RUSSELL said, he agreed with the hon. Member who had just sat down, that it would be very desirable to modify the law in respect to superstitious uses, in order that some of those practices which were now made illegal by the force of an Act of Parliament should be legalised and allowed; but he was afraid that any clause which could be proposed now would really be too late to effect that purpose. In the first place, many hon. Members were not present in the House now, who thought from the last discussion, that the course to be pursued in this respect had been agreed upon; and, in the second place, he did not think it would be possible in a short time to prepare clauses to effect the object which the hon. Gentleman had in view. He was quite sure that the clause which the hon. Member suggested, would, at all events, be very much opposed. He could not tell how much it might legalise that which the House would consider to be contrary to public policy, whether as regarded Roman Catholic or any other charities in the country. He would state, however, that it was the intention of the Government to introduce a Bill next Session, which might, in an unobjectionable manner, include Roman Catholic charities within the purview of this measure.

Mr. HEADLAM said, he thought the right course would have been not to have introduced into the Bill, in the first instance, any clause for exemption for two years. The course which he intended to have taken was, first, to suggest clauses by which the change might have been made, and in the event of these clauses not being agreed to, then to propose such an exemption as had been agreed to for two years. However, when the Bill came on, and the noble Lord agreed to make an exemption for two years, he thought it not desirable to agitate the question further. For his own part, fully agreeing in the opinion that such a change ought to be made, he should be glad to assist in supporting clauses putting Roman Catholic charities on a legal footing.

Mr. J. D. FITZGERALD said, he did not agree with his hon. Friend (Mr. Lucas), that the exemption clause ought not to have been inserted. He thought a protection of that kind was absolutely necessary. He heard, with great pleasure, the observations of the noble Lord on the subject, and begged to express the gratification he felt at the mode in which the noble Lord had given utterance to his sentiments. He did not wish that this Bill should not apply to Roman Catholic charities; he thought it ought, for he looked on the Bill as an excellent one; but there was reason, from a previous state of the law, why for a time protection should be thrown around them, but that protection was to enable the House to legislate, not for Roman Catholic charities alone, but on a broad basis for all charities. As the law at present stood, a bequest for the celebration of divine worship according to the rites of the Catholic religion would be void as coming under the law of superstitious uses. Again, under the 9 *Geo.* II., if they enrolled in the Court of Chancery a deed of trust for a Roman Catholic charity, the transaction was void, and they were consequently obliged in the deed to conceal the object of the charity. He believed he was not wrong in saying that the Mortmain Committee recommended a repeal of that Act of Parliament, and that the doctrine, for it was not a law, but a principle of Courts of Equity, of superstitious uses should be done away with.

Mr. HADFIELD said, he hoped that within two years the law of Mortmain would be amended. At present it was a matter of the utmost difficulty, in some parts of the country, to settle property for benevolent purposes, such as infirmaries, schools, and the like. They could not take a lease for a term of years for building purposes, but they were obliged to resort to the subterfuge of having a nominee as lessee, who assigned to the trustees; and in regard to copyhold property, it was perfectly impracticable to make a title until Lord Tenterden's decision was overruled, because it could not be conveyed in the way that the Mortmain Act required. The noble Lord (Lord J. Russell) would render a greater support to education by removing these difficulties, than by a thousand Education Bills. If he would put the law in a form by which they could have facilities for establishing these institutions, they would have plenty of them in the country, and the law ought to be such as to apply equally to all.

Bill read 3°; Clauses *added.*

Mr. HUTT said, he had an Amendment to move, the object of which was to enable the Commissioners to sit in Parliament, if elected, in the same manner as the Poor Law Commissioners.

Amendment proposed—

> "In page 2, line 31, to leave out the words 'paid Commissioner,' and at the end of the Clause, to add, 'and such Commissioners to be appointed under this Act, as shall hold their office during good behaviour, shall be subject to the provisions of the 26th section of the seventh chapter of the Statutes made in the sixth year of the reign of Queen Anne.'"

Mr. J. G. PHILLIMORE said, he must oppose the Amendment of the hon. Member for Gateshead, on the ground that if the Commissioners were eligible to seats in Parliament, they might be enabled to exercise undue influence in borough elections by means of the local charities.

Lord JOHN RUSSELL said, that he did not consider the case of the Chief Commissioners of the Poor Law Board being entitled to sit in that House as precisely analogous to these Commissioners, because the functions of the Commissioners under this Bill were partly judicial. Generally speaking, however, he was in favour of taking away the disqualifications with respect to persons sitting in that House; and he did not know that if they had had a full discussion of the matter when the Bill was in Committee, he might not have been induced to vote in favour of his hon. Friend's Amendment; but it ought to be recollected that the Bill went through Committee, and was reported without any special notice being taken of this point; and he did not think it would be just, after the Bill had passed through these stages, to make so important a change as that now proposed; and he certainly, therefore, could not consent, on the part of Government, to the Amendment.

Mr. AGLIONBY said, he did not see what there was to prevent the noble Lord from taking the discussion upon the question then. He thought the matter should not be delayed, because, in his opinion, it would be of the greatest possible advantage that the Commissioners under this Bill should have seats in that House, and be able to state in the face of day, in answer to the inquiries of hon. Members, what had taken place on the Commission.

Mr. WALPOLE said, the present Bill was one of the most important that had occupied the attention of the Legislature for some years. For himself he entirely approved of it, and he congratulated the noble Lord on at last finding out the means by which these public estates were to be placed upon a better system than heretofore. But in proportion to the importance of the Bill was the importance of considering who were to be the Commissioners, and whether or not they should have seats in that House. As to whom they were to be, that of course would rest with the Government, and no doubt the whole value of the measure would depend in a degree on the persons appointed. But the question whether the Commissioners should have seats in that House was even more important than that; and, in his opinion, it was highly desirable that they should be brought under the control of the public, and they could certainly not be under that control unless questions could be put to them in that House with reference to the matters entrusted to their charge. In one respect, however, the Motion of the hon. Member for Gateshead (Mr. Hutt) went too far. He (Mr. Walpole) doubted very much whether all the Commissioners ought to have seats in Parliament. He thought they ought to have one Commissioner responsible for the duties of his office in that House; but he doubted if the appointment of three Commissioners with seats would be advantageous to the charities; and, more than that, he apprehended that it would be giving too much authority to the Government for the time being if that were the case.

Mr. MALINS said, he should oppose the Amendment, believing that it was better that persons holding judicial offices should not have seats in that House.

Sir ROBERT H. INGLIS said, he thought that the feeling of the House had already been sufficiently elicited to show the noble Lord the Member for London that the adoption of the proposition of the hon. Member for Gateshead, in a modified form, would be acceptable. He thought the object of the hon. Gentleman would be attained if he adopted the suggestion of the right hon. Member for Midhurst (Mr. Walpole).

Mr. HUTT said, he was willing to modify his Amendment, so as to render only one of the three Commissioners eligible to a seat in that House; but he thought it should be remembered that, although he had originally proposed that all three should be eligible, it was not likely that more than one Commissioner would be actually elected.

Mr. BONHAM-CARTER said, that one of the greatest decisions ever given in the memory of man upon a question of a charity had been recently delivered. In that case, a large charity, yielding upwards of 9,000*l.* a year, and which had existed for seven centuries, had been shown to have been perverted from its original purpose, and the conduct of the trustees elicited the strongest comments from the Master of the Rolls. If there had been a Commissioner in that House responsible for such matters, he (Mr. Carter) considered that such a state of things could never have continued so long. He should support the Amendment. He was satisfied that reports made once a year were not sufficient to bring the abuses in the administration of charitable trusts under the eye of the public. The Under Secretary for the Home Department was so completely overdone with work that he could not be expected to undertake the duty of answering questions relating to the proceedings of the Charitable Trusts Commissioners; and he (Mr. Carter) thought it was highly injudicious to exclude from that House persons who could afford them the most ample information on the subject.

Mr. J. BALL said, he considered that one of the Commissioners, at all events, might be allowed to sit in the House. He was most anxious to see all important Ministerial departments represented in that Assembly, for he believed that such representation afforded to the public the most effectual security for the careful and judicious management of public affairs.

Mr. I. BUTT said, he should oppose the Amendment, because, as the Charitable Trusts Commissioners were to a great extent Judges, he thought it would be most objectionable that persons exercising judicial functions should be liable to be questioned in Parliament on the subject of their decisions. He also objected to the Amendment, because, if it were adopted, a Commissioner who had to inquire into the administration of charities in a particular borough, which charities were made subservient to electioneering purposes, might himself become a candidate for that borough, and thus all confidence in the fairness of his proceedings would be destroyed.

Question put, "That the words 'paid Commissioners' stand part of the Bill."

The House *divided:*—Ayes 113; Noes 32: Majority 81.

Lord JOHN RUSSELL proposed that the clause relating to exemptions should be so altered as to exclude the University of Durham from its operation. The Universities of Oxford and Cambridge were to be exempted; but then it was because the colleges and halls of those Universities had very recently been made the subject of inquiry, and would have to be considered in future legislation. No such reason, however, could apply to either Durham or London, and he therefore proposed to alter the clause, so as to render it subservient to the provisions of the Bill with the University of London.

Amendment proposed, in page 25, line 12, after the word "Oxford," to insert the word "and."

SIR ROBERT H. INGLIS could not but think that it would have been much better if the noble Lord had left the Bill as it was.

MR. MOWBRAY said, the cases of the Durham and London Universities were very dissimilar, the former being regulated in accordance with the provisions of an Act of Parliament. He must say he very much regretted, after the undertaking which seemed to have been entered into, that Her Majesty's Government were now prepared to depart from their announced intention, and include Durham University under the working of the Bill, and the more so as it had passed through all its stages in the other House containing a clause of exemption.

MR. THORNELY said, he was of opinion that there ought to be no exemptions at all; but if Oxford and Cambridge were to be exempted, he thought London ought to be similarly favoured, and it was his intention to move an Amendment to that effect.

The SOLICITOR GENERAL denied that there was any similarity between the position of Durham and Oxford and Cambridge Universities. The former by no means held equal rank as a corporate body with the two latter. And he felt sure that unless institutions like Durham and London came within the operation of this Act, that they could never be made the subject of a particular enactment, and therefore they would be removed beyond the pale of the law altogether. He therefore trusted that hon. Gentlemen would not oppose the insertion of the word proposed.

MR. T. CHAMBERS said, he could not at all comprehend the resons assigned for the proposal of the noble Lord; nor the very nice legal distinctions of the hon. and learned Solicitor General between the positions of the Universities of Durham and London and those of Oxford and Cambridge; for he believed that the University of London had quite as much bodily subsistence as either of the other two. The intention of the whole affair appeared to be to cast a stigma upon the University of London, which, it seemed to be forgotten, was an older institution than Durham.

MR. INGHAM said, he wished to see the exemptions extended to the University of London, which had shown itself fully entitled to every mark of respect and confidence.

MR. HEYWOOD could not understand why any distinctions were introduced. What was wanted was a general Act applicable to all the Universities, and one that would improve their condition.

MR. MALINS said, he must contend for an exemption in favour of Durham, and could not understand how, after the compact which had been entered into with the hon. Member for Durham, the Government could come forward with such a proposal. Though he regarded the situation of Durham in a very different light from that of London University, as the latter had neither colleges nor halls, he would rather vote for the exclusion of the latter from the operation of the Bill than consent to the inclusion of Durham.

Question put, "That the word 'and' be there inserted."

The House *divided*:—Ayes 65; Noes 70: Majority 5.

MR. THORNELY then proposed an Amendment, providing that the Act should not extend to any school or college connected with the University of London. It was not that he wanted to exempt the University of London from the Act, but that he wished to put that University upon an equality with the Universities of Oxford and Cambridge, that he proposed this Amendment.

Amendment proposed—

> "In page 25, line 12, after the word 'or,' to insert the words, 'to any college, school, or institute connected with the University of London, under the provisions of any charter thereof.'"

LORD JOHN RUSSELL said that, notwithstanding the last division, he must object to the exemption proposed. Whatever might be the reason for the vote to which the House had just come in respect to Durham, it seemed to him there might be mischief done if the House adopted the proposed Amendment. The colleges of Oxford and Cambridge, it was well known, were connected with those institutions; but the only way in which you could connect the colleges and schools in various places with the University of London was, that those schools requested that they might be permitted to send young men to that University, in order that they might pass examinations and obtain degrees. Now, there might be a charity school of which the University of London knew nothing, could not inquire about, had no control over and no other connexion with them than that of having been asked by it, "Will you allow persons to come from our school to be examined and take degrees at your University?" The University of London, with the permission of the Secretary of State, might admit that school to those privileges; but that circumstance did not in the least degree connect that school with the University. He did not, therefore, see any ground of exemption in the case of the University of London. The proposal appeared to him to be a mischievous one, and he must, therefore, oppose it.

Mr. HEYWOOD said, these colleges or halls in connexion with the University of London were voluntary, and not charitable institutions, and he did not see why the London University should not be placed on the same footing as the Universities of Oxford and Cambridge under the Bill.

Mr. CHEETHAM said, he should support the Amendment, for he had always considered the University of London to be on the same footing as the Universities of Oxford and Cambridge. On this point being brought before Lord Aberdeen, he reinstated the University of London in the clause, and he therefore protested against its being now rejected.

The SOLICITOR GENERAL said, he was sorry to see the manner in which this question was debated, for hon. Members who wished that every institution should be brought under the operation of the Bill, yet wished to exempt this one merely for the sake of a little wounded vanity. He thought it would have been desirable that all halls and colleges should be under the operation of the Bill; and to talk of exempting the University of London, which embraced all sorts of institutions which chose to affiliate themselves to it, would lead to many institutions so affiliating themselves in order to avail themselves of the exemption. Colleges and halls were exempted on account of their being corporations under peculiar charters, and schools and institutions supported by voluntary subscription were not included in the Bill at all. He objected to any endeavour to limit the operation of the Bill.

Mr. T. CHAMBERS said, no doubt there were very good reasons for including within the scope of the Bill the schools and colleges connected with the Universities of London and Durham; but he thought the reasons assigned for exempting those of Oxford and Cambridge equally applied to the other Universities. The Solicitor General seemed to consider that there was scarcely such a thing as the University of London. But a University was a mere fiction of law. London had as good a right to be deemed a University as Oxford or Cambridge. The whole difficulty in this case had arisen from an attempt to cast a stigma upon the University of London. Those who were connected with the London University ought not to stand by and see any Act of Parliament pass which applied to other Universities, and did not apply to it.

Mr. BLACKETT said, the hon. and learned Solicitor General had not answered the argument of the hon. Member for South Lancashire (Mr. Cheetham), that the question had been brought under the notice of Lord Aberdeen, and that the University of London had been restored to the clause. This was, in fact, a question with regard to the Dissenters' University—that University which alone was open to them.

Lord JOHN RUSSELL said, he must disclaim any intention of giving offence to the Dissenters, for he was one of those who was anxious for the foundation of the University of London, and assisted in its progress, and, therefore, he did not wish to cast any stigma upon it; but he had argued that a Commission had issued to inquire into the case of Oxford and Cambridge, and they were become the subjects of legislation, but no such steps had been taken with regard to the University of London, and so far it had been favoured.

Mr. BOUVERIE said, he thought there was a fallacy in the reasoning of those who, like himself, were friends to the University of London; for, if the authority of the Commissioners under this Bill was to operate beneficially, he did not see why they should wish exemptions like those of Oxford and Cambridge to be carried further.

Mr. W. J. FOX said the principle of religious equality would be violated if there was this difference of exemption. If Oxford and Cambridge were national establishments, and not ecclesiastical corporations, the London University would never have existed; and, therefore, those who founded that institution claimed to be placed in the same position as Oxford and Cambridge, and they felt that this was an instance of placing it in an inferior and degrading position. He agreed that the operation of the Bill was beneficial, and that there should be no exemptions whatever; but when the alternative was between diminishing the usefulness of the Bill, and violating a great principle and casting a stigma on an institution, he would adopt the latter, although regretting that the operation of the Bill should be curtailed.

Question put, "That those words be there inserted."

The House *divided:*—Ayes 64; Noes 79: Majority 15.

Bill *passed.*

SMOKE NUISANCE ABATEMENT (METROPOLIS) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the Chair."

Mr. SPOONER said, he must object to this Bill being proceeded with at that hour [*quarter past* 2]. He would move that the House go into Committee on that day three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this House will, upon this day three months, resolve itself into the said Committee," instead thereof.

Mr. MALINS joined in pressing the noble Lord not to proceed with the Bill this Session. He had seen several members of the manufacturing interest on the subject, who declared to him that it would be utterly impossible to carry out the measure.

Mr. MACKINNON said, he trusted the noble Lord would persevere with the Bill. It was perfectly easy to remedy the smoke nuisance, both in steamers on the river and in manufactories, at a very small expense in alterations. The whole objection arose from a disinclination to incur expense in altering furnaces, and from the coalowners in the north, who were apprehensive that anthracite coal would supersede the consumption of theirs in the London market.

Mr. PETO said, that at present there was an intolerable nuisance from small steamers above bridge from the quantity of smoke emitted by them. All that was wanted was that they should burn coke instead of coal. With respect to furnaces it was somewhat different; but still it was a question of fuel, and the Welsh coal was always to be had, and he undertook to say that there would be no difficulty in carrying out the provisions of the Bill.

Viscount PALMERSTON said, the argument of the hon. Gentleman opposite (Mr. Spooner) was an argument against all improvement. He said, "You have borne the nuisance so long that you can bear it still longer." Then the hon. Gentleman said, this could not be done—manufacturers could not consume their own smoke. The same thing had been said by the glove trade and the silk trade, when it was proposed to admit French gloves and silks. They declared that they could not possibly compete with the foreigner; but the trade was thrown open, and they did compete, and successfully too. The same argument had been used in agriculture, and so it was in regard to smoke. The manufacturers said they could not consume their own smoke, but if Parliament would only say, "you must do so," the smoke would be consumed, and the public would be relieved from this nuisance. If ever there was a case in which, he would not say the interests, but the prejudices, of the few were opposed to the interests of the many, this was such a case. Here were a few, perhaps 100 gentlemen, connected with these different furnaces in London, who wished to make 2,000,000 of their fellow-inhabitants swallow the smoke which they could not themselves consume, and who thereby helped to deface all our architectural monuments, and to impose the greatest inconvenience and injury upon the lower class. Here were the prejudices and ignorance, the affected ignorance, of a small combination of men, set up against the material interest, the physical enjoyment, the health, and the comfort of upwards of 2,000,000 of their fellow-men. He would not believe that Parliament would back these smoke-producing monopolists, and he was ready, therefore, with great confidence to go to a division.

Mr. BLACKETT said, as one of the representatives of the smoke-producing class, he would repeat the appeal he before made to the noble Lord against going on with this Bill at this period of the Session. This Bill would cause great expense to the manufacturers of London. A second point was, that this Bill would produce a total disarrangement of the northern coal trade. ["Oh, oh!"] Why, what was he sent there for but to represent those interests? Those were reasons, if not for rejecting the Bill, certainly for not proceeding with it at this period of the Session.

Lord DUDLEY STUART said, that

the noble Lord had failed to show any necessity for forcing the Bill through in this Session. He had never heard from medical authority that smoke, however disagreeable, was injurious to health. There was, therefore, no reason, on sanatory grounds, for proceeding with it at so late a period. He hoped the Bill would be withdrawn.

Sir BENJAMIN HALL said, he took a different view of the subject to his noble Friend and Colleague. In reference to this Bill, he had not had one remonstrance or suggestion against it. Such a Bill would be a great public improvement, and he hoped the House would adopt it.

Question put, "That the words proposed to be left out stand part of the Question."

The House *divided* :—Ayes 66 ; Noes 12 : Majority 54.

Main Question put, and *agreed to;*—Bill *considered* in Committee, and *reported* as amended.

The House adjourned at a quarter before Four o'clock.

HOUSE OF LORDS,

Tuesday, August 9, 1853.

Minutes.] Public Bills.—1ª Land Tax Commissioners Names ; Pilotage ; South Sea and other Annuities, Provision for Payment, &c.

2ª Eastern Union Railway ; Landlord and Tenant (Ireland) ; Tenants Improvements Compensation (Ireland) ; Leasing Powers (Ireland) ; Merchant Shipping ; Drainage of Lands (Ireland) Act Amendment ; Poor Relief Act Continuance ; Duties on Horses let for Hire ; Passengers Act Amendment.

Reported.—Naval Coast Volunteers ; Liberated Africans (Sierra Leone) ; Land Tax Redemption ; Consolidated Annuities (Ireland) ; Turnpike Acts Continuance (Ireland).

3ª Newspaper Stamp Duties ; Belfast Municipal Boundaries ; Registrar of the Privy Council ; Crime and Outrage (Ireland).

EASTERN UNION RAILWAY BILL.

The Earl of DONOUGHMORE moved the Second Reading of this Bill. After a brief reference to the early proceedings of the railway company, he stated that in 1851 their position was one almost of insolvency, and the simple contract creditors were about to take steps to sell the rails and stock, but some of the gentlemen largely interested in the preference shares endeavoured to make an arrangement to save the property. An agreement was accordingly entered into on the part of the preference shareholders to take 3 per cent instead of 6 per cent, and the simple contract creditors postponed further proceedings against the property of the company for three years. A Bill was introduced into Parliament to carry out this agreement, but the very persons who originated this agreement petitioned against the Bill; and the same thing occurred in 1852. It appeared to him that when one body of persons had performed their part of the stipulation, the other body had no right to come to Parliament and claim to be relieved from what they had promised to perform. This matter had been most carefully investigated in the House of Commons, and two Committees had reported in favour of the Bill. The preference shareholders alleged that they never gave their assent to the arrangement; but previously to the Bill coming before the House of Commons only two dissents were received.

Moved—"That the Bill be now read 2ª."

Lord BEAUMONT objected to the Bill. It contained a principle which their Lordships ought not to sanction. With the private arrangements of the parties he had nothing whatever to do, but merely with the merits of the Bill as it was now brought before the House. Their Lordships were asked to consent to the second reading of a Bill which took away property from persons to whom it had been guaranteed by Act of Parliament, which was theirs by the law of the land, and which they had security for. The parties who were promoting the Bill had no right whatever to deal with the property, and hence they came to Parliament to ask for powers to enable them to do so. Property of this description was often included in settlements, and if their Lordships sanctioned the second reading of the Bill, it would be the means of defeating the intention of the settlors. He should conclude by simply moving that this Bill be read a second time this day three months.

Amendment *moved,* to leave out "now," and insert "this day three months."

The Earl of HARROWBY reminded the House, that, though the noble Lord spoke of this as being an interference by Parliament without the consent of the parties with property which was theirs by the law of the land, the actual property spoken of was in preference shares. Their Lordships, of course, knew that before the preference shareholders came the claims of the creditors, and they might easily judge what the value of the preference shares would have been had this concern come to total ruin. He said that the preference shareholders had themselves sought this arrangement, with a view to preventing that total ruin which they apprehended, and that they ought not now, after having tied the hands of other parties, to be allowed to turn against their own proposition. The Bill had been most minutely considered by a Committee of the other House, and had been carried unanimously by that Committee.

The MARQUESS of CLANRICARDE thought that the reason given by the noble Earl for supporting the Bill was no reason at all. The noble Earl stated, that if the concern went to ruin, the property of the preference shareholders would be valueless. What would the noble Earl say to a Chancellor of the Exchequer who urged, as a reason for reducing the interest on a loan, that if the country were ruined the creditor would get nothing at all?

After a few words from Lord WYNFORD,

LORD STANLEY OF ALDERLEY said, that the rule always followed by their Lordships in dealing with Bills of this kind was not to pass such Bills, except with the consent of the parties affected by them. In the present case, so far from the requisite number of shareholders — four-fifths — having given their consent, he believed only one-third had expressed their assent. He trusted, therefore, their Lordships would not sanction the second reading.

The EARL of YARBOROUGH supported the second reading of the Bill, in order that it might go to a Select Committee. He thought their Lordships ought to know what proportion of the preference shareholders did originally agree to this arrangement.

LORD ST. LEONARDS would vote for the second reading, but not with a view to break in upon any rights of the preferential creditors, but because, according to the statements that had been made, the preferential shareholders had themselves proposed the terms of a compromise from which they were now desirous of withdrawing.

The EARL of ALBEMARLE opposed the Bill.

After a few words from Lord BEAUMONT,

On Question, that "now" stand part of the Motion,

Their Lordships *divided:*—Content 31; Not Content 14: Majority 17

Resolved in the *Affirmative.*

Bill read 2ª accordingly, and *committed.*

The Earl of Harrowby

LAW OF LANDLORD AND TENANT (IRELAND)—THE CONSOLIDATION BILLS.

The DUKE of NEWCASTLE, in moving the Second Reading of the Landlord and Tenant (Ireland) Bill, said, he should probably best consult the convenience of the House, and certainly accommodate the wishes of that large portion of noble Lords present, who, by birth and property, were connected with Ireland, if, in the few observations he should have to offer, he comprehended, in those observations, the other two Bills which followed it on the paper, namely, the Tenants Improvements Compensation (Ireland) Bill, and the Leasing Powers (Ireland) Bill; not because the Bills, as forming one general code, ought not to be discussed separately, but because there was so much of a similar character in them that it would tend to simplify the discussion, and to convey a more accurate knowledge of their provisions. He should have been less disposed to do so, had not an attempt been made within the last few days to persuade the public that there was something of a communistic principle in these Bills—that they were tainted with something tending to the confiscation of property—and that their Lordships would be endangering the rights of property itself if they gave any countenance to them. He could only say for himself, and for every Member of Her Majesty's Government, that if there had been the slightest ground for suspicion that such a characteristic was justly attributable to these Bills, they would be the last to give them any countenance. What, then, was the origin of these Bills? He had seen a statement that morning that these Bills, being of a confiscatory character, had been brought in by a coalition Cabinet at the dictation of a certain number of Irish Members, who were represented to have some extraordinary influence with Her Majesty's Government; and that Her Majesty's Government, in obedience to them, had brought in and originated these measures. So far from that being the case, these Bills dated so far back as November last. They were introduced not by the coalition Cabinet, but by the hon. and learned Gentleman the Attorney General of the Government of which Lord Derby was at the head. They were brought before Parliament upon the responsibility of the Conservative Government of Lord Derby —that Government which proclaimed itself as a body antagonistic to any advance of that democratic element which was now supposed to be concentrated in these Bills.

They were approved by that Cabinet, and proposed by them to the House of Commons. How came it, then, that the hon. and learned Gentleman (Mr. Napier) first became connected with the subject? He thought it was due to one so distinguished as the right hon. Gentleman to state the origin of these Bills. If the late Attorney General for Ireland, distinguished as he was in his profession, had not been actuated by high motives, he would have shrunk from grappling with a subject of such intricacy and difficulty. After successive Governments had failed to bring this matter to a satisfactory issue, the right hon. Gentleman, then an independent Member of Parliament, volunteered to take up the question in a large and general spirit, and through the instrumentality of gentlemen of great ability who were associated with him, he went into a most minute examination of the whole of the laws affecting landlords and tenants in Ireland, and performed the work, aided by those gentlemen, which the noble Lord on the cross benches suggested to the Government of 1850 as well worthy the labours of a Commission. He said that to the honour of the right hon. Gentleman (Mr. Napier)—he said it the more, because he spoke of a political opponent; and he should be unworthy of a seat in that House if, being opposed to the right hon. Gentleman in politics, he allowed him to be traduced and maligned without offering his testimony to the exertions he had made, and the anxious desire he had shown, to bring an intricate and difficult question to a satisfactory conclusion, with a due appreciation of and regard for the rights of all parties.

Their Lordships were forewarned last night of opposition to these Bills; and the noble Earl opposite (the Earl of Malmesbury) told the House that these Bills were not the same Bills which were introduced by the right hon. and learned Gentleman, and approved by the Government of which the noble Earl was a Member. He confessed he was never more astonished than when he heard that statement of the noble Earl, and he was prepared to show that the Bills were not only the same in every Parliamentary and recognised sense, but the same in the main and principal enactments; and, moreover, all the changes they had undergone in their passage through the other House were not of a more extensive character than were frequently made in Bills of an important character in passing through either House of Parliament. It was impossible for any man who recognised the justice and propriety of these Bills in November last, fairly to repudiate them now, and on the score of alterations to say that they were not the same Bills, and that therefore he was absolved from that assent which he had given in a former official capacity. A question was put by the noble Marquess (the Marquess of Clanricarde) last evening as to these Bills having been referred to the present Lord Chancellor and the law officers of the Crown under the present Government; and he (the Duke of Newcastle) had answered that he understood these Bills had been referred to and approved by the present Lord Chancellor and the present law officers of the Crown. That answer he begged to repeat now; but his noble Friend rejoined by endeavouring to represent that they could not have been considered by them, because in the schedule of sixty Acts repealed by one of these measures, he found that five or six Acts of Parliament had been introduced into the schedule which were not in the original draft of the Bill. His noble Friend was undoubtedly correct in that statement; but it was the unavoidable consequence of one or two unimportant alterations in the body of the Bill; and his noble Friend would see, when a Bill was subjected to examination and alteration, having a schedule appended repealing a number of Acts, it was impossible the schedule could be completed until the Bill had passed its final stage. Of course, with regard to those five or six Acts of Parliament, the question of omitting them or continuing them in the schedule might be fairly raised; but his noble Friend was not justified in saying the Bills had not in their integrity been referred to and approved by the law officers of the Crown. Those were not the only authorities to whom these Bills had been referred. Before introducing them, the late Attorney General for Ireland referred them to the most able men in that country. They were referred to Baron Pennefather, than whom none was a higher authority either as a judge, a lawyer, or a landlord. They were referred to Baron Greene. They were referred to Mr. Longfield. They were referred to Mr. Commissioner Yardley and to Mr. Robert Holmes, the father of the Bar in Ireland, by whom they were approved. Higher authorities than those he had named could not be quoted in that House. But not merely were these Bills referred to lawyers, however able, but to many practical men and to many landlords, to corroborate those legal opinions; and he had reason to believe that they were referred to the noble Earl opposite (the Earl of Donoughmore), than whom no man was better acquainted with landed property in Ireland, or more capable of giving a sound opinion, not excepting even those who had much longer occupied seats in that House; and it was understood that the noble Earl had offered some valuable suggestions which were embodied in the Bills. When Her Majesty's Government acceded to office, they felt it was their bounden duty to aid, if possible, the exertions of the right hon. and learned Gentleman and of the late Government, in bringing this question to a solution—that it was their bounden duty, notwithstanding the onerous labour which devolved upon them, and the important measures they were about to introduce, not to throw over these Bills, and discard them as not having been brought in by their own political party, but to render every assistance in their power to the right hon. Gentleman and his former Colleagues in bringing them to maturity. His right hon. Friend the Secretary for Ireland (Sir John Young), under those circumstances, undertook to persist in the inquiry before the Committee, and when the Bills had passed the House of Commons, he (the Duke of Newcastle) thought it right that their Lordships should express their opinion upon them.

He might be fairly asked why he, of all men, who had certainly not a great deal of leisure time on his hands, should interfere in a subject in no way connected with the office which he had the honour to hold. The principal reason was not merely the sincere anxiety which he felt to promote measures which could in any way conduce to the interests of landed property in Ireland, and raise it from the depression under which it was labouring; but the fact of his having, whilst holding, though for a brief period, an official position in that country, originated a measure of the same description.

It was not necessary to recount a long and painful history of the complaints on this subject, and of the measures attempting to remedy the evils which were admitted to exist. He would not go back to the curious and interesting book of Sir John Davies in the time of Elizabeth. He would not quote the case of Spencer, or do more than allude to the long and earnest endeavours of Mr. Sharman Crawford, whilst he occupied a seat in the House of Commons, to find a solution to the difficulty—endeavours which were not mistaken in spirit, but mistaken in form. He would not refer to the measures taken by the Government of the day, in consequence of the frequent discussions in Parliament, which resulted in that interesting document, the Report of the Devon Commission. He would not quote, as he might do, many passages from the proceedings of the Committee which sat on Agricultural Customs in 1848. It would be sufficient to say that if the evils were recognised and extensive, the remedy was invariably found to be difficult, because the subject was encumbered with difficulties. Various attempts had been made by all parties to bring the question to issue. In 1845 a Bill was brought into the House of Commons by the noble Earl, not then present, then Lord Stanley. In the year following, he (the Duke of Newcastle) had the honour to introduce a Bill on the same subject; and in 1848 and 1850 two further Bills to settle the same question were introduced, but they were all equally unsuccessful. It was at that period, 1850, that the right hon. and learned Gentleman (Mr. Napier) undertook to examine into and maturely consider the subject, which had resulted, as he had stated, in the Bills now before their Lordships. However desirable might be a settlement of the question as bearing on the future interests of Ireland, he believed no settlement could be satisfactory or of any value which did not maintain the rights of property inviolate. He could conceive nothing more tending to restrain the social improvement of any country, and the progress of civilisation, than any measure which had the slightest tendency to imperil in any way the rights of property, when on the integrity of those rights depended not merely the interests of the holders of the property, but the interests of every man, no matter what his condition in life might be. The allusion to these rights of property reminded him of the often-quoted sentence of Mr. Drummond, that "property had its duties as well as its rights." From the anomalous position of property in Ireland it too frequently happened that the duties and rights of property did not appertain to the same individuals. The position of property was such, that while the rights of property attached to and were enjoyed by the encumbrancers on the estates, the duties attached to the merely nominal holders—

so that duties and rights were disassociated in a manner which must be prejudicial in every respect to the well-being of the country. He was quite aware that much abstract reasoning might be employed to show the inexpediency of any legislation on the relations of landlord and tenant, and it might be contended that such legislation was inconsistent with the doctrine of free trade. He was not disposed to dispute that position; but he said this, they were unfortunately not now in a position in which they could decide not to legislate between landlord and tenant; and when the noble Earl cheered that statement, he would remind him of what the Legislature had been doing in successive generations, not only with reference to landlord and tenant in Ireland, but in this country also. The Bills now on the table, and the second reading of which he should move, bore testimony to the fact that they had long been interfering between landlord and tenant. The schedule of one Bill contained sixty Acts which were to be repealed, and he was assured that no less than 200 Acts of Parliament were more or less concerned or referred to in these Bills. From the time of Edward IV. down to the present moment, the Statute-book laboured under the legislation interfering between landlord and tenant. Under such circumstances it was impossible to maintain the abstract doctrine of free trade between landlord and tenant, unless they were prepared to sweep away the whole of those laws, and set the question entirely free. He apprehended they could not do that without interfering with the law of property entailed. Looking at the law of entail as a valuable thing in the social system of this country, he had no hesitation in saying that—looking to the greatly increased wealth of all classes of the community, and the great increase of population—it was necessary, if we wished to preserve the law of entail, to pass measures like that before the House for determining the relations of landlord and tenant; and he was of opinion that such a Bill would, as had been observed upon the succession duty, also have the effect of strengthening, instead of weakening, the law of entail. He thought no one would for a moment maintain that this was not a national object, if he could show that the improvement of land in Ireland was connected with legislation of this description; and he would frankly say he looked upon the present moment as decidedly opportune for settling this question. It might be true that the value of property in Ireland had increased, and was increasing; that the social prosperity of the people had increased in a proportionate ratio. It might be said that the cry which prevailed some time ago on this subject was no longer heard; but that might be owing to the spirit in which the question had been undertaken in the other House of Parliament; and if, from any cause, agitation had ceased, the absence of agitation was an argument in favour of, and not an argument against, legislation.

In accordance with his engagement to make as few observations as possible, he would proceed briefly to explain the leading provisions of these Bills; and as the Leasing Powers Bill was less connected with the others than the others were with one another, he would take that first. The Leasing Powers Bill might be divided into two parts. The one enabled the landlords and tenants between themselves to make sufficient leases. The second part enabled the same parties to make sufficient agreements for any special improvements which might be found desirable. The leading characteristic of the Bill was, that every plot of land in Ireland should have a living representative, if he might so express himself, who should have the power of so dealing with it as to bind the inheritance. Under the law as it now stood, every settlement, every mortgage, every judgment deed, was an insuperable bar to an effective sale of land. This evil had been remedied, as regarded the larger landed properties both in Ireland and in this country, by the process well known to their Lordships, of applying to Parliament for a private Bill; and one of the leading principles and objects of this Bill was to do by public enactment for smaller properties in Ireland that which was done for large properties by special private Acts. By the Leasing Powers Bill it was proposed to alter the law under which the present proprietors of landed property were enabled to grant leases. At present leasing powers in Ireland were very conflicting. A rector could only lease for one year, a bishop could grant for 21 years, and a tenant in tail for 41 years. This Bill proposed to place all upon the same footing, and to enable each to grant agricultural leases for periods not exceeding 31 years, and for other periods in the cases of leases for other than agricultural purposes. Such were the main features of the Bill—a Bill which might well be called one both of consolidation and amendment, inasmuch as it consolidated no fewer than sixty Acts of Parliament, and amended them in several important respects. He had, he trusted, succeeded in briefly explaining its general purport. He would now pass on to the next Bill—the Landlord and Tenant Bill. This was a measure of so strictly a legal character, that he should prefer leaving the explanation of its technical provisions to his noble and learned Friend upon the woolsack; but he would endeavour to describe its objects in a single sentence, by saying that it comprised one clear and convenient law, easy of reference, upon all matters connected with the land, in solving the relative positions of landlord and tenant; and he could not but think, from the attention and consideration which had been given to the Bill, that it would prove greatly beneficial to landlords and tenants in Ireland. He might, as he had already alluded to the opinions of Baron Pennefather, state that that learned Judge had devoted a great deal of time and attention to the provisions of this measure. Let not noble Lords suppose that at his mature age Baron Pennefather had lost that vigour and elasticity of mind which characterised him forty years ago. This was certainly not the case; for he had pleasure in informing their Lordships that he was just as capable now as he was then of exercising a sound judgment, with the advantage of possessing a more lengthened experience; and any noble Lord who had passed through the country where Baron Pennefather held property, would have cause to observe that he had been an improving landlord; and the approval of this learned person might surely be taken as a guarantee for the efficiency and safety of the Bill, even if no other arguments could be alleged in its favour. The Landlord and Tenant Bill was, in other words, a measure to facilitate contracts; it facilitated the enforcement of contracts upon both parties—a measure which, if it were duly and fairly carried out, would yield to none for value and importance, as affecting the morality and honesty of all classes in Ireland, and as encouraging punctuality—an essential ingredient in all transactions between man and man of a commercial character. The provisions of the Bill were very numerous; but if their Lordships should consent to its being committed, they could be explained and discussed in detail; it would, therefore, be unnecessary for him to do more than touch upon some of the most important. The Bill provided for a registry of leases and agreements. It contained an entirely new mode of legislating with regard to the prevention of waste; and especially it endeavoured to prevent a practice which had prevailed, and by which land had been greatly deteriorated—that of burning. Noble Lords connected with Ireland would be aware that the provisions of the Burning Act were of a highly penal character, and had been found to be practically ineffective. The object of the present proposal was to prevent rather than to punish, and he believed that it would be found to be more useful in practice than the existing Burning Act. The measure also contained provisions upon another subject, and one which had proved a fertile source of injury to Ireland—the practice of subletting. The system of subletting was one which ought to be suppressed, for under that system none of those great improvements so necessary for agricultural success could be carried out; and, in fact, on every estate where it prevailed, it formed an impassable barrier to all material improvement, and therefore he thought that any proposition which provided for putting an end to it could not but prove beneficial. The Bill also contained provisions with regard to improvements in cottages, not altogether dissimilar to those in a Bill brought in by his noble Friend the noble Marquess (the Marquess of Clanricarde), and which had been sent to the House of Commons a few days ago. The present measure also contained provisions with reference to distress and distraint, somewhat modifying the existing laws on that subject. The Tenants' Improvements Compensation Bill proposed providing compensation for improvements effected by a tenant in the absence of any express contract with the landlord; while, where a contract existed, the case was provided for by the second of the two Bills to which he had already referred. He did not anticipate any very strong opposition to the clauses of this Bill, with the exception of those particular ones which had a retrospective operation, and especially the 14th clause. He felt persuaded that none of their Lordships would for a single moment dispute the position that it was most desirable, by legislation, to insure, if possible, the most complete security for the investment of capital, with a view of improving property; and he apprehended that to obtain that security was one of the most important points to be considered in framing a Bill like the one which he was now asking their Lordships to read a second time. He would frankly admit that the spirit in which the Government had taken up this measure was not from any very strong conviction with reference to its being the best method of legislation, but from the conviction that it was the best which had hitherto been proposed. He was also quite willing to admit that, although he approved most strongly of the present measure, he preferred, in some respects, a measure which he had had the honour of submitting to their Lordships in 1846; but as that proposal was not approved, he was most willing to give his assistance in producing any measure which appeared most probable to be able to deal with the peculiar case. While, however, he admitted that in some respects he preferred his own measure of 1846, he would at the same time allow that that proposal had very defective machinery, which would, from being too complicated, have been most probably inoperative; but he was by no means satisfied of the impossibility of rendering that machinery more simple. He had heard it argued against a proposal like the present, that such legislation was partial—that it was for Ireland only; and no such measure existed either in this country or in Scotland. Now, he was quite willing to admit that no Bill like the present had been introduced for this country or for Scotland; but he entirely denied that the system which this Bill proposed to create in Ireland did not exist;—so far the contrary, he himself lived in a part of the country where the system of tenant-right prevailed to a great extent. It prevailed to a very large extent not merely in the midland and eastern districts of this country, but in the northern, and in parts of Scotland. He admitted it varied in different parishes; still the system prevailed; and, in fact, almost every provision of the 16th clause of this Bill existed in custom in many parts of this country and had the force of law. [A Noble LORD expressed his dissent.] He assured the noble Lord that this was the case; and in anticipation of the objection he had provided himself with proof of it. It had been judicially laid down that this custom had the force of law The case of Mousley *v.* Ludlam came before Justices Coleridge and Erle in the Court of Queen's Bench on 26th November, 1851, by way of appeal from the County Court of Derbyshire. It was an action by an outgoing tenant against his landlord, to recover *50l.* for having given up a farm, with the benefit of work done, manure spread, tiles and other material expended in and about the cultivation and improvement thereof, together with the stone posts, grass, herbage, crops, &c. The plaintiff was a yearly tenant, on the terms that he should use and cultivate his farm in a good and tenantable manner, according to the rules of good husbandry. The tenancy was determined by notice to quit given by the landlord. For drainage done two years, the tenant charged 5-7ths; for that done one year, 6-7ths. The improvements were made without the knowledge or consent of the landlord. The custom was proved that every outgoing tenant should be entitled to claim from the landlord compensation for works, though done without the landlord's knowledge or consent. It was contended for the landlord that the alleged custom could not be supported, as being unreasonable and bad. Mr. Justice Coleridge said, "It seems to me not an unreasonable custom that a tenant who is bound to use a farm in a good and tenantable manner, and according to the rules of good husbandry, should be at liberty on quitting his farm to charge his landlord with a portion of the expense of draining the land that requires drainage according to good husbandry, though the drainage be done without the landlord's knowledge or consent." Mr. Justice Erle, said, "If it be not unreasonable as a contract, I do not see that it is unreasonable as a custom." He quoted this case merely to show their Lordships that there were customs prevailing in England having the force of law, and which no landlord could resist. This principle subsisted in France at the present time; it existed in the latter days of the Roman Empire, and had been engrafted on the Roman civil law. He was not now arguing that the principle was accompanied with proper restrictions in this Bill; but upon the question of principle he must repeat that it was applicable by custom in many parts of England and Scotland, that it was applicable in France, and that it had been adopted in the Roman Empire in its later years; he was therefore unable to understand how it could be considered so wholly inapplicable to Ireland as it was said to be. Indeed, there were circumstances in Ireland which appeared to render it more applicable to that country than either to England, Scotland, or even in some respects to France. In England and Scotland the landlords let farms, in Ireland they only let land. This was an additional reason for some legal provision of the kind. The Bill, however, evinced a perfect knowledge, on the part of its framers, of the difficulties of the question, and of the necessity for restrictions and precautions against frauds; and, therefore, if noble Lords would read the Bill carefully, they would find that it had been framed in the most careful manner. They would find—he was now speaking only of the prospective part of the measure—that no tenant could claim compensation for any improvements unless he had given notice to the landlord of his intention to execute such improvements. After the landlord had been served with notice of the intention to make improvements, he might, if he were able and willing—and he apprehended this would be the result in many cases —serve a counter notice upon the tenant that he would undertake the improvements himself; and under those circumstances, the landlord would be in a position, under the other Bill, to claim a percentage from the tenant for such improvements. He would not occupy their Lordships' time by dealing with the objections which had been made by persons who had not read the Bill carefully, to some of its provisions, on the ground that they were extravagant; but if they would take the trouble to look at the clauses they would find that many of the frightful evils which they anticipated had been carefully guarded against. When he was told that it would be in the power of the cottier tenant to make the landlord pay for any shed he might require, he referred such parties to the Bill, where they would find the case met. When he was told there would be cases where men occupying as tenants would erect cottages for the purpose of subletting them to the neighbouring population, and then claim compensation for such erection, he answered, that this case was met by special enactment, to say nothing of the general provision that claims could alone be made which tended to increase the agricultural value of the land. These were not the only securities provided by the Bill. No tenant who had executed an improvement under the sanction of his landlord could claim compensation if he was in arrear for rent, if he had sublet any portion of his land without the consent of the landlord, or if he had broken any lease or agreement with the landlord, and if he had voluntarily abandoned possession of the property. Great care had been taken to provide for due notice being given to the landlord of the intended improvement; while, after the improvements had been executed, the tenant could not claim compensation if he were not entirely free from all default; in short, the only position in which a tenant could claim compensation, was in the case of his being arbitrarily dispossessed by the landlord. With these provisions, he did not think that fraud could easily be committed; but he would not dwell on that part of the question, but would at once pass to those clauses of the Bill which had a retrospective operation.

He admitted that retrospective legislation was in principle objectionable, and in the Bill which he introduced in 1806 no provision was inserted of this kind. But if a useful measure was in contemplation, there was a good deal to be said on both sides, and he invited noble Lords to consider the question fairly in Committee. They must not discard moral considerations. None of their Lordships, he was sure, would deny that where a tenant had expended his money in the improvement of a property, and he was dispossessed by the landlord, he had a moral right to compensation. It was this moral right that was recognised in this country, where the custom of tenant-right was not recognised; and this moral right generally operated as a sufficient security to the tenant. The moral right, then, being established, the Bill now before their Lordships merely converted it into a legal right; whilst careful restrictions had been introduced in order to meet the objections that might be made. He had certainly heard no reason hitherto why such provisions should not be introduced into the Bill; but on the part of the Government he should be ready, in Committee, to consider any suggestions for the improvement of the clauses. It was, of course, open for the consideration of their Lordships whether the retrospective clauses should be retained, and this would be a subject for fair discussion and argument. He had promised to refer to an observation made by the noble Earl opposite (the Earl of Malmesbury), that these Bills were not the same as had been sanctioned by the Ministry of Lord Derby. If the noble Earl thought they were inconsistent with the measures he then approved, he was no doubt entitled to take the course he appeared to be meditating; but the noble Earl had no right to find a loop-hole for himself by a misrepresentation of the real facts of the case. He defied the noble Earl to prove the assertion he made last night, that the measures were not identical in principle with the Bills sanctioned by the Government of Lord Derby. If the noble Earl meant to say they were not, clause by clause and line by line, identical with the Bills introduced by Lord Derby's Government in November, he admitted such was the case; but the noble Earl could not maintain that he was justified, either by Parliamentary, official, or any other usage, in availing himself of that assertion to refuse his assent to the second reading of these Bills. Now, what were the alterations that were supposed to render the identity of the Bills no longer the same? In the Landlord and Tenant Bill the only material change was the exclusion of growing crops from the power of distraint. ["Hear, hear!"] Well, if this was a vital principle of the Bill, let them move its re-introduction into the Bill. The Tenants' Improvement Bill, as originally drawn by Mr. Napier, gave compensation to the tenant for improvements on and in the soil, on a principle different from that which at present stood in the Bill, since it gave compensation by terms of years. By an alteration in Committee the mode of computation had been simplified by an arrangement which, it would not be disputed, was an improvement, namely, that it should be by valuation at the time of the determination of the tenancy. The 14th clause was certainly altered; but in spirit and intention it remained the same. As originally introduced it did not contain the restriction now imposed by the proviso carried by his right hon. Friend the Secretary for Ireland (Sir J. Young), which greatly limited its operation, to the effect that no compensation should be given for improvements which was not claimed within twelve months of the passing of the Act. The principle of retrospective legislation was undoubtedly contained in the Bill introduced by the late Government; and it was impossible to deny that the peasantry of Ireland would consider this question, not in the same light as it was viewed and argued in that House, but as it was felt in their daily habits and intercourse of life; and it was the duty of Parliament to endeavour to settle the question in a social, as well as in a legal, point of view; and it was with this desire on the part of the Government that he called upon their Lordships to assent to the second reading of these Bills. He regretted that the noble Earl (the Earl of Derby) was not present, as he felt persuaded that that noble Earl would not depart, whatever others might do who previously served with him and generally sat beside him, from the assurance which he had given to his right hon. and learned Friend the late Attorney General for Ireland, of his resolve to assist him to the utmost in carrying out the provisions of these Bills, and in obtaining a full and fair consideration of them in the House, of which he was one of the greatest ornaments. He felt convinced that if the noble Earl were present he would have exerted his influence to prevent any attempt to stop that consideration to which measures of this kind, after all the examination it had gone through, was so fairly entitled. He could not forget the course taken by the friends and associates of noble Lords opposite at the last election in Ireland, and the assurances which were given by Members of the other House of Parliament friendly to the late Government of the earnest desire to settle this question in a liberal spirit, and their desire afterwards expressed in the House of Commons to carry this Bill into effect. Remembering these things, he did regret that some of the associates of that Government should now band themselves together to oppose measures which, in their integrity and essence—whether right or wrong—were the same as those which they had previously sanctioned. He could not but believe that noble Lords opposite proposed to adopt a most unwise course upon this occasion; they were, in fact, following the same course which they pursued for so many years with reference to protection. For himself, he would say he was too sincere a friend to Ireland and to their Lordships not to hope that they might not be visited with those results which were likely to attend their indisposition to pass these Bills, and to fairly settle this question during the present Session. He never submitted any measures to the consideration of Parliament with a deeper conviction that it was the bounden duty of the Legislature to enter upon their discussion without reference to party feeling. [The Earl of MALMESBURY: Hear, hear!] The noble Earl cheered as though he had some cause to complain of party feeling on the Ministerial side of the House in connexion with these Bills. He could assure the noble Earl that Her Majesty's Government, eschewing party feeling, sought nothing by passing these Bills but the promotion of the peace and welfare of Ireland. If the Bills were passed into law, and succeeded, whose would be the credit? He had no hesitation in saying at once that it would be the credit, and justly so, of the right hon. and learned Gentleman the late Attorney General for Ireland; while if they were passed, and did not succeed, the reproach would be thrown upon the present Government for assisting in carrying them out. What, then, could be the party motives which could influence the Government in wishing to pass these Bills? Her Majesty's Government, by desiring to pass them, did honour to one who had done honour to the late Government, and whom noble Lords opposite were now anxious to discredit when he had suited their purpose, or now considered as no longer useful to them. Her Majesty's Government were ready to place the responsibility of settling this question to the credit of the late Government, if the proposed measures succeeded, with a certainty of blame to themselves if they did not. He would conclude by earnestly appealing to their Lordships to pass the second reading of the Bills, not with the view of carrying through unconsidered the whole of the proposed enactments, but for the purpose of giving to the measures that fair consideration which they so well deserved.

In respect of the Landlord and Tenant (Ireland) Bill it was *moved*, "That the Bill be now read 2^{a}."

The MARQUESS of CLANRICARDE said, he thought that if their Lordships wanted proofs of the danger of passing these Bills at the present moment, and of the difficulty of legislating at all on this subject, they would find them in the speech of the noble Duke, who, while he addressed the House but a very short time in explanation of the details of the measure, and said not one word on the effect the various clauses would have in Ireland, had in the latter portion of his address endeavoured to divert from them the attention of the House, and had introduced a personal question taxing noble Lords with their political antecedents, regardless of the danger of sacrificing the best interests of Ireland by precipitately passing these measures, so that the purposes of the moment were served. What necessity was there to have said one word about party motives? Why should the noble Duke have introduced the *argumentum ad hominem* instead of the *argumentum ad rem*, if not to place the opponents of these measures in a disagreeable position, and enforce their votes by an allusion to their personal position? Notwithstanding his strong objections to the Bills, he would recommend their Lordships to suffer the Bills now before them to be read a second time, and then to refer them to a Select Committee, with a view to the subject being fully considered, and these most important questions dealt with in the next Session of Parliament. The reasons for delay were obvious. There were some provisions in the present Bills so objectionable that it would be impossible to assent to them; their Lordships had now been sitting ten months, and at the end of such a Session, just as the House was about to rise, it was proposed to pass three of the most important Bills affecting the internal condition of Ireland that were ever proposed to Parliament. Nor could he fail to remark upon the absence on such an occasion of the noble Marquess so long the President of the Council—(the Marquess of Lansdowne), though he was aware of the cause of that absence —who was one of the greatest authorities in the Cabinet upon this question. And then, when he looked to the other side of the House, he missed a noble Earl who was the greatest authority on that side of the House, not because he was the leader of the party, but because he had been Chief Secretary for Ireland at one of the most critical moments in her history, and from the time he first entered Parliament to the present moment had taken a most active part in all matters affecting Ireland, and who was, moreover, a large Irish proprietor. Their Lordships had not the benefit and advantage of the authorities of these noble Lords, and this was an additional reason for delay. And how had the other House of Parliament dealt with these Bills? The House of Commons had had these Bills before them for the last ten months; and he wanted to know why they were not brought before this House until the month of August? Of course, he knew the Bills had received great attention in the other House during the time; that they had been before a Select Committee, and that alterations had been made both there and up to the last moment upon their various stages. Was this House, however, to be so treated, that they were to be told to pass in ten days Bills which had occupied the attention of the House of Commons for ten months? The state of the Session when their Lordships were called upon to take these measures into consideration, alone justified the delay which he now asked for. Allusion had been made by the noble Duke to the late Government having originated this measure; but the late Government had never made it a party question—they had laid the Bills on the table of the House for the consideration of Parliament. And, now, let them see if, after all the time those Bills had been before the other House, they had received that care and attention which were absolutely necessary for safe legislation on such subjects. When a Bill professed to amend and consolidate the whole law of the land question, it ought to be considered with very great deliberation; and yet at the very last stage of the principal one of those three Bills, statutes were repealed and others re-enacted—not by one or two, but by the half-dozen—and not less than six Acts were taken out of the schedule of one Bill, and five put into it. Under such circumstances, he did not care what learned persons had seen the measures, for it was evident that they required the greatest attention from their Lordships. Let their Lordships see what were some of those important Acts to which those schedules referred. There was an alteration even on the third reading, and the schedules had been totally altered since Mr. Napier had left London, and gone to Ireland. Further, would their Lordships believe that by this Bill the old law of replevin, which had caused such litigation in Ireland, had been re-enacted at the last moment? There were about 200 statutes altogether relating to this subject, about sixty of those statutes having reference to leasing powers, and yet the Leasing Powers Bill, which professed to repeal and consolidate the whole of them, did not touch by name any one of those statutes. But by the noble Duke's own account this Bill would leave 140 statutes loose upon the statute-books of Ireland; and this House was asked to pass such a measure within ten days of the end of the Session! There had been a very excellent Bill passed in 1845 upon the subject of leases, under which a great many leases had been entered into; he had been informed by an extensive land agent that he had been party to upwards of 200. This Act was repealed by the present legislation. He had no doubt this had been done by misapprehension and mistake, but it would produce a general violation of contracts with regard to leases which had been entered into under it. It repealed also the Act of 1832, which had reference to subletting, making no saving clause respecting the leases, made under the operation of that Act, and accordingly the whole faith by which they had been contracted was broken. There was another Act also, the Act of Estoppel, and if this Bill were passed the common law would be revived, and every tenant would be at liberty to cut down as much timber as he pleased upon the land held by him. One of the most popular writers of the day had enunciated, in the case of Jarndyce *v.* Jarndyce," that the great principle of British law was to make work for itself, and that principle was certainly observed in these Bills. Was it not a monstrous principle to lay down, that if a house were not in good repair, the landlord was not to get his rent? Did anybody hear before of such an enactment, or of making the personal qualification and character of the tenant a question in adjudication? And yet from no cottier holder, not an agricultural labourer, could you recover rent under one of the clauses? These and other points required, he considered, the most minute attention of a Select Committee. Of the three Bills, that which he viewed with the least disfavour was the Leasing Powers Bill; but then what was called the Leasing Powers Bill was also a Tenants' Compensation Bill, the two subjects being mixed up in a most wonderful manner. Such a Bill as the Tenants' Compensation Bill—such a total violation and disregard of all contracts—was never before, he believed, submitted to Parliament, nor had he ever heard of any Government having ventured to propose such a measure as was intended to be carried out in the retrospective clauses of the Bill. The noble Duke absolutely allowed a tenant to make every kind of improvement he pleased, contrary to the will of the landlord, and the latter was to be bound to pay the former for these improvements whenever the tenant pleased. The noble Duke, indeed, said there were certain sets-off and securities, which he described; but the only set-off the landlord could really bring in on balancing accounts was the damage done to these very improvements, without the slightest reference to other dilapidations or injuries to land, or to buildings. Did they ever hear the like of that before? The noble Duke would lead their Lordships to believe this Bill only sought to make law that which was the custom in this country; but he quite failed in doing so. Would their Lordships believe it, that there was no limitation for time at all in this Bill, though the cases which the noble Duke relied on, and the judgment of the learned persons he had quoted, showed clearly that there was always such a limitation in this country, whenever compensation for improvements was granted? He said, then, that these Bills required close examination in all their details. Now, what would be the effect of their being carried into a law? What had the effect of them been in Ireland already? He had received, among many others, a letter from a gallant officer with whom he was totally unacquainted, which stated the following case:—In 1784 an ancestor of the writer made a lease by which twenty-seven acres of arable land were leased with a large tract of mountain land at the low rent of 13*l.* a year, with the express object of having the latter improved. The lease was now nearly run out, and the writer said he expected that the tenant, having for so many years enjoyed all the benefit of this land at such a rent, would, should these Bills pass into law, seek to make him pay for the whole of the improvements made since the year 1784, although the lease was intended to be, and was, full compensation for those improvements. He had also received a letter from a friend of his, in which he said he had just withdrawn from a transaction in the Encumbered Estates Courts, in which 30,000*l.* worth of property was involved, "lest," said he, "I should purchase with it seventy or eighty lawsuits."

The DUKE of NEWCASTLE: If the noble Marquess would only take the trouble to look to the 4th and 5th lines of the 5th clause of the Bill, he would see that the case he had described in such glowing terms could not possibly occur.

The MARQUESS of CLANRICARDE: Well, that was a matter they could discuss in Committee, but their Lordships had this fact, that 30,000*l.* worth of property had been offered for sale, but that the trustee about to purchase it had very properly withdrawn his offer on account of the probability that this Bill would pass. They had before them a Bill for the continuance of the Encumbered Estates Court. What was the use of forcing sales when they were deteriorating property and deterring persons from vesting their money in Irish property by passing such Bills as this? If they passed, there would be a mass of litigation and confusion in Ireland such as never had been seen in any country before. No noble Lord connected with Ireland could deny it. So far from the tenantry being benefited by these measures, they would be injured, and an end would be put to all improvements whatever. He ventured to assert that if the Bills passed, the tenantry of Ireland would be kept in many places under a notice to quit from quarter to quarter, and the hanging gale would be always hung *in terrorem* over their heads, for fear that they should take advantage of the clauses of this Bill. It was well known that in many places they were ready prepared for the passing of this Bill, and that it would be a signal of the greatest confusion and social disturbance. He humbly implored their Lordships not to go on any further with these Bills at present. The question was one of the greatest gravity and importance. Let them remember how carefully and delicately it had been handled on former occasions. It was fully a year subsequent to the close of the Devon Commission before a Bill was introduced to deal with a small portion of the subject, and was rejected; and since that time various other measures, down to the Bill of Sir William Somerville, had been proposed, but without success. For the sake of their own characters, he asked the noble Duke and the Government not to attempt to force these Bills through Parliament at such a period of the Session. If they were to have any such thing as party at all, and if it was true that party was necessary in order to rule, on what party in Ireland could Government expect to rest if they dealt with property in this reckless way? This ought to be no question of party for the Ministry one way or another. It touched nearly and deeply the whole question of the loyalty and confidence of the landed proprietors of Ireland in the Government of this country. If they saw real property in Ireland was treated in a way in which no man in his senses would think of treating real property in England or Scotland, he wanted to know what was to secure their attachment to the Crown, and their obedience to its supremacy? Let their Lordships have the whole of the Bills carefully examined by a Select Committee before passing them. When the Bills were read a second time, he would make the Motion to refer them to a Select Committee which stood in his name.

The EARL of MALMESBURY said, that he should not have risen at the time he did, nor have attempted to follow the noble Duke, because he felt it would be more respectful to the Members of their

Lordships' House who came from Ireland to give them the priority in this debate, which concerned them so nearly and so deeply; but he rose because, with more astonishment than he had ever felt since he had been a Member of their Lordships' House, and that was now twelve years—with an astonishment which must have been shared by most of their Lordships, he had heard a Minister of the Crown, on introducing a measure of a very important nature, containing nothing that could possibly excite choler and passion in any one of their Lordships—instead of making one of those calm and dignified statements which he had no doubt the noble Duke was well able to make if he chose—but, evading the subject on which he called the House to decide and judge, he suddenly made a charge—a rush, as it were—at a single Member of the House—without any provocation whatever — before he had opened his mouth on the subject, on which he had never in his life indeed spoken; and, without showing any reason for it—as, indeed, he was incapable of doing—he assumed that he (the Earl of Malmesbury) was going at once viciously and with the greatest ferocity to resist all these Bills, and to—he took down the noble Duke's words, that there might be no mistake on the subject—find loopholes to blind the House—to blink the subject—to traduce and malign Mr. Napier—and, in a word, to discharge himself of all the responsibility which attached to him, and which he still felt, as one who had been a Minister of the Government to which he (Mr. Napier) had belonged. The noble Duke assumed all that—God knows why—for, as he said, he had never uttered a sentence on the subject. Last night he merely had asked the noble Duke if those Bills, which he said had been referred to the present law officers of the Crown, had been laid before them before or after they had passed through the Committee of the House of Commons. That was all he said, and—

The Duke of NEWCASTLE: My Lords, the noble Earl distinctly said—and I am in the recollection of your Lordships when I say so—that they were not the same Bills.

The Earl of MALMESBURY: And they were not the same Bills—he repeated it—they were not, and he was ready to prove it. That the noble Duke should have made this charge, and should have used words scarcely proper to be uttered in the heat of an excited debate, only showed that the noble Duke was not yet acquainted with the first duty of a Minister of the Crown, which was not to provoke needless passion, and not to make an unprovoked attack on one for supposed intentions he did not entertain. But he knew the noble Duke to be so fond of antagonism in every shape and form, and to be so firmly convinced that a person who had been once in office was in such an unfortunate position when out of office, that every method and means should be tried by the unhappy gentleman to succeed to it again, that he imagined every one else to be actuated by the same motives. He (the Earl of Malmesbury) at once disclaimed all such notions and all such means. He disclaimed utterly that he had any wish to obtain once more the office he had unworthily filled by factious or unfair means—he told the noble Duke he did not envy him his place, and he only hoped he might keep it with greater ease than he kept his temper. The question before the House was, whether the Bills now on the table were the same Bills which Mr. Napier had sanctioned; which had been approved by the Government at the time they introduced them; and which they would have made every attempt to pass through Parliament had they remained in office? When a private individual brought in a Bill to Parliament he would not be so arrogant or pedantic as to adhere to every word of it; but he did not hesitate to say that the principle of the Bills introduced by the late Government was different from the principle of the Bills now before the House. The noble Duke assumed that he (the Earl of Malmesbury) was going to abandon his former colleagues, and above all Mr. Napier, by opposing these Bills in the mass. But when the noble Duke talked of his (the Earl of Malmesbury's) late colleagues, he would ask him what was the principle of the noble Duke's colleagues with respect to this question? Was it the principle of Mr. Sharman Crawford and of Mr. Keogh, the noble Duke's intimate friend? He thought the noble Duke would find there was a much greater difference between the principle of these Gentlemen and his own, than there was between him (the Earl of Malmesbury) and Mr. Napier. He would keep to the point of refuting the charge the noble Duke had made, that he had abandoned the former intentions of the Government to which he belonged, and was now destroying the Bill of Mr. Napier.

Now, as to the Leasing Powers Bill, he was free to confess it had not been so much altered during its passage through the House of Commons as to require him to ask their Lordships not to go into Committee upon it, though he would much prefer a Select Committee of their Lordships, if that was not out of the question at that period of the Session; but as to the Landlord and Tenant Bill, they had so much altered the spirit and intentions of Mr. Napier and the late Government—they had so garbled and changed it, that, though he was ready to consent to the Committee, there were many clauses which must be amended. When the noble Duke said, with all the vehemence and passion that he had displayed on that occasion, that none of those Bills had been altered, and that they were the very Bills of the late Government in spirit and intention, he (the Earl of Malmesbury) could only say that the third Bill, namely, the Tenants Compensation Bill, was the complete reverse of all that Mr. Napier's Bill was—that there was hardly a part of it for which Mr. Napier was responsible, or which he knew as his own. Would the noble Duke take his authority for that fact? [The Duke of NEWCASTLE: Certainly not.] The noble Duke said he certainly would not take his authority. Whose, then, would he take? [The Duke of NEWCASTLE: I will take the authority of Mr. Napier.] He at once accepted the noble Duke's reference to that authority. He had a letter in his hand in which the writer, talking of the Tenants' Compensation Bill, said, it was despatched by a Select Committee of the House of Commons, "and several clauses muddled together—in fact, it became a raft to which every one tried to tie a plank, and on which no one would venture to put to sea when finished." It was Mr. Napier who spoke thus of the Bill. [The Duke of NEWCASTLE: What is the date of that letter?] It was dated last Thursday evening. That was Mr. Napier's description of what had passed in the Committee of the House of Commons with respect to that Bill. It was totally different both in form and substance from the Bill he had introduced. As to the other Bill, Mr. Napier wrote—"It is quite open to your Lordship to exercise your independent judgment upon it, for this is not the Bill in substance or form which I introduced." He understood the noble Duke said he would take Mr. Napier's authority, and there he had it—

The Earl of Malmesbury

The DUKE of NEWCASTLE: All I can say is, that a letter of the same date, which I will place in your Lordships' hands, if you please, from Mr. Napier, led me to infer Mr. Napier had a different opinion.

The EARL of MALMESBURY: He was quite ready to give the noble Duke the advantage of admitting that though Mr. Napier declared he was at liberty, as his former colleague, to act independently with respect to this Bill, because it was different from that he had sanctioned, his (Mr. Napier's) private opinion was, that this Bill should pass. But he had answered the noble Duke's challenge, that it was the same Bill Mr. Napier brought before the late Cabinet, and which he (the Earl of Malmesbury) was now going to abandon. It was his duty to be responsible for anything he had introduced as Minister; and he was the last man to desert any colleague, and least of all so distinguished and amiable a man as Mr. Napier; but was he bound to follow Mr. Napier for all the rest of his life through the Committees of the House of Commons? As long as he had been his colleague, he was ready to take the responsibility of all Mr. Napier's acts, but no further. When he used this language, he was told by the noble Duke that he would probably act in contradistinction to the manner in which Lord Derby would have acted were he not unfortunately absent; but he had that noble Earl's authority to say that he took the same view of the case. If his noble Friend had been present, he would have proposed what he (the Earl of Malmesbury) now proposed—that their Lordships should allow two of the Bills to go into Committee, but reject *in toto* the Tenants Compensation Bill, as one with which his noble Friend would have nothing to do, being, according to Mr. Napier's own showing, entirely different from the Bill introduced by the late Government.

The EARL of RODEN said, he was totally unconnected with party on either side of the House; but, being interested in the welfare of Ireland, he felt bound to offer a few observations on a subject of such deep importance to that country as the present. Having attentively listened to the noble Duke's exposition of the provisions of these Bills, he confessed he felt indignation that one of the measures—the Tenants Compensation Bill—so disgraceful and unjust to the holders of property in Ireland, should have passed the House of Commons. Such a measure, he was certain, would never have been proposed to be adopted for England or Scotland; or, if proposed, would have been immediately scouted by every individual, probably, in their Lordships' House. It was nothing to him to be told that the Bill was Mr. Napier's Bill. No man had a greater respect for that learned Gentleman than he had; but from the first moment he heard that Mr. Napier had undertaken to propose such a measure as a panacea for all the evils complained of with respect to tenant right, and which would be satisfactory to all parties, he felt that that undertaking was perfectly illusory; and he considered that a measure which contained so unjust a provision as the retrospective clause which had been alluded to, ought to meet with no one's approbation. Were those clauses to be passed, the greatest injustice would be inflicted on the landowner, for he would be made to pay for improvements which had formed the very consideration in many cases on which he had let his land at a low rent. He was extremely sorry to learn from the noble Earl (the Earl of Malmesbury) that he did not intend to oppose the second reading of those Bills. He (the Earl of Roden) thought the honest course to pursue, when a bad measure was introduced into that House or elsewhere, was to oppose it at once, and to come at once to a decision upon its principle. He should think it his duty to take their Lordships' opinion as to the second reading of those Bills. Considering that their Lordships' House had never had an opportunity of inquiring into the details of the measures of his noble Friend (the Duke of Newcastle) now under consideration, he thought the straightforward course for their Lordships to pursue was to reject the Motion for the second reading of the whole of them.

The EARL of WICKLOW said, he was sorry that these Bills had come before their Lordships at so late a period of the Session, and that the Government should have reserved them to be brought into Parliament altogether. However, as their Lordships had been driven to consider them together, it was with great satisfaction that he had heard the course which the noble Earl opposite (the Earl of Malmesbury) proposed to take on this occasion. With respect to the Landlord and Tenant Bill, and the Leasing Powers Bill, he was not able to discover any great discrepancy between them and the draughts originally drawn by Mr. Napier. There had certainly been alterations made, but they were not of such a nature as to justify any decided opposition to them on that ground. The Tenants Compensation Bill had, however, been so much altered, that perhaps it might not be altogether just to call it Mr. Napier's Bill. He thought, at that period of the Session, they would not be able to give a fair consideration to the Tenants Compensation Bill; but with respect to the other two Bills—the Landlord and Tenant Bill and the Leasing Powers Bill—he thought they were not of such a character as to prevent their Lordships dealing with them at once, late in the Session though it was. He knew they were called Landlords' Bills; but the first contained provisions which were fully as much for the advantage of the tenant as the landlord; and with regard to the second he might observe, that there was at the present time a most anxious desire on the part of scientific persons to search for mines in Ireland; and to his own knowledge there were persons of experience in different parts of the country who were endeavouring to ascertain how they could employ their capital in mining operations; and it was most desirable that their Lordships, by the Leasing Powers Bill, should confer on tenants for life in that country the means of enabling those individuals to carry on their pursuits. He hoped they would adopt the proposal of the noble Earl, who stated that he had the authority of the head of the great party on the other side of the House for expressing the opinions he had delivered. He hoped their Lordships would give to two of those Bills at least a second reading, and allow them to go into Committee; at the same time their Lordships might likewise hold out the expectation that early in next Session they would give a full consideration to the third of those Bills, to which the minds of the people of Ireland were so anxiously directed. Until the matter was set at rest agitation would not subside in Ireland. If they thought the question was at rest because nothing had been said on the subject for the last few months, they were mistaken. The reason why the feeling on the subject was suppressed during the interval, was because it was known that the Bills were under the consideration of a Select Committee of the other House, and there was a desire to give time to the House of Commons to consider the subject. It should be observed that their

Lordships' House was a House of landlords, where the tenant had no representative whatever; and if they threw aside all the measures on which the time of the Committee of the House of Commons had been expended for the last six months, it would not only be a gross injustice to the people of Ireland, but an insult to the Committee of the House of Commons. The noble Marquess (the Marquess of Clanricarde) had put some of his objections in a way that astonished him. The noble Marquess had said that the Bill proposed to give full compensation to the tenant, if the building he had erected was in good repair, although he might have wasted the land and left it in a state of dilapidation. The Bill, on the contrary, particularly guarded against such a grievance by declaring that, in reference to compensation, the state in which the land was left was one of the circumstances to be taken into consideration. Again, the noble Marquess gave their Lordships to understand that if a tenant let his house get out of repair, he would save so much rent, although that provision only referred to labourers' cottages, and would come into operation only on the landlord neglecting to keep them in repair, as by the Bill he was bound to do. With respect to timber property to which the noble Marquess had referred, he (the Earl of Wicklow) considered that no provision of the Bill was stronger for the protection of property than the provision in respect to the kind of property he had just mentioned. The cheers which followed the speech of the noble Marquess proved to him that their Lordships had not read the Bill with much attention. The noble Earl (the Earl of Roden) said he was not connected with party on either side; neither had he (the Earl of Wicklow) party affection so strong as to induce him to support the Bill as a Ministerial measure if he thought it was fraught with all the objections that had been urged against it; but he was not apprehensive of danger from this Bill if the objections were taken in an open and fair manner for the purpose of going into Committee upon them. The retrospective clause as at present existing, was one to which he could never give his assent; but, at the same time, he was not opposed to a retrospective provision of some kind; on the contrary, he would like to see a well-considered and well-guarded provision of a retrospective character adopted. He would suppose the case of a tenant who had improved and drained his farm, and built a good house upon it, trusting to his landlord's sense of justice, the landlord perhaps not having given his consent in writing, though he had ocular demonstration of what the tenant was doing, and never said anything to impede him; and suppose that tenant voted against the landlord at an election, would it not be a gross and monstrous injustice that on that account he should be served with an ejectment, and compelled to quit his farm? He would not say that was the general practice, but instances of that kind had occurred. Would it not be monstrous, when they were passing laws with respect to landlord and tenant, if they did not guard against a case of that kind? Or suppose the landlord wanted to consolidate his property, and to get that farm to add to another, would it not be a monstrous injustice that all the improvements made by the tenant, and tacitly sanctioned by the landlord himself, should be lost? It was against evils of that kind that he thought a retrospective clause would be effective, and to that extent he thought a retrospective clause would be desirable. It was said that a retrospective clause in the third Bill, as now drawn, was very objectionable; and that which appeared to be its greatest objection was that which the noble Duke said had been introduced by the right hon. Gentleman the Secretary for Ireland. It was said that it was intended to prevent litigation, and that the retrospective clause would not have operation unless where the tenant gave notice to the landlord within the next twelve months of his intention to apply for compensation. He (the Earl of Wicklow) thought a clause of that kind to be one of the most mischievous that could be introduced; for the result would be that every man, with a lease or without a lease, who had expended anything at any period of time in the improvement of the land, however he might have derived all the advantages contemplated by that improvement, would have a chance hereafter, at the termination of his tenancy, which otherwise he would not have, of receiving compensation; and he would, as a matter of course, give notice within the twelve months of his intention to apply for that compensation. The consequence would be that every tenant throughout the kingdom would register an account of his expenditure in the improvement of his farm—that immediately there would be a protest against the demand on the part of the landlord—and that the whole country, from one end to the other, would be embroiled by dissensions between landlords and tenants. So far as that Bill was concerned, if they went into Committee, he trusted they would make very material alterations in that particular part of it. He hoped their Lordships would not, by rejecting the proposal of the noble Earl opposite, go into Committee on the first two Bills on the paper, excite a feeling in that country that that House would not accede to the reasonable demands of the people, for by that means irreparable mischief might be done.

Lord ST. LEONARDS said, he wished to say a few words on the subject, without the slightest reference to party, for in truth there never was a question which could be considered less a party question. It was impossible for any one who had been connected with the late Government to deny the necessity that existed for taking some steps on this subject; and that they had resolved to lay before Parliament Bills for the same general purpose and for the same general object:—for that Government certainly did intend to consolidate the law of landlord and tenant in Ireland, and they also intended to introduce a Bill to meet that which was so much pressed for—compensation to tenants. He could not, therefore, consider the present Government as open to the slightest blame in bringing forward those measures that had come from the other House, any more than the late Government would have been in similar circumstances. But still, it was a question whether the Bills in their present shape were such as should be passed by the House. As regarded the great question of compensation, he considered himself bound to endeavour to effect what would be serviceable to Ireland on that question; but, certainly, he had never bound himself to any clause whatever as regarded past compensation. [The Duke of Newcastle: There was such a clause in the Bill as introduced by the late Government.] The noble Duke said there was such a clause in the Bill as originally brought in. All he could say was, that he would have exercised the right of judgment on that subject, and he might observe that it was always fully intended that that portion of the question should be left clear and open for discussion. Just as the noble Duke himself had expressed his disapprobation of a particular part of the measures, and stated what he had formerly proposed to do in reference to the same point, he (Lord St. Leonards) would not now say a single word that he would not have uttered if he had still occupied the place of his noble and learned Friend on the woolsack. There was in addition to the Bills now before them another measure—namely, the Land Improvement Bill—which stood for a third reading, and the four Bills together would form a code of law as between landlord and tenant; and a blessed consummation to Ireland it would be if they could pass those laws with safety and a due attention to the interests of all concerned. He should begin with the Landlord and Tenant Bill, in which the law of landlord and tenant had been consolidated with great learning and labour, and to reject that Bill would be entirely out of the question. If the Government on their own responsibility would say this was a Bill for which they would be answerable—that it had been prepared with so much care as not to require to be referred to a Select Committee, then those noble Lords who had confidence in the Government would be content to take the Bill as it stood; but other noble Lords might naturally say they ought to have an opportunity of forming an opinion of the particular measure. For himself he could declare that if the Government were prepared to say that the measure was framed with so much care that it was fit to go at once to a Committee of the whole House, he would not oppose that propositioa. Then he would come to the second Bill, with respect to the Leasing Powers. A more important Bill was never before Parliament; and he was prepared at once to say, that to attempt to go through that Bill in the then state of the House would be a simple mockery. Some of the clauses were entirely new; some were copied from other Acts; and some were a sort of commentary upon them. It was not simply a Bill relating to the powers of leasing, but it conferred extensive and enlarged powers in regard to compensation and the extension of terms originally granted in lieu of improvement. Under its provisions a lease of an extensive description and for a long term was to be given; and superadded to that the most extensive provisions for giving compensation at the end of the term, and frequently extending the term for a great number of years in lieu of improvements. Wha timprovements? Why, the improvements in respect of which the original extraordinary term was granted to him. In England, a man having got a lease of a farm for thirty, forty, fifty, or sixty years, calculated the gains and losses, and formed an opinion of the sort of a house he could venture to erect on such a lease. The duration of the lease was the consideration for making the improvements; but here the landlord was not only called upon to give that consideration, but was also called upon at the expiration of the term to pay for the improvements in money, or by the extension of the time for which the lease was originally granted; and that he (Lord St. Leonards) considered was not only a contradiction in terms, but a violation of all principle. He did not say the Bill could not be made to work for the benefit and advantage of Ireland by the exercise of great care and caution; but he would represent to their Lordships that in the present state of the Bill it was not a fit measure to pass the House. He thought it should go to a Select Committee, and that it should there receive the most elaborate examination and consideration. As to the Tenant Compensation Bill, which was intended to come in aid of the Lands Improvement Bill, which now stood for the third reading, he should not object to it on a moderate scale and on fair grounds; but he must consider how it was to be done. He was pledged to a certain extent under the late Government to a measure of compensation, and he held himself now and for ever pledged to the same extent, and if a Bill could be framed to protect the just rights of property on the one hand, and the just expectations of the tenant on the other, he should be prepared to consider it; but, he was bound to say that he thought the proposition entirely objectionable, because no rights of property could be safe, if they passed this Bill, with reference to compensation for past improvements. Let them see what its effects might be on a purchaser of a property. By such a measure they would shift the burden from the landlord, who had the benefit of the improvements, to the shoulders of the purchaser, who ought not to bear it. They would strike at the root of all property, and all the blessings of property, properly understood, would pass away, if they allowed themselves to pass a law like that. There never was a Bill laid upon the table of the House that would cause so much litigation. For example, a tenant from year to year, on receiving notice to quit, might serve notice of making improvements, and though he should be forced out before all the improvements were executed, he would be entitled to demand compensation from the landlord for all he had done. In the next place, there was this great singularity in the measure, that the power of the tenant was merely permissive; there was no obligation on the tenant to make the improvements of which he had given notice; and whenever, therefore, the tenant chose to annoy and perplex the landlord, he might do so by serving notice of making improvements, though he had no intention of ever carrying them into effect. The landlord might, if he pleased, execute the improvements of which the tenant gave notice, but he must execute them just as the tenant required; if not—the old story—he must go before the assistant barrister. But if the landlord should elect to make the improvements, he must execute them within three months; and among other things which he would be obliged to do within that limited period was to convert bog into arable or pasture land. The bare allusion to that circumstance showed how necessary it was that Bills of this nature should undergo careful consideration. Suppose the landlord to have made the improvements, the tenant might object to the expense, and carry the case before the assistant barrister, without whose intervention it seemed impossible to do anything in Ireland. Suppose the assistant barrister should decide against the tenant, he might then appeal to the Judge of assize, and if the Judge should also decide against him, he might then give up possession. Let not their Lordships, for the sake of preventing what was called a "collision" with the other House, or for the sake of popularity, or on account of a pressure from without, pass imperfect measures like these. Their Lordships would consider and amend them if the opportunity of doing so were afforded them. It had never fallen to his lot to see business conducted with greater ability than in the Select Committees of their Lordships' House; and he would go further, and express his conviction that if the people at large were aware of the able manner in which the real business of the country was transacted in that House, they would feel that they owed their Lordships a deep debt of gratitude.

The EARL of ABERDEEN said, he confessed it was with some concern he observed the feeling which seemed to prevail among their Lordships with respect to these Bills; for he had hoped that after the abortive labour of ten years the moment had arrived when it was possible to bring this difficult and exciting question to a satisfactory conclusion. There could be no doubt of the fact that these Bills—whether they retained precisely their original form or not—were substantially the same with those introduced by the late Government, and that they had been taken up by the present Government; and these circumstances naturally inspired him with a hope that they would form such a settlement as would, in the opinion of their Lordships generally, be satisfactory. He perceived the reverse to be the case, and he could not but see, from the tone the discussion had taken, that a majority of their Lordships were of a different opinion. He wished it to be understood most specifically that in taking up these Bills the Government had no other object in view than the benefit of the country for which they were intended; and as he saw a large number of noble Peers opposite connected with Ireland, he begged to assure them, one and all, that Her Majesty's Government had no other object—that they could have no other object—than that which he was sure brought them here—to promote the substantial and permanent good of the country. That being the case—without entering into the details of these measures, but looking at the view which had been expressed generally by their Lordshps, and which he believed he was right in supposing, was the opinion of the majority of the House, he felt it would be in vain for him to attempt to press these measures on the consideration of the House in the present Session. He therefore was prepared to assent to the proposition which had been made early in the evening by the noble Marquess (the Marquess of Clanricarde), that the Bills should be read a second time, and not be further proceeded with during the present Session. He believed their Lordships would do wisely to assent to the second reading; for, if they did not, he feared they might give rise to much misconstruction of their motives. But if their Lordships would consent to the second reading of these Bills, he, on the part of Her Majesty's Government, was prepared to promise that at the earliest period of next Session, the whole subject should be taken into consideration—probably in that House in the first instance—with the view of seeing whether they could not at last arrive at a final and satisfactory settlement of this very difficult and long-agitated question. Their Lordships would remember that these Bills had been before the other House eight or nine months; that they had occupied the continued attention of that House—they had been examined by a Select Committee, and that the greatest pains had been taken to make them as free from objection as possible. It was not, therefore, any want of attention that was required to bring them to a more perfect state. But he was prepared to say this—that if the noble and learned Lord opposite (Lord St. Leonards) would give to the future investigation of the subject the same wide and just view which he had exhibited that night, he should entertain great hopes of a favourable issue. He would abstain from discussing the merits of the Bills; but he thought the proposition made by the noble Marquess ought to be satisfactory, and that their Lordships should accept the second reading upon the understanding which he had ventured to express.

The Earl of MALMESBURY said, the noble Earl at the head of the Government had, in the course which he adopted, shown the judgment which might have been expected from his great experience. Having been a Member of the late Government, and fully cognisant of the principles on which the Bills were founded, he was quite as anxious as the noble Earl himself for the settlement of the question. With pleasure he had heard the noble Earl announce that at an early period of the next Session he would bring the question forward, and submit to their Lordships Bills analogous to those now before them. Before resuming his seat, he must call the noble Earl's attention to the inconvenience and injury which resulted from bringing important business before their Lordships at a late period of the Session. The remedy for the evil was to originate more measures in that House.

The Earl of DONOUGHMORE expressed his gratification at the prospect of a settlement of the question next Session; and, with reference to an allusion made to him by the Duke of Newcastle, explained that Mr. Napier did not submit the Bills to his consideration, but that, having seen them, he had expressed a general approval of their principle.

The Marquess of CLANRICARDE said, that under the circumstances, he would not proceed with his Motion for referring the Bills to a Select Committee.

Bill read 2^a.

Then the Tenants Improvement Compensation (Ireland) Bill, and the Leasing Powers (Ireland) Bill, were respectively read 2ª.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, August 9, 1853.

MINUTES.] PUBLIC BILLS. — 1° Petty Sessions (Ireland); Summary Jurisdiction (Ireland); Consolidated Fund £10,634,087 2*s.* 4*d.*; Militia Pay; Metropolis Sewers.

3° South Sea and other Annuities, Provision for Payment, &c.; Defacing the Coin; Linen, &c. Manufacturers (Ireland); Female Convicts; Apprehension of Offenders Act Amendment; Marriages, Holy Trinity Church, Hulme, Validity; Hackney Carriage Duties.

TRANSPORTATION BILL.

Order for Committee read.

House in Committee.

VISCOUNT **PALMERSTON** said, there was no subject more important or more difficult to deal with than the question of secondary punishment. In the early stages of society crimes produced in the minds of the community but one feeling—that of resentment; and the sole object of legislation was one almost simple, namely, vengeance. In those more barbarous ages that vengeance was carried to such an extremity that not only was the punishment of death inflicted for almost every offence that could be imagined, but for graver offences the actual extinction of life was not considered sufficient unless accompanied by varied and exquisite torture inflicted upon the offender previous to death. Where death was not inflicted, imprisonment for a long period, attended with every severity that human ingenuity could inflict, was awarded to those whose lives were not actually taken away. As civilisation advanced, and as milder feelings had prevailed in legislation, the punishment of death had in principle been restricted to offences of the most serious and flagrant character, and secondary punishments had been substituted in the greatest number of cases. But the question of secondary punishments was also one of extreme difficulty. You want to make the punishment penal upon the offender, to make it a deterring example to prevent others from committing similar crimes, and yet at the same time you wish to avoid shocking the feelings of the community by sights revolting to mankind, and you ought to endeavour, if possible, to do that so as to combine a system of reformation with the principle of punishment. In the countries which had not had large colonial establishments such as we had, whither offenders might be transported, a great variety of practice had prevailed—offenders had been punished on the secondary system within the limits of the country in which they had committed the offences. We, however, owing to our extensive colonial possessions and advantages, had hitherto been enabled to dispose of our offenders who were subjected to secondary punishment by transporting them beyond the seas after having undergone a certain period of preliminary imprisonment at home. We had now been reduced to the necessity of altering that system, by circumstances which were not within the control of the Government. In the first place, those colonies to which hitherto our offenders were transported, were become thriving and wealthy communities, and their feelings had led them to revolt against being made, as they conceived, the receptacles for criminals deemed unfit to be left in the mother country. Whether those feelings were well founded or not, it was unnecessary for us to inquire, for we had conceded to those Colonies the principle and the right of self-government, and, that cession being made, we must adopt and submit to its consequences; and the refusal of those communities to receive henceforward criminals sent from this country, would of itself compel us to alter the system which we had hitherto pursued. Independently of that consideration, a great event had happened in those Colonies which had hitherto been the places to which criminals under secondary punishments had been sent; and, even if the colonists themselves had not made any objection, that great event would necessarily have led to the reconsideration of our previously existing system. Because, though it might be advisable to send the criminal out of his native country to pass a certain period of qualified servitude in a foreign country, and to follow up that qualified servitude by a conditional pardon, involving of necessity perpetual banishment from his native land, and although that punishment was one which had great influence upon the minds of men—on the criminals themselves, on their families, and on their neighbours—yet when it turned out that those lands to which these criminals were sent, were places where wealth abounded beyond the previous imagination of man, where the exercise of a small amount of manual labour was likely to create a splendid fortune for the man who would employ it, it was quite clear that the great discovery of gold in those Colonies which had hitherto been the places to which criminals had been sent, so entirely changed the character of transportation to those Colonies, that it no longer continued to be a banishment, but henceforward must be looked on as a reward to be aimed at; and, if a free passage could not be obtained by honest means, a man would commit crimes for the simple purpose of being sent to that wonderful and gold-producing land. The attention of the Government had been therefore unavoidably directed to the revisal of our penal system. The first result to which the Government was led was the necessity of ceasing to send those offenders to the Colonies abroad at all. He believed, however, that there was one portion of the Australian continent to which the twofold objections to which he had adverted did not apply. There was a part of Western Australia to which, for some time to come, at least, offenders might continue to be sent; but the bulk of offenders hitherto sentenced to transportation must henceforward be dealt with in a different manner. The Bill now before the Committee therefore proposed, as hon. Members would perceive, to empower the Courts of Law to alter the nature of the sentences. That which was intended to be done might be generally described in the following manner:—For a considerable period the practice had been, when a culprit was sentenced to transportation for a given term of years, that he was confined, in the first instance, for a certain period, varying, according to regulations, from eighteen months to a less period, in separate confinement; he was then transferred to the public works, and, next, upon good conduct, was sent out to the Australian Colonies, on what was called "a ticket of leave," which placed him in a condition of qualified servitude; and at the end of another period, if his conduct deserved such indulgence, he received a conditional pardon. As offenders could not now be sent abroad—except, at least, that small portion who might go to Western Australia—it was proposed that a period should be taken—which it would be perceived was taken into the Bill—after the preliminary imprisonment in separate confinement, corresponding with the period of the voyage out to the Colony, and the ticket of leave servitude; and that after such period the offender should be capable of receiving a ticket of leave, not in a foreign Colony, but in this country, liable to be called back to complete the full term of his sentence if his conduct during the period should not be such as to warrant the further continuance of his leave. He was quite aware there might be objections to the course which the Government had been compelled to pursue; but it was not sufficient to point out objections, unless at the same time those objections could be enforced by showing that another and a different course was practicable. The Colonies must be considered as shut to us, and it was needless to inquire whether it was desirable or not that offenders should be released under certain conditions at home. Many persons had thought that new penal Colonies might be established. It had been suggested that the Falkland Islands, for instance, and other places which had been named, might be substituted for those Colonies which hitherto had been places to which criminals had been sent; and, in the first instance, those suggestions appeared plausible. But the Committee would see, upon a little reflection, that however plausible in the first instance, such an arrangement would not accomplish the purpose hitherto aimed at and accomplished by transportation. If the only object were to provide a place of detention for offenders during the period in which they were to be kept, he might say, under qualified imprisonment, there could be no difficulty whatever. Nothing could be easier than to establish such a penal colony in the Falkland Islands, or even much nearer home, where the expense of sending out offenders would be infinitely less, and the expense of keeping them also not so considerable. For that purpose we should not require penal settlements at a distance from our own shores. There were islands which might be obtained upon the various coasts of the United Kingdom, which would answer perfectly well as places of detention for criminals during the periods of their liability to qualified confinement; but the object which had hitherto been sought for by transportation, and which he thought he might venture to say had, to a great degree, been attained hitherto, had been the subsequent reformation of the culprit. It had been felt that when the transported man had undergone his sentence, and had passed through the preliminary or transition state, which consisted in the ticket of leave commission, his habits became changed, his mind became more reconciled to habits of order and conformity to the law, and when he got his conditional pardon he merged into the community of the country to which he had been transferred, and he became one of that community, harmless at all events, and very often, it was to be hoped, a useful member of society. If, however, our new Colonies were established, say in the Falkland Islands, where there was no free population, where the great bulk of the inhabitants would be themselves convicts, this last process of amelioration could scarcely be hoped for or rarely attained. There would be no free population into whose mass these reformed offenders might be absorbed, or who would be the means of educating them to habits of order and industry; they must be set free in a colony of convicts, and it was obvious that that would not accomplish any beneficial purpose either to themselves or to the country where they were. Then it had been suggested that they might be sent to the neighbouring countries—to the continent of South America for instance; but he was afraid that those countries to which they might under those circumstances be sent, would not view without prejudice or disinclination an influx of what they might consider bad subjects into their community, and difficulties would unquestionably arise out of that consideration. No doubt there are objections to the course which we are prepared to recommend, and difficulties are easily started in our way; but he was afraid that we were so circumstanced as to have no choice, at present at least, but to make up our minds that that portion of our offenders who might be sentenced to transportation, and who, under a former system, might be sent out to the Colonies with tickets of leave and the hope of a conditional pardon, must be dealt with, partly at least, in some similar manner at home. He could assure the Committee that the great subject of reformation had not been lost sight of either by the present Government or those who had preceded them. He could not but think that, with regard to a great portion of the persons sentenced to transportation, reformation was by no means a hopeless object to be aimed at. There was nothing that had struck him more forcibly, in the short time during which he had had the honour to preside over the department of which he at present had charge, than the great diversity of punishment allotted by different authorities to offences, he might say, of the same kind, or rather the extreme variety of judgment exercised by different Courts in allotting punishment for offences. What he meant was, that, on the one hand, he had frequently observed very severe punishments, lengthened periods of transportation, inflicted for what appeared to him trifling offences; while, on the other hand, to offences of a much graver character were awarded punishments of a much lighter description. This was an evil which must necessarily arise from the varied judgments of men; and when they considered the great number of Courts before which criminals were from day to day brought, it was impossible that they should not expect, either from diversity of judgment, or circumstances known to the Court at the time, which could not be recorded in their proceedings, but which nevertheless influenced their judgments, that there must be an apparent inequality in the sentences pronounced. For that inequality the constitution fortunately provided a remedy by an appeal to the Secretary of State, whose duty it was to investigate all such appeals, and if necessary to advise the Crown in cases where he might think that the severity of the punishment was injurious to the public interest. The inference which he wished to draw from this was, that a great number of persons sentenced to transportation had not committed crimes of a magnitude which indicated such a degree of moral depravity as to prevent us from hoping that during the period of their confinement a great reformation might be effected in their minds and character. At all events, every effort would be made to accomplish that object. When those persons were to be released upon this conditional ticket of leave, the grave question immediately arose—what were they to do? Where were they to go, and how were they to be employed? Because there was, of course, in the minds of men a disinclination to employ, by preference at least, persons who had been sentenced by law for their offences. Men would prefer, if they could find such agents, those against whom no charge or delinquency had been established; and the apprehension was, that if persons of this description were so released, though they might carry with them some small accumulation of the wages which they had earned during their detention, that would soon be gone, and the difficulty they would find in supporting themselves by honest employment might perhaps drive them back to their old associates and to their old course of life, which had rendered them amenable to the law in the first instance. Upon consulting persons, however, who had charge of these departments, and whose experience and reflection on questions of this nature would enable them to judge, he had every reason to believe that there would be found means of giving all these persons employment upon the public works, separate from the convicts, at suitable wages, thus placing them in this country in a state of transition in some degree analogous to that in which they would have been had they been transported to the Colonies. Thus, these released convicts might, during the period of their ticket-of-leave service, find employment which would not attach any stigma to their character, and from which they might easily slide into the ordinary avocations of the industry of the country. So far as that went, he should hope that means might be found for smoothing their passage from the condition of convicts to the condition of free and honest labourers. Another objection had been urged, that the detention of so many more convicts in this country would entail additional expense upon the counties, by the necessity of providing places for their accommodation. Upon that point Her Majesty's Government felt it their duty to relieve the apprehension of the counties, because it would be the duty of the Government, and it would also be in their power, to provide, at the public expense, that additional accommodation which this altered system might require for the custody of the criminals during the period of their confinement. It would be perfectly unjust that a change which the counties had not originated, and in which they had no hand, should fix upon them an additional annual expense. There was no reason, therefore, for the counties to be under any apprehension that this additional expense would fall upon them. This, generally speaking, was the change which the Government proposed. It was a change, as he had before said, not resulting from choice or from the will of the Government. It was a change imposed upon the Government by the course of events, and one which appeared to him to be a mode of meeting that course of events the least, of any of which he was aware, liable to objection. There were a great number of public works connected with the harbours of refuge, and with the defensive works on the coast, in which employment might be found, for a great length of time, both for those convicts who were still working out their sentences, for those who were sentenced to hard labour, and for those who might be in the condition of ticket-of-leave men. Those operations would be well performed by these men; and he thought that in that way habits of industry might be created in them which would tend eventually to their future reformation. With regard to the general expense of providing additional accommodation, the change, he thought, would be attended with a considerable saving of public money, because, if they set on the one side of the account the cost of erecting places for the accommodation of the increased number of convicts, and the cost of maintaining them, and on the other side the great cost of sending them abroad, and the cost of maintaining them there, it could be shown that a very considerable annual saving would in the end result to the public. That, of course, was not an ingredient in the decision to which Parliament might come, but, at all events, it was an incidental circumstance, which was so far satisfactory as showing that the charge which other necessities imposed would not be attended with additional expense to the country. In conclusion, he would invite the attention of hon. Gentlemen to the Bill, which had been drawn with great care. The whole system must be considered as an experimental one to a great degree, and if in the working of it fresh suggestions should occur, and other improvements appear likely to be easily accomplished, Her Majesty's Government would be most happy to receive any such suggestions from others, and profit by the lessons of experience. He believed, however, that, on the whole, this was the best mode that could be devised to meet that great change in circumstances which prevented us from pursuing that course which had hitherto been followed.

Mr. WALPOLE said, he entirely concurred in almost everything which the noble Lord had said; but there were one or two points to which he desired to allude before they considered the clauses *seriatim*. It was clear that the present system of transportation could not be continued on the same footing as heretofore—that some new arrangement must be adopted—and that the object should be to inspire convicts with that feeling of dread which the existing system of transportation no longer excited. Numerous cases could be mentioned in which crimes had been committed by persons who desired to be sent out to Australia, and those cases ought to be borne in mind when they considered how far and to what extent they could prudently do away with transportation to our colonial possessions. But then came the greater and more difficult question—how were they to deal with their convicts at home? He believed, with the noble Lord, that it would not be prudent, upon the whole, to establish any new penal settlement at a distance from this country, because, if they intended to aim at the reformation of offenders, they could only effect that object by putting them into a country where the usual character of the greater part of the inhabitants was superior to that of the convicts themselves. Another reason against the establishment of another penal settlement abroad, was the question of expense; and he was bound to say that the mode in which the noble Lord proposed to deal with the convicts at home was upon the whole an excellent arrangement. If they looked to the reports upon the subject of secondary punishment, they would find that the system of employing criminals upon public works had not only proved highly beneficial to the convicts themselves, but had also contributed to the lasting advantage of the country. The cost of transportation was little short of 200,000*l.* a year, including the expenses incurred in the Colonies; the cost of the prisoners at home was also very great; but the works at Portland paid themselves at the present moment, besides producing a noble harbour, and he was satisfied that, if similar works were prosecuted in other parts of the kingdom, great public good would be done to the country, and great progress would be made in the improvement and reformation of criminals. In the year 1849, the profits arising from the labour of the convicts employed at Portland amounted to 7,214*l.*; in 1850, it produced 14,067; and in 1851, 20,541. During the past year the earnings of the convicts had exceeded the cost of the establishment; and there was no reason to doubt that, wherever the same facilities existed for the employment of offenders, the same results would follow. He hoped, therefore, that the plan now before the House would be vigorously prosecuted by the noble Lord at the head of the Home Department, as they would thereby attain a lasting benefit to the country, while they would do more to reform criminals than they could do by any other system whatever. It was for that reason that he cordially concurred in almost everything which the noble Lord had said; but perhaps he might be allowed to make one or two observations which had occurred to his mind in reading the Bill. By the first clause it was proposed to do away with transportation altogether where the sentence was for a shorter period than fourteen years. He had great doubts whether they ought to have framed the clause in that manner. He thought it would have been better simply to have given to the Crown, acting under the advice of the Home Secretary, the power of commuting all sentences of transportation for a shorter period than fourteen years for a period of penal servitude at home. There were still cases in which a colony might desire to have convicts; but if this Bill was passed into law in its present form, it would be impossible to pass sentences of transportation for seven or ten years. What he would suggest, therefore, was, that the first and second clauses should be left out altogether, and that a necessary alteration should be made in the third clause, so that offenders might be sentenced either to transportation for a shorter period than fourteen years, or to a corresponding period of penal servitude at home. He doubted also whether in Western Australia, which contained only a small population, sufficient employment could be found for those convicts whom, according to the proposition of the Government, it was intended to send to that Colony; and with reference to that part of the measure, he thought some alteration might very properly be introduced. The second observation which he had to make referred to the mode in which they were to deal with the ticket-of-leave convicts, who were to enjoy, under licence, an opportunity of reforming themselves in this country. To work out that system they must have great control over criminals; and if a man had once, through the indulgence and mercy of the Crown, had a portion of his punishment remitted, and if he committed during the time when he was enjoying that conditional pardon a similar offence, then a higher grade of punishment ought to be awarded in such circumstances. What he ventured to suggest, therefore, was, that a proviso to the effect stated should be inserted in the Bill; and he had only to say, in conclusion, that he concurred with the noble Lord in the propriety and good policy of this measure, and that he hoped it would contribute not merely to the peace and contentment of our Colonies, but likewise to the reformation of the offenders themselves.

Sir JOSHUA WALMSLEY said, he would suggest that at the Isle of Man a large number of convicts might be advantageously employed. There was a great depth of water at Douglas, in the Isle of Man, where the Government had some idea of forming a harbour of refuge, which would be a great advantage to the Scotch coasts and to Liverpool. He recommended this work the more because the Isle of Man contributed a large sum to the revenue of this country, on condition that a harbour of refuge should be built. Besides which, by the recent Consolidation of Customs Act, a ninth part of the revenues of the Isle of Man was to be employed on her harbours. There would be great advantage in the Government carrying out such a work.

Mr. APSLEY PELLATT would be glad to know what were the intentions of the noble Viscount with regard to the adjustment of the employment of convicts. The noble Lord had mentioned public works, and as far as it went that plan was excellent. He wished, however, to call the attention of the noble Lord to the prison at Cork, where malefactors were so beneficially employed that they obtained funds for their own sustenance, and were enabled when set free to obtain an honest livelihood. The farm system, the separate system, the aggregate systems and the manufacturing system—were all combined in the system at Cork.

Sir JOHN PAKINGTON said, this was a subject in which he had not only taken a great interest and assisted in discussions in it in that House, but which in discharge of the duties of his office last year, had met with his serious attention; he hoped, therefore, that he might be allowed shortly to address the Committee on the measure. He thought there was reason to complain of the Government in bringing forward a subject of such extreme importance, and which had caused a strong feeling in the country, at so late a period of the Session as to preclude the possibility of a satisfactory discussion either to themselves or to the country. The late Government had made up their minds for various reasons as to the impossibility of transportation to Van Diemen's Land, the only one of the Australian colonies to which practically criminals had been transported of late years. There had been remonstrances on the part of the Colonies, and it was not only a question whether the Colonies could receive convicts, but whether with prudence they could be sent there. In addition to other grounds upon which they had based their opinion upon that point, he might mention that one not the least important was the circumstance that transportation to Australia had begun to be regarded by the criminal rather in the light of a reward than a punishment; cases had occurred in the Ionian Islands, in which the officer commanding the troops was obliged to inflict the punishment of death because offences were committed by the men in order that they might get transported to the land of gold. In another place, however, those who were most competent to judge had intimated a strong opinion that transportation ought to be continued as a secondary punishment. He (Sir J. Pakington) had always advocated the value of transportation as a secondary punishment; he had seen its effects, and under different circumstances he thought it admirably answered the purpose of the first secondary punishment after that of death. But, as things were, he thought the Government, he was going to say, had acted wisely; but, as had been said by the noble Lord, the Government had no option than the course they had taken. Notwithstanding the necessity which he believed existed for such a measure, he thought the Government ought to have come forward with it earlier. He had often in the course of the Session put questions to the noble Lord as to when such a measure would be brought on. The late Government, in the Queen's Speech, virtually put an end to transportation; and the Judges were embarrassed with regard to the sentences which they were to pass; and when this Bill came down to this House and stood for a second reading, at two o'clock in the morning, when he (Sir J. Pakington) was fortunately in bed, but when the noble Viscount was still watching over the affairs of the country, it was read a second time *sub silentio.* It might be said that anything was justifiable by the Government in the month of August; but still he thought that even exceeded the licence of that period of the Session. The noble Viscount had now made a statement which though satisfactory, was not so full as it ought to have been; for which, perhaps, he would have the excuse of a morning sitting in the month of August, and therefore under circumstances which rendered it impossible that the Bill should be discussed as it ought to be, so as to inform the country by means of their deliberations how this great question of secondary punishments was to be settled. One thing was quite certain, and that was, that the plan did not originate either with the late or the present Government, but was caused by the course of events comprised in the objections of the Colonies to receive convicts, and the discoveries of gold, which rendered this course imperative. Under the separate system of imprisonment the term was practically only a year and a half, although the law recognised three years as the term. The next step in secondary punishments was transportation for seven years, which was, in his opinion, too great a jump from one sort of punishment to another. He had placed this point before the Committee on Prison Discipline which sat in 1850, and they adopted the outline of a plan by which district prisons were to be erected at the cost of the Government, and an alteration made so as to substitute large periods of imprisonment for transportation. He had prepared a memorandum for the late Government, which he left in the Colonial Office, in which he recommended a gradation of secondary punishments, and the employment of prisoners in great public works, so as to make them self-supporting. That was the outline of the plan which the noble Viscount had adopted. He need not say, therefore, that he was in favour of the plan of the Government. Experience showed that there was no reason to despair of the reformation of offenders who had been guilty of the milder offences; and by means of an amended prison discipline they might look to the reformation of the larger proportion of criminal offenders, and also remedy the evil, which was so much dreaded, of turning loose on society persons who had been criminal offenders. Great alarm was felt on that point, but he thought it an unnecessary alarm; for the public was not aware that when at one period transportation was suspended, a great many persons who had been sent to the hulks were let loose at the expiration of their terms of imprisonment; and that after a by no means reformatory training. By the adoption of such means as were now proposed, transportation might be got rid of. There had been a great increase in the number of criminals who were sentenced to less than ten years' transportation, and who consequently did not go abroad. It appeared by the returns for the years 1848, 1849, 1850, and 1851, that the average in each year was 573 persons who were transported for more than ten years, and 5,249 who were transported for less than ten years. For this latter great majority of cases the plan of the Government fully provided; and he believed that such reformation would be effected that society would have no cause to regret the change; for the law would be as well administered and crime punished as heretofore, while looking to the minor element of expense, he believed the noble Lord was right in saying that punishment would be carried out at a far less cost to the country. He here came to a part of the statement of the noble Viscount, in which he failed in explaining the system of imprisonment intended. The noble Lord had told them that there were means of accommodating prisoners; but he had not stated so fully as it ought to have been stated what that system was to be. Now, when a prisoner was transported, the first period of punishment was passed in separate confinement in gaol. In the case of a prisoner in future to be sentenced to transportation for seven years, how was the first period of punishment to be passed?—was it to be passed in separate imprisonment? [Viscount PALMERSTON: Yes.] But when that period was passed, where was the man to go? [Viscount PALMERSTON: To the public works.] That might be; but the noble Viscount had presented no calculation on the point, and it was doubtful whether there would be public works sufficient to absorb the great amount of labour which would be at the disposal of the Government; and the noble Lord should afford the House some more accurate information on that point. The Committee on Prison Discipline which sat in 1850 had recommended that district prisons should be erected, which should be self-supporting. He was of opinion that such prisons could be made self-supporting, and he hoped that they might understand that the Government would be cautious in seeing that there would be no want of accommodation, and that sentences were not abridged merely to get rid of prisoners, for by that means the ends of justice would in a great measure be defeated. The late Government intended to do away with transportation, but not until proper prison accommodation was provided; and his (Sir J. Pakington's) own idea was, that it should cease on the 1st of January, 1854. The public had a right to expect from the Government that in putting an end to transportation so suddenly, they at the same time had the means of accommodating prisoners at their command. There was another important part of the subject that was most worthy of their consideration, and that was how they were hereafter to deal with a class of persons convicted of grave crimes, the punishment of which was only short of death, and who had hitherto been punished by fifteen or twenty years' transportation. The number was comparatively small, he had already shown; but what was to be done with them? At present they might go to Western Australia. He should suggest that if they were sent there, the system adopted in that settlement should be altered. Hitherto it had been a settlement for convicts generally, but now it would be reserved only for the worst criminals, and care should be taken to make the state of such men penal in exact proportion to their guilt. His right hon. Friend (Mr. Walpole) had mentioned that the population of the Colony was small; and he (Sir J. Pakington) thought you could not long make Western Australia an extreme penal Colony, and the time must be contemplated when you could no longer even send this class of criminals there. Would the Government found any other penal Colony? He did not think it so impossible as the noble Lord appeared to anticipate, and therefore, there ought to be fuller information afforded on this point. The Falkland Islands might be open to the objections stated by the noble Lord; but that was not the only place which might be taken for the purpose, and when he was Colonial Secretary he had received overtures on the subject from other places. Mention had also been made of Moreton Bay; but that could not be made a penal settlement without a breach of faith towards New South Wales, that district being now included in the Government of that Colony. When the impossibility of founding a new penal Colony was talked of, it should be remembered that the magnificent Colony of New South Wales had its origin in a penal Colony. The noble Lord had also spoken as to the variety of sentences which were awarded to nominally the same crime, and he referred it to the variety of characters existing among those who administered justice in our Courts of Law; but the real state of the case was, that in all the Courts, whether of assize or quarter-sessions, the variety of sentences was the result of the endless variety of guilt, although the crimes were nominally the same. He should conclude by stating that it was his intention to support the measure.

Mr. MACARTNEY said, that if this Bill was passed immediately, it would produce the greatest inconvenience in Ireland, where there was not sufficient accommodation for the present number of convicts, to say nothing of the increased number who would have to be provided for under the new system. What Ireland wanted was, an improved system of prison discipline, and the Government ought, at all events, to have given them eighteen months or two years to prepare for the change. At the present time there was suitable gaol accommodation in Ireland for no more than 3,434 persons, but the number of prisoners was actually 5,246. Moreover, the ticket-of-leave system would have a worse effect in Ireland than anywhere else, for in that country the state of morals among the labouring classes was very low indeed, and the people were easily corrupted. The turning loose 200 or 300 of these convicts among the lower orders was a very serious consideration. He had always heard that the Government could send as many convicts as they pleased to the northern part of New Holland.

Mr. ADDERLEY said, he fully approved the proposition of the Government. The right hon. Baronet the late Colonial Secretary (Sir J. Pakington) had told the Committee that it was the intention of the late Government to put a stop to transportation at the beginning of next year. There was, therefore, only six months' difference between the propositions of the two Governments in point of time, but in every other respect the difference was very much greater in favour of the present proposition. Did the right hon. Baronet mean to say that, knowing the feelings of the colonists on the subject, he would have landed convicts in Van Diemen's Land during the remainder of the period which he had fixed, because, if such were the intention of the right hon. Baronet, he would take leave to tell him that he would have run the risk of signalising his reign at the Colonial Office with as mischievous an *éclat* as had marked his predecessors. If there was any peculiar merit in the proposition of the Government, it was the promptness, readiness, and decision, with which they had recognised an urgent and palpable necessity. The reason for the introduction of the Bill was perfectly clear—that whereas the system of secondary punishment had consisted of three different stages—separate imprisonment, employment on public works, and transportation—the third of these stages had been rendered impracticable by recent circumstances. The only argument against the Bill was, that transportation was a desirable punishment; but it was useless to consider what was desirable when it could not be obtained. But even supposing it were still matter for argument, he considered transportation the least desirable punishment that could be inflicted. There were three grand objections to transportation as a punishment: that it was impossible to be carried out; that it was utterly detestable in itself; and that it was perfectly inefficient for the purpose in view. That it was impossible as a permanent system was manifest from the fact, that no settlement could be fixed as a permanent penal settlement; and the run after new settlements for the purpose, if not exhaustion, was extravagantly expensive. It was detestable as a punishment, by which Governments sought to get rid of the responsibility of their criminals by removing them out of sight, and by placing on their Colonies the burden for which they themselves ought to provide; and it was, moreover, a cowardly punishment, because no one ever thought of throwing this burden upon any but the weaker Colonies, who could not help themselves. No one ever suggested, for example, that Canada should be made a penal settlement; yet Canada, according to the noble Lord's theory, was peculiarly adapted for a penal settlement, by reason of the superior class and number of the population. It was inefficient as a punishment, because it was simply regarded as a means of enabling a man to remove to a place where his position would be infinitely ameliorated, as a transference, at the public expense, from poverty here to wealth in the gold regions of Australia. It must be borne in mind that the effect upon the lower classes of quitting the shores of England for a distant land was no longer what it used to be ten or twelve years ago, when all beyond this island was a *terra incognita*, regarded with doubts and fears; whereas now-a-days these classes knew as much or more about the Antipodes than they knew about their own country, and the effecting, somehow or other, of a removal thither was matter of general desire. Earl Grey himself, the most energetic champion of transportation remaining, had, out of his own mouth, condemned the system as an efficient punishment, when the other night he described transportation as absolutely a boon, which criminals had been taught to look forward to, and of which it was not fair to deprive them. A fine secondary punishment, truly!—a substitute for death itself! Most truly rejoiced was he to see in the measure now under consideration the termination of this system of punishing criminals with boons. He was satisfied that, by the effective operation of this measure, and by the application of reformatory processes, the sources of crime might be so narrowed that, before long, our ordinary prisons would amply suffice for all the convict criminality of the country. Much had been said of the opinions of the Judges. Now, he did not think Judges the persons best qualified to form an opinion as to the terrors of a sentence. It was a matter of absolute necessity that transportation should cease. And what was to be done in lieu of it? The right hon. Member for Droitwich (Sir J. Pakington) had darkly hinted at some other penal settlement. He seemed to linger about the precincts of Botany Bay, as if that Colony having been adopted first for penal purposes, had no right to disclaim being used for these purposes still. [Sir J. PAKINGTON: No, no!] He certainly understood the right hon. Gentleman to intimate that the region of Botany Bay, having been a penal settlement, we had a sort of lien upon it for its original uses.

SIR JOHN PAKINGTON said, he had been quite misunderstood.

MR. ADDERLEY said, he was glad that the right hon. Gentleman repudiated that argument; and was glad to find, also, that both sides of the House acknowledged the propriety of endeavouring to cut off the spring of crime in this country, rather than of providing a depository for it in other countries. There was now a prospect of being so able to deal with criminals in this country, and especially the young, by a reformatory process, as to lead to a hope that it might be practically dealt with by the extended use and application of various kinds of prisons in this country. The system of detention was more in the nature of real punishment than transportation, and yet we had never dealt with the question of perpetual imprisonment as the nearest substitute, in the worst cases, for the penalty of death. The Duke of Newcastle had been taken up rather warmly for saying that they were singing the requiem of transportation; but he (Mr. Adderley) believed that system had come to an end of itself, and all that it was necessary for them to do was to prepare for the inevitable result. He rejoiced to think that this measure carried in it the seeds of the entire cessation of transportation, and that it was the germ of the transfer to this country very speedily of the whole system of secondary punishment. If, however, any transportation remained in operation, it ought to be conducted on principles diametrically opposed to those of the Bill, by which the most atrocious criminals were to be sent out to enjoy all the advantages of the gold regions of Australia, and to demoralise the population; while minor criminals, who might be sent out with enormous benefit to themselves, and with, perhaps, slight, if any, injury to the colony, were to be kept at home, to be thrown hereafter into the misery and the vice which had involved them in punishment. The proposed gradation of punishment leaving the narrowed means of transportation to supply the highest instead of the lowest stage of sesondary penalty, evinced the lingering ignorance of statesmen that transportation has ceased to have terror in it, as a sentence, in this country, while the new sentence of penal servitude to be used for the lighter offences will carry much greater terror with it, and the order of punishment will become inverted.

MR. F. SCULLY said, he entirely concurred in the proposition which had been made by the noble Viscount the Home Secretary, whom he heartily thanked for a measure which he had been long desiring to see. He did not himself admit the expediency of the entire cessation of transportation which hon. Members opposite advocated. Western Australia, for example, so far from rejecting convict labour, required it as a means of developing her resources; but, undoubtedly, the convict labour to be supplied to Western Australia should be of the best and not of the worst description, as had been suggested by hon. Gentlemen. The worst classes of convicts, he felt, should be dealt with elsewhere. Colonel Jebb, to whose unwearied and most able efforts the country was so much indebted on this matter, in his *Report on the Discipline and Management of Convict Prisons and Disposal of Convicts*, (1852), observed—

> "In considering the means necessary for giving effect to any change of system affecting the continuance of transportation, it is deserving of consideration whether it would not, in many respects, be desirable to form a penal establishment in this country for convicts convicted of the worst classes of crime, and for incorrigible convicts; and, if any are sent abroad, to make a selection of the best and most deserving of the convicts, instead of the very worst."

It was highly desirable that this suggestion should be carried out. There were many modes in which the labour of convicts could be made use of in this country with much public advantage. The entire system of our convict labour required amendment. Mr. Inspector Hitchins, in his *Report on the State of Government Prisons in Ireland* (1852), said, with regard to the public works in Spike Island—

> "Serious complaints are made, however, of the limited number of prisoners appropriated to these public works, and the ineffectiveness of their labour. Fort Camden contains five small rooms leading out of each other. 132 prisoners are detained there. Fort Carlisle consists of two rooms fitted up to receive 84 convicts. The entire number of convicts contained in Spike Island and forts is 2,380."

With respect to the manufactures and employments carried on there, Mr. Hitchins said—

> "While no difficulty will be found in providing employment for a portion of the prisoners confined in Mountjoy and other prisons, there is a large section of the convicts of Ireland quite unsuited for any trade or handicraft. The disposal of this class is a matter of serious moment; and I would again beg to bring before your Excellency the necessity of establishing an agricultural depôt either on the mainland or on some island. This is a measure which cannot be too speedily taken into consideration."

He trusted that the noble Lord would take these recommendations into his earnest consideration. The establishment of an agricultural depôt would be, in many ways, most beneficial, giving the convicts knowledge of an occupation and habits of industry, and, at the same time enabling them to save the State the cost of their maintenance. Another most beneficial employment of convicts might be in the construction of such public works as harbours of refuge. With comparatively small outlay, convict labour might be made to create, for example, a packet station and a harbour of refuge in Galway—an object, confessedly, of great public importance, and productive of largely valuable results. One great feature in the measure was the fixing the absolute period of punishment, instead of having, as now, one period named in the sentence, and another practically inflicted on the criminal. At present, an offender might be sentenced to seven, ten, or fourteen years' transportation, and yet, after all, not be transported at all—an uncertainty, notoriously productive of the worst effects upon the criminal classes, too well disposed to regard a sentence so passed as a form, if not, indeed, a farce. He trusted that the attention of the noble Lord would be applied to the best mode of dealing with convicts after the period at which they should be released, in this country, with conditional pardons or tickets of leave. It was a subject, no doubt, of great difficulty, and one upon which he had very serious doubts as to the propriety of carrying out as proposed at present. Upon this point Colonel Jebb observed—

> "The class of convicts requiring assistance in this country would, probably, be most difficult to deal with; but if they were released with conditional and not free pardons, and some systematic efforts were made to enable them to meet the difficulties of their position, I should confidently expect a much more favourable result than might be generally anticipated. Rather than leave them to their fate and to the chance of Government being again burdened with the cost of a trial, and other attendant evils, I believe it would be desirable to retain the services, on public works, of such well-conducted convicts as could not readily find employment."

Mr. J. G. PHILLIMORE said, he hailed this measure as a great improvement in our penal legislation, so far as regarded the system of secondary punishment. Transportation, as a punishment, was notoriously inefficacious, operating neither as an example to others—the main object of punishment—nor for the reformation of the offender, nor for his punishment at the most economical rate to the State. He fully concurred in the propriety of the objection that had been urged against sending out to the Colonies—if convicts were sent out at all—convicts of the worst, instead of those of the best description. There was, however, one great defect in the Bill, that it did not provide any means by which the convict, discharged from his imprisonment, should be placed in a position for putting to account the industrious habits and the reformed principles he might have acquired during his punishment. It was highly expedient that these unhappy persons, that they might not, of necessity, fall again into their evil associations and their evil courses, should be enabled, in some way, to proceed to a distant Colony, or to apply their reformed sentiments and their improved habits to the purpose of an honest livelihood. Another great object to be attained was the effective superintendence of the convicts who were to be retained at home with tickets of leave, instead of being transmitted to the Colonies.

Sir WILLIAM JOLLIFFE said, the question had hitherto been argued as a convict question and a colonial question, and the effect of the measure upon our social system had almost been lost sight of. The 9th clause was of immense importance to this country, and must materially affect our various institutions. Looking at the accommodation to be provided for convicts in this country, it appeared to him that, in the course of a short period, a large number of men with tickets of leave would be thrown upon the industry of the country, together with those who had fulfilled the term of their imprisonment. These people would be brought into direct competition with well-conducted industry, and there was no saying how much injury might not be occasioned to the latter by this circumstance. He believed that such a plan would force upon the country a general system of police. The noble Lord had not explained the mode in which the ticket-of-leave system was to be carried out. On that point a considerable amount of discretion must be given to the Government, and he did not see how they could carry out the scheme, except by some general system of police. He thought the carrying out of the system would also involve the necessity of a full consideration of the law of settlement, and he was not at all satisfied that it would not cause a considerable additional expense to counties.

Mr. PHILIPPS said, that whatever doubt might be entertained as to the effect produced by sentences of transportation now, there could be no doubt they were formerly considered a very serious matter. As to the inequalities of sentences, they were occasioned by various matters brought to the knowledge of the Courts relative to the former conduct of the prisoners. He hoped to see the measure carried into a law, and trusted that both this country and the Colonies would greatly benefit by the change.

Mr. MICHELL wished to know whether it was the intention of the Government to allow persons under sentence of transportation to be employed at harbours of refuge—works greatly required on many parts of our coast—provided no additional expense was incurred beyond the usual maintenance of the convicts.

Mr. FLOYER said, it appeared to him that the classes exempted in the 11th clause were the very classes who, of all others, should be sentenced to transportation. He was not one of those who would do away altogether with the punishment of transportation. It placed the convict in a new country, removed him from the scene of his dissipation and guilt, brought him into communication with a new class of people, and opened up to him a new and more honest course of life. He wished to ask the noble Lord a question. One of the present depôts of convict labour—that at Portland—was situated in the county which he had the honour to represent. An apprehension prevailed in that neighbourhood that if, under the system, the ticket-of-leave men were to be discharged at the prison gates, a large addition would thereby be made to the surplus labour in the district, and, without doubt, the morals of the community around would suffer. He wished to ask the noble Lord whether he would adopt precautionary measures, in order to prevent such results?

VISCOUNT PALMERSTON: Sir, in the first place, I have to express, on the part of the Government, the great gratification which they have felt at the general acquiescence in the leading principles of this measure; and, in the second place, I have to express our gratitude for the many valuable suggestions which hon. Members have thrown out in the course of this discussion; and which, bearing upon the execution of the measure, will receive our full and attentive consideration. I think that almost everybody seems to have come to the conclusion that this is a measure of necessity, that transportation to our Colonies could no longer be carried on. The right hon. Baronet the Member for Droitwich (Sir J. Pakington) suggested that we should look back to the origin of New South Wales as a Colony founded by convicts; but I think his object has been somewhat misunderstood. I imagine that what he meant was this—not that the example of New South Wales gave us any claim upon other Colonies, but rather that we should found a new Colony in the same manner in which that Colony was founded. Now, I do not quite concur with the right hon. Baronet in the inference to be drawn from that example. I am disposed to think—what was stated by another hon. Gentleman—that if you look back to the infancy and childhood of New South Wales, however much it may have improved in its manhood and maturity, you will not see anything to induce you to follow the steps of those who founded that Colony as a penal settlement. I think there is one consideration which must have occurred to the mind of every person who has reflected upon the subject—that in founding a penal Colony in which you look to the enlargement of the convicts after a certain period of detention, you ought to provide that there shall be a due proportion of the sexes; and that is hardly possible if you begin a new penal Colony in the same manner in which New South Wales was founded. The right hon. Baronet said, that the statement I made was not perhaps as ample as might have been wished, in regard to the detailed means of executing the different arrangements consequent upon the adoption of this principle. The fact is simply this—in explaining to the Committee a measure perfectly new, I thought it better to confine myself to those general principles upon which the Government had come to a final determination; but in regard to the detailed arrangements, which might be modified by experience as we go on, and by valuable suggestions, which may be and have been made to us from all sides, I thought it was not desirable for us to pledge ourselves as to what course we should finally pursue. But several points have been mentioned, to which I think it necessary to allude. First of all, in reply to the hon. Gentleman who spoke last (Mr. Floyer), I may repeat what I have already stated, that we hope to be able to give employment on public works, not with convicts, but separately and for wages to those convicts to whom tickets of leave may be granted. I think that the greater number of those to whom tickets of leave are given, will gratefully accept such employment as a transition, by which to get back to the ordinary employment of the country; and those who are so employed will invariably be taken away from the immediate neighbourhood of the depôt from which they received their discharge. With regard to the question how far we can expect that public works will be found to give employment to the convicts, I have only to say that, as far as we can look forward, I think no apprehension need be felt upon this subject. There are numerous applications for harbours of refuge and for works of great utility on the coast, which could be performed cheaply and advantageously by the employment of convict labour. Then it was said it would not be right to send our worst criminals to Western Australia. I admit that; and the Committee ought to remember that there are means of employing such persons upon public works within the United Kingdom, as well as at Bermuda, Gibraltar, and other places, where offenders undergoing a long period of penal servitude might be sent, instead of to Western Australia. All those who have spoken, have expressed but one opinion as to the desirability of so improving our system of treatment for prisoners, that we should endeavour not only to reform them morally, but to instil into them a consciousness and perception of the value of industry, and of the fruits which it invariably produces. I am not the least afraid that the industrial employment of the convicts, whether it be in agricultural occupations, or in the construction of public works, or in other descriptions of labour, could have any prejudicial effect upon the general industry of the country. That alarm I believe to be perfectly groundless; and, on the contrary, I think the public benefit which will accrue from the employment of convicts upon works of utility, and from impressing them with the conviction that it is better to live by industry than by the fraudulent and dishonest exercise of their intellect, will infinitely counterbalance any little jealousy which any trade might feel at the competition of persons so situated and so employed. I think these are the principal points which have been touched upon. I shall feel it my duty to carefully consider the different suggestions which hon. Members have made in the course of this debate. The detailed arrangements for the execution of this measure are matters which require attentive consideration; and I am happy to say that in the consideration of these details, as well as in carrying them out, I have every reason to rely on the most able officers, such as Colonel Jebb and others who have been referred to. I therefore feel that it will be my own fault if I am not able to make such arrangements as will at once satisfy the public, and accomplish the purpose which Parliament has in view, in giving its sanction to the present measure.

Clause 1.

SIR WILLIAM JOLLIFFE said, he hoped the two first clauses would be omitted, in accordance with the suggestion of the right hon. Member for Midhurst (Mr. Walpole).

VISCOUNT PALMERSTON was not prepared to accede to that proposition.

Clause *agreed to.*

Clause 2.

SIR JOHN PAKINGTON would suggest the substitution of the words "period of imprisonment" for "penal servitude," because if, by the latter words, the Government meant to distinguish that punishment which was to be a substitute for transportation, then larceny, which could not be punished with transportation, would not be brought within the scope of this Bill.

VISCOUNT PALMERSTON said, the object of the Government was this. They did not intend to touch the law by which confinement within the walls of a prison was awarded for a certain limited period, not exceeding three years, but to deal simply with sentences of transportation, which constituted a different punishment altogether. If Parliament should think it right to deal with sentences of imprisonment, it might do so, but that would require a separate measure.

MR. WALPOLE said, he wished to know if the noble Lord would have any objection to alter the clause so as to do away with transportation for less than ten years, instead of for less than fourteen years?

VISCOUNT PALMERSTON said, he was not prepared to consent to any alteration in the Bill.

Clause *agreed to;* as were the remaining clauses.

House resumed.

Bill *reported,* as amended.

SUPPLY—MISCELLANEOUS ESTIMATES.

MR. BOUVERIE brought up the Report of the Committee of Supply.

Resolutions 1 to 4 *agreed to.*

(5.) Naval Coast Volunteers.

MR. FITZSTEPHEN FRENCH said, he wished to ask the right hon. Baronet the First Lord of the Admiralty whether he could assign any reason why rum should be the only spirit selected for consumption in the Navy? During the last thirteen years, various tenders had been made to supply the Navy with spirits, the produce of British corn and British labour. In 1841, this question was submitted to the consideration of Parliament, and the Board of Admiralty at that time gave the House to understand that, acting in accordance with the advice of medical authorities, the heads of the victualling department were about to introduce some other spirit beside rum for the use of British sailors. Since that period, the question had not been much mooted; no steps had been taken to carry out the promise of 1841; and he understood that at this very time a contract was being executed for supplying Her Majesty's Navy with 30,000 gallons of rum. Now, it certainly was a very surprising fact, that free-trade Ministries, which had carried the principle of unrestricted competition so far as to accept tenders for supplying the British Navy with foreign beef, pork, and bread, had endeavoured to prop up the colonial monopoly in supplying the same Navy with rum. The parties whose interests he was then advocating did not ask the Board of Admiralty to take British spirits at a higher rate or of a worse quality than the colonial spirit. On the contrary, they contended that they would supply a better article at a lower price. An application had lately been made to the Board to the effect that sailors in the Royal Navy should have the same privilege extended to them in that matter which was enjoyed by sailors in the mercantile navy, and that they should be allowed to use rum, or other spirits, just as they themselves might prefer. But that application was met by a decided refusal. He had been informed that the spirit which was supplied to the Royal Navy was what was called "the sweepings" of the rum in the market, and that it had been sold at the rate of *2s. 1d.*, while the price of good rum varied from *2s. 8d.* to *3s.* But even at the price of *2s. 1d.*, he believed that a better article could be obtained from the manufacturer of British spirits. It was evident that the public in general preferred British spirits to rum; for while the annual consumption of the former in the United Kingdom amounted to 24,000,000 of gallons, the annual consumption of the latter amounted to only 4,000,000 of gallons. He wished, therefore, to know whether the right hon. Baronet could offer any explanation of the course taken by the Admiralty upon that subject; and, also, whether he would have any objection to lay before the House the correspondence which had taken place with respect to it between the Board of Admiralty and the representatives of the distillers of the United Kingdom?

Sir JAMES GRAHAM said, he must confess that he must plead ignorance of the precise expressions with reference to the rum market to which the hon. Gentleman had referred. He did not know what the "sweepings of the rum market" were, and he could not, therefore, offer any explanation upon that part of the subject. He really must beg leave, however, somewhat to doubt whether this question had originated from any desire to promote the comfort of the sailor, or whether it had not rather some more immediate connexion with the distilling interest of the United Kingdom. But, whatever the reason, he could only answer the hon. Gentleman in one way—namely, that it was the opinion of the Board of Admiralty that it would not be conducive to the good of the service or to the discipline of the troops if there were an issue of more than one kind of spirit on board Her Majesty's ships. From almost time immemorial rum had been the spirit in use in Her Majesty's Navy. Every effort had been made to induce the sailor to prefer the use of other stimulants to spirits. Coffee and other liquids had been introduced in the hope of leading to a diminished use of ardent spirits. There was now, therefore, only one issue of spirits daily, and it would occasion the greatest possible inconvenience if there was to be an issue of more than one description of spirit. Then came the question, what the spirit should be; and considerations both of habit and taste, and, as he believed, also the health of the sailor, had induced the Board of Admiralty to give the preference to rum. The subject had been brought before various Boards of Admiralty, and all had concurred in the opinion that it was the preferable spirit. If the hon. Gentleman wished to see the correspondence between the Board of Admiralty and the distillers, he had no objection to produce it.

Mr. J. D. FITZGERALD said, he wished to ask the right hon. Baronet whether he would be prepared to lay before the House a copy of the medical report which had been made upon that subject? He understood that the question had been referred by the Board of Admiralty to the medical officers of the Navy, with a view to ascertain whether in a medical point of view rum possessed any advantage over home-made spirits. He was given to understand that the Report of those officers was in favour of native spirits, and that, in their opinion, rum contained deleterious qualities which those spirits did not possess, while it did not contain their good qualities. He believed that if a choice was given in this matter to the sailor, he would invariably prefer British to Colonial spirits. There was no doubt that the movement against the existing practice in the Royal Navy had originated with the distillers of the United Kingdom; but those gentlemen were perfectly justified in seeking to obtain the abolition of a monopoly which was a direct infraction of that principle of unrestricted competition which had of late years been adopted in the commercial policy of this country.

Sir JAMES GRAHAM said, that that was not a question of free trade or of monopoly; it was merely a question of what was most conducive to the discipline and the comfort of the men in Her Majesty's Navy. He was not aware whether the question of health, as regarded the use of any particular kind of spirits in the Royal Navy, had been under the consideration of any medical officers. But he should say that if the Board of Admiralty were not competent to decide a case of that kind, or if their decision were to be set aside by the House of Commons, the sooner the Board abandoned its functions and was abolished, the better.

Resolutions *agreed to;* as were also Resolutions 6 and 7.

SUPPLY—ROMAN CATHOLIC PRISONERS.

(8.) 407,667*l.*, Government Prisons and Convict Establishments at Home.

MR. LUCAS said, he had been in communcation with the noble Lord the Member for Tiverton (Viscount Palmerston) on a subject connected with this Vote, and he had to thank the noble Lord for his great attention, courtesy, and frankness. Referring to the form of the Vote, hon. Members would find that there were sixteen Government prisons, of which eight in Great Britain were entered on one page, and eight in Ireland on the other. It was an extraordinary fact that two systems of prison discipline, as respected one very material point, were enforced in those prisons —that the system in the prisons which were included in one-half of the Vote, was different from the system in the prisons which were included in the other half of the Vote. He referred to the provision made for the religious instruction and moral reformation of prisoners, and particularly of Catholic prisoners. In Ireland there was one practice and arrangement, and in England another which was totally different. The House would see that this was a question which was of the greatest importance. in consequence of the change about to be made in the manner of treating criminals. The system of transportation had been abolished, or nearly so. The treatment of prisoners was to be almost entirely at home, and therefore their discipline and management had relation to the system of transportation, as that system was carried out in the Colonies. What had been the system pursued in the Colonies with respect to religious instruction? It had been that of perfect religious equality. No difference whatever had been made in the religious treatment of convicts in consequence of differences of religion. That system originated with the Earl of Derby when Secretary for the Colonies; and, with the permission of the House, he would refer to what that noble Lord said in 1847. [The hon. Gentleman read an extract in which Lord Derby expressed the opinion that it was a scandal and a shame that we had not appointed ministers of religion to attend to the spiritual wants of criminals, and that it was a matter of satisfaction to him that he had sent out Protestant ministers and Roman Catholic clergy, whose efforts had been attended with beneficial results.] It was while Lord Derby was Colonial Secretary that a commencement was made of sending out both Protestant and Catholic chaplains to Sydney and Van Diemen's Land. The same arrangement had continued up to the present time, and been attended with the best possible results. Seeing that the system of transportation was to be stopped, and that the prisoners were going to spend their time at home instead of in a penal settlement abroad, the question he (Mr. Lucas) had to put was, whether a system which had worked so well at the antipodes was to be introduced into the prisons of Great Britain? He said Great Britain, because the system pursued in the Colonies had long been in operation in Ireland. In the Irish Government prisons the arrangement was simply this—that the prisoners were all, on being admitted into the gaols, entered according to the religion they professed, whether Protestant, Episcopal, Presbyterian, or Catholic, as professing that religion whatever it might be. There was a chaplain for each religious denomination who received a salary. In the county gaols, as well as the Government prisons, the same system prevailed. In the Irish prisons the prisoners had all the religious services they required, the weekly services on Sundays and holidays, and every comfort and accommodation which persons in their situation needed. In Ireland so completely was the system of religious equality carried out, that the Catholic chaplain gave his services to the Catholic prisoners, and the Protestant chaplain his to the Protestant prisoners. There was no temptation put in the way to induce Catholic prisoners to practise hypocrisy from the moment of entering the prison. In the English prisons, however, nothing was known in law but a Protestant chaplain. If a prisoner chose to ask for the services of a Catholic chaplain, he could do so, and might receive those services; but the person whom he must try to please, if he wished a character for good conduct, was the Protestant chaplain; and the system worked so that it was, in point of fact an inducement to the Roman Catholic prisoners to act hypocritically in order to obtain the favour of the Protestant chaplain, though at the same time he did not mean to say the system was intentionally worked so. He had that fact from the very best authority, namely, the evidence of the Rev. Mr. Kingsmill, who for many years had been chaplain of Pentonville prison, and who was examined before a Parliamentary Committee on the 22d of March, 1847. [The hon. Gentleman read an extract from the evidence, stating that there was no difficulty in a Catholic prisoner seeing his friends; that there were seldom in Pentonville prison more than 200 out of 500 who professed, at entrance, to be Catholics; but that many Catholics entered their names as Protestants, lest some feeling should militate against them if it were known that they were Catholics.] It must be obvious that those numbers could not be true as respected the Catholics who entered Pentonville. The Right Rev. Dr. Wilson, Bishop of Hobart Town, whose name was well known as connected with the Colony of Van Diemen's Land, and for the great services he had performed with reference to convicts in that settlement, stated the result of his experience to be, that he had always found, with respect to the numbers who attended Catholic services, that every ship from England carried from 15 to 20 per cent of Catholics, and every ship from Ireland not more than 10 per cent of Protestants. Dr. Wilson had been visiting several prisons in this country, and he found that at Portland only forty were visited by a Catholic clergyman, who was permitted to visit once a fortnight, receiving 10*s*. for doing so, and was required to give his receipt. At Parkhurst the visit must be paid from one to three o'clock, so that Catholic prisoners had not the usual service on Sunday. The number attended was stated as being only twenty, and as sometimes having been only one or two; and the gentleman who attended never received one farthing for his attendance. The House would see that there was an immense difference between the apparent percentage of Roman Catholics in the gaols here, and the real percentage in Van Diemen's Land, where equality prevailed, and where there were no motives for hypocrisy. Great sums were devoted to the reformation of criminals; but the worst basis for their reformation was hypocrisy practised even from the moment of entering the prison. There could be no desire in any part of that House—there could be no motive—for continuing a system which was at variance with their practice in Ireland and the Colonies, and which was maintained here only because attention had not been sufficiently directed to the subject. There was, he believed, no difficulty in preventing the correction of the abuse complained of. Though the vote referred only to Government prisons, yet he might be permitted to remark that the same abuse and grievance extended to all county gaols, the difference between the Government prisons and the county gaols being, that the former were under the direction and control of the Home Office, while the latter, although he believed under its supervision, were more difficult to be dealt with. The noble Lord the Secretary for the Home Department would perhaps inform him whether there was a statutory obstacle to the control of county gaols by the Home Office. Of course, there were some prisons where the number of Catholic prisoners was small; but the same case occurred in Ireland, where it was met without the smallest difficulty. From returns of the Protestant and Catholic prisoners in the Government prisons of Ireland, it appeared that in Mountjoy prison the average number of Catholics was 480; of Protestants, twenty; and of Presbyterians, seven or eight; yet there were three chaplains. In Smithfield prison the average number of Catholics was 280; of Protestants forty-five; and of Presbyterians, eight or nine; and so with respect to the others, such were the proportions that notoriously prevailed. The difference between England and Ireland was, that whereas the larger proportion of prisoners in Ireland was Catholic, the larger proportion in England was Protestant. The difficulty differed not in kind, but only in respect that it was a Catholic difficulty in the one country, and a Protestant difficulty in the other. As the practical difficulty had been overcome in Ireland, in Van Diemen's Land, and in New South Wales, so ought it to be in England. He had received particulars from various prisons, showing the great neglect and difficulties which the Catholic priests had to undergo who were obliged to attend to the spiritual and moral instruction of Catholic prisoners. They were required by their position to act really as Government officers. They were doing a service which the Government paid a Protestant chaplain largely for performing when it was rendered to Protestant prisoners. But in almost every prison the Catholic chaplain was not thought worthy of any remuneration; in others they received remuneration almost involving degradation. That state of things was very objectionable. He had read an extract from evidence given in 1847 by the Rev. Mr. Kingsmill, of whom he did not wish to speak except in terms of respect. But it was obvious that Mr. Kingsmill had got a very wrong notion of the duties which attached to his functions. He had published a book, in which he took notice of having made that invaluable discovery that the Catholic Church was Antichrist, and the Pope the Man of Sin. He had published that book in the character of chaplain (there was not the least objection to his publishing it in his personal character), and he expressed his rejoicing on account of persons being brought over to the service of the English Church who had lived so long in Ireland that they knew better than others how to deal with the Man of Sin and Antichrist. It was not meant to say that he put it in an offensive way; but he certainly had a wrong notion of his functions, and he acted on that wrong view as a man who was anxious to fulfil his duty. He evidently believed that his duty in the prison was to make proselytes, to convert the benighted Papists into the profession of the Protestant faith, and that nothing could be done for the moral improvement of Catholic prisoners till he had done the work of a controversialist. It was only recently that this fact happened at Pentonville prison. Last Easter twelvemonth the Catholic priest who was accustomed to attend that prison, made inquiry as to the number of Catholic prisoners, with the view of attending them for their Easter duties. He got a list of eighty. Some weeks before last Easter he was informed that such a list would not be furnished to him in future. He was to have a list only, it should seem, of those who were bold enough, in the face of temporal interest, to make a demand for the services of the priest. Last Easter he got a list, but it contained only fifteen names. He had moved for returns of the number of Roman Catholics and Protestants respectively in all the prisons of the United Kingdom; but he would like to know whether the returns were to be made up on the principle of putting down all Roman Catholics, or on the other principle of inserting only those who had the courage to demand the services of a Roman Catholic clergyman? The subject which he had brought before the House was one of extreme interest, and if the Government were to take the management of all prisoners at home. it became of great and increasing importance. He should not presume to anticipate what answer the noble Lord would give to his appeal; but it was an appeal to which only one answer could be given among rational and fair-minded men—and that was an assent to the demand which he now made. He apologised for the time he had taken in making his statement, and he left it to the noble Lord to state what course he intended to pursue.

VISCOUNT PALMERSTON said, he was sure the hon. Member who had just sat down did not need to make an apology to the House for having brought under their consideration a matter of such great interest and of such deep importance. For his own part, he had to thank the hon. Gentleman for the courtesy with which in private he had communicated the views he meant afterwards to state to the House. Perhaps, as regarded the difference to which the hon. Gentleman had adverted, between the proportion of Catholics and Protestants, as appearing in the returns of prisons here, and the proportion which appeared in the Colonies, he was not sure whether he understood the statement exactly as the hon. Gentleman had put it; but if he understood it rightly, that difference might be accounted for by the fact that the convicts in the Colonies included all those who came from Ireland as well as those who came from England.

MR. LUCAS said, in explanation, that the statement he had made was, that the Catholics coming to New South Wales from England were 15 per cent of the convicts thence, while the Protestants coming from Ireland were 10 per cent of the convicts thence.

VISCOUNT PALMERSTON said, however that might be, he had taken precautions to prevent mistake on that point in future. He had issued directions that, on entry to prison, a prisoner should be called on to state to what religious persuasion he belonged. Therefore, the declaration of the prisoner on his arrival at the gaol would be taken as evidence whether he was a Protestant or a Catholic; or, if a Protestant, whether he was of the Church of England or a Presbyterian. Beyond that, he was ready to admit to the hon. Gentleman that the prisoner who made that declaration ought to know that nothing in regard to his comfort in gaol would depend on whether he declared himself of one religion or another; that he ought to be equally sure of receiving religious instruction from a clergyman of his own creed, and equally sure that the testimony with regard to his conduct in prison, so far as his conduct depended on his religious instruction, should be given by an instructor of his own religion, and not be dependent upon the opinion of one who was hostile to his creed. He thought that this was a matter which really required only to be stated, in order that everybody might arrive at the same conclusion; for what was their object in the treatment of prisoners? Their object was, of course, reformation, as far as that reformation could be effected; and how could that reformation be adequately effected if religious consolation were given to a man by a clergyman of an opposite creed? In the first place, if a prisoner who was a Roman Catholic came into the prison and declared himself a Protestant, thinking that that declaration might turn to his advantage, he began with an act of hypocrisy; and if a Protestant clergyman should proceed in his own way to administer instruction to him, the heart of that man would be hardened against such instruction, which would conflict with his originally imbibed opinions. They would therefore be scattering seed on a sterile soil, which would necessarily lead to no good result. On the other hand, if the prisoner, having declared himself a Catholic, had no instruction afforded him but that of Protestantism, the time which ought to be spent in religious instruction might be wasted in theological controversy — the clergyman, in endeavouring to convert the man to a different religion, would spend the time, which in all probability would be more profitably employed in attempting to give him that religious instruction which he was ready to take, and which was in accordance with the opinions in which he placed confidence and trust. It was therefore quite evident that they would be defeating their own object if they did not give to prisoners of all religious denominations instruction in that shape and from that quarter which would render it most useful to the purposes of moral and religious improvement. The hon. Gentleman had asked for certain returns, which he (Visct. Palmerston) should grant with great pleasure, and which would afford in detail all the *data* for the foundation of an improved system. As far as Government prisons were concerned, he was quite prepared to state that he should feel it to be his duty to take steps for carrying into effect the views which the hon. Gentleman had just now so properly expressed to the House—that was to say, that in every Government prison there should be religious instruction given to every Catholic and Dissenter, as well as to every member of the Church of England, and that the person who gave it should receive that treatment which was consistent with a due respect to his character, and such reward as might be adequate to the duties which he had to perform. He thought that this was a necessary ingredient in the improved system of convict treatment; and he quite agreed in thinking that this was the more essential in proportion as we kept our convicts at home, instead of sending them to our Colonies. In regard to county prisons, he was rather inclined to think that some legislative alteration might be necessary. He was not then quite prepared to say to what extent the State had power with regard to them; but, as far as he was informed, their power to sanction regulations applied only to the discipline of gaols, and did not apply to appointment and remuneration for duties such as those now in question; and, if that should be so, it would be his duty early next Session to prepare and submit to Parliament a measure for the purpose of placing religious instruction in county gaols on the same footing as religious instruction in prisons more immediately under the control of the Government. He hoped that this statement would be satisfactory, not only to the hon. Member for Meath (Mr. Lucas), but also in like manner to the House at large. He was quite sure that in matters of this sort there was no difference between Protestants and Catholics as to what was the proper course to pursue, because it was quite obvious that, as in a country like Ireland, where the great proportion of the people were Catholics, provision ought to be made for the instruction of such prisoners as were Protestant; so in England, where the great proportion of the people were Protestants, provision ought also to be made in like manner for the instruction of such prisoners as happened to be Catholics. We ought not to make our gaols arenas of theological discussion, or schools of proselytism. They ought rather to be made places of reformation, and moral and religious improvement; and therefore, that the administration of religious instruction should be given in the manner to which persons had always been accustomed.

Mr. J. BALL said, he hoped the noble

Lord would bear in mind the principles which he had so satisfactorily announced relative to the reformation of juvenile offenders, not only in the prisons, but also in the workhouses throughout the United Kingdom.

Resolution *agreed to;* as was also Res. 9.

METROPOLITAN SEWERS ACTS CONTINUANCE BILL.

Order for Committee read.

SIR WILLIAM CLAY presented a petition from a Sanitary Committee at Stoke Newington, praying that, as the Bill only continued the existing Commission for one year, such borrowing powers only should be given them as was necessary for the execution of works which were urgently demanded.

LORD DUDLEY STUART said, that in point of fact the Commission expired on the 7th of August, and he wished, therefore, to inquire whether it was possible to continue a thing which had no existence?

VISCOUNT PALMERSTON said, his noble Friend must not be surprised to be informed that Parliament had the power of continuing an Act which had no existence. The Act of 48 *Geo.* III. c. 106, provided specially for cases of this sort. He might here state that he had given notice that he should move an instruction to the Committee, which might appear an enlargement of the powers of the Commission, but which was, in point of fact, a restriction of them. By the law as it now stood the Commission had unlimited powers of borrowing. He originally proposed to restrict the power to 500,000*l.*, of which 100,000*l.* was the sum already borrowed. A number of the metropolitan Members, however, having urged that their constituents were alarmed at the large amount of new debt to be contracted, he had desired the Commissioners to revise their estimates, and to strike out from the works which they had intended to do within the twelve months everything but that which was urgently necessary for the comfort of the inhabitants. The Commissioners had done so, and he had now to propose to diminish the borrowing powers of the Commission from 500,000*l.* to 300,000*l.*, that was to say, the 100,000*l.* formerly borrowed, and 200,000*l.* additional. With respect to the sewerage at West Hackney, he begged to state to his hon. Friend the Member for the Tower Hamlets (Sir W. Clay) that before the works were undertaken, he (Lord Palmerston) should be happy to receive a deputation from the people of West Hackney, composed of those who were most competent to form an opinion, and to judge of the matter, and to invite the Commissioners of Sewers to meet them at the Home Office for the purpose of having the matter discussed between them; and he could assure his hon. Friend that nothing should be undertaken which was not considered as adapted to relieve the district from the inconvenience of which the inhabitants loudly complained. With regard, also, to drainage works in other districts, if the inhabitants thought that they were not calculated to afford them relief, they would not be proceeded with. He knew that in many parts of the metropolis the greatest inconvenience was now suffered from the want of drainage; and that the reduction which he had thought it right to make, in deference to the wishes of the metropolitan Members, would still leave unaccomplished many works which were most urgently necessary; but if he should be able in the early part of next Session to reconstruct the Commission, and put it on a different footing, there would probably be time to make provision for those works without any material inconvenience being sustained meanwhile.

SIR WILLIAM CLAY said, if he rightly understood the noble Lord, he would take the opinion of the inhabitants of the district in which the outlay was to be made; but if the result were only to be that, after a conference of that nature, the opinion of the Committee was still to be maintained, then he should object to so much of the expense as would be occasioned by converting Hackney Brook into an arterial sewer.

VISCOUNT PALMERSTON said, if he found the people of West Hackney did not wish to improve their sewers, he did not apprehend the Commissioners would wish to force them.

SIR BENJAMIN HALL said, that the noble Lord was mistaken, in supposing that at present the Commissioners had power to raise money to an unlimited amount. He was quite aware of the clause in the 11 & 12 *Vict.* which appeared to have conveyed the impression to the noble Lord; but the noble Lord would find, upon inquiry, that the power of borrowing was so restricted and hampered by other clauses in the same Act, that, practically, the Commissioners had no such power as the noble Lord imagined. His noble Friend, therefore, instead of restricting the powers of the Commissioners, did, in point of fact, propose to give them powers which they did not possess. He must say, that he thought the noble Lord had pursued a course with reference to this Bill which was hardly fair towards the House, and was most unjust towards the inhabitants of the metropolis. Previous to the Easter recess, he (Sir B. Hall) asked the noble Lord what he intended to do with the irresponsible Commission of Sewers? The noble Lord stated frankly, that it was utterly impossible to answer the question until the great London Drainage Bill was disposed of. That Bill was disposed of on the 14th of June, when he again asked the noble Lord what course he intended to take. The noble Lord replied, that he intended to bring in a Continuance Bill. In pursuance of this statement, a Continuance Bill was brought in on the 14th of July, and read a first time. It was read a second time on the 18th of July, about two or three o'clock in the morning, and without the slightest opposition from the metropolitan Members, because they placed confidence in the assurance that was given them, that the Bill should be a mere Continuance Bill for one year, and they could not for one moment suppose that any clause would be proposed, empowering the Commissioners to raise money by mortgage on the rates of the metropolis. But no sooner was the Bill read a second time, than a clause was circulated, enabling the Commissioners to raise 500,000*l.* by mortgage of the rates. This course of proceeding was not fair to the House or the metropolitan Members. He complained that the privilege of managing their own local affairs, which was enjoyed by the inhabitants of every borough in the kingdom, was denied to the inhabitants of the metropolis, who had no control over the expenditure of rates, levied by irresponsible Commissioners. He might state, with reference to the history of the Commissioners of Sewers, that in 1851, when the Act under which they were appointed expired, great discontent with regard to their proceedings existed in the metropolis, and a measure was eventually adopted, continuing the Commission for one year, and appointing a salaried Commissioner to preside over the body. The Metropolitan Sewers Act required the clerk of the Commissioners to keep a record of their proceedings, which was to be open to the inspection of the ratepayers. He must remind the House that the Commissioners possessed very extensive powers, for they were enabled to levy a taxation of about a quarter of a million annually, without any control on the part of the ratepayers, upon property of the annual value of about 9,500,000*l.* He, as a ratepayer, applied at the office of the Commissioners to inspect the Minutes; but he found that there was no entry of the proceedings at the board meetings from the 11th of October, 1850, to the 13th of May, 1851. He asked for the manuscript Minutes of the proceedings of the Court, and he was shown rough papers, some of which were without date or signature. On the 11th of April, 1851, the Court had met and made a rate of 6*d.* in the pound; but that order had not been entered in the Minute-book on the 13th of May. It appeared, indeed, that only rough Minutes, or rather heads of Minutes, had been taken of the proceedings; and the secretary trusted, in a great measure, to his memory to draw them out. On the 29th of April, the Court determined upon borrowing 10,000*l.*, and such was their difficulty in obtaining it, that they were obliged to pay 5 per cent interest; but even that transaction had not been entered in the proceedings. When he left the office the secretary said, "I admit that from January to the present time no Minute has been entered in conformity with the Statute." This was the manner in which the Commission, which it was now proposed to inflict upon the metropolis for another year, had discharged its duties. He (Sir B. Hall) was at the office for two hours and a half, and eight clerks, the secretary, and one of the legal advisers of the Commissioners, were employed in collecting the small amount of information which he obtained. In 1851, the noble Member for the City of London brought in a Bill to continue the Commission for one year, and giving power to the Government to appoint a salaried chairman; but the distrust which Parliament entertained of the Commissioners was shown by the fact, that a clause was inserted restricting them from levying a rate exceeding 3*d.* in the pound. In 1852 there was a change of Government—there was great anxiety to get through the Session that a dissolution might take place—and the then Chief Commissioner of Works brought in a Bill to continue the Commission, which gave the Board power to make a rate of 6*d.* in the pound, the noble Lord giving at the same time a positive pledge that a Bill should be brought in during the present Session to do away entirely with the existing Commissioners, and establish a new Commission based on the representative principle. He would briefly state to the House the liabilities of the Commission. The new works in one year cost 11,750*l.*, and the expenses of management and supervision were 16,870*l.* In 1850 the debt was 25,900*l.*; and in 1851 it was 56,832*l.*, although the receipts had increased from 91,000*l.* to 129,000*l.* The debt had gone on gradually increasing, and at this moment, according to a late return, the debt and liabilities of the Commissioners amounted to no less than 174,196*l.* In 1852 the new works and repairs cost 70,546*l.*, and the management and supervision cost 21,000*l.*, or 30 per cent upon the work done. In the half-year ending June last the expense of works and repairs was 31,454*l.*, and of management and supervision 12,000*l.* He knew that in the case of works of this kind the supervision must be expensive; but works for which such large sums of money were paid ought to be properly executed. The Commissioners had executed only one great work, and that was the Victoria sewer, which was as great a nuisance to that part of London as the boards of health had been. The estimate of the surveyors for that sewer was 13,854*l.*, the contract price was 12,000*l.*, the actual cost was 28,000*l.*, besides which there were claims for compensation amounting to 16,400*l.* According to the recent estimate of a person employed by the Commissioners themselves, this work, which was originally estimated at 13,854*l.*, would cost 59,823*l.*, or, deducting the compensation claimed by the Duke of Northumberland, 48,823*l.* He (Sir B. Hall) had admitted that the expense of supervision must be great; but he would now show that the money had been wasted, and that the supervising engineers had either neglected their duty, or were wholly ignorant, for it appeared, from an examination of the levels in this sewer, that out of thirty-eight no less than thirty-seven had not been built according to the design. In another part of the sewer eight lengths had been examined, and in only one of those lengths had the work been constructed according to the original design. Another surveyor employed by the Commissioners had also reported that the Whitehall sewer was in an unsound and dangerous state, and expressed his opinion that there was no mode of rendering any of the sewers between Whitehall and the Thames perfectly safe without entirely reconstructing them. He (Sir B. Hall) thought, then, that the ratepayers of the metropolis had reason to complain that when these irresponsible Commissioners had completed works at an extravagant price, those works were perfectly useless and required entire reconstruction. A return before the House gave a sketch of the state of the sewers laid down by the Commissioners. A survey had been made of 122 pipe sewers, and out of that number sixty-nine were found to contain two and a half inches of deposit, while some were cracked, and others entirely broken; yet the Commissioners were still laying down these pipes, which were perfectly useless, at an immense cost to the ratepayers. He (Sir B. Hall) would ask the House to contrast the position in which the metropolis was placed with regard to the management of matters of this kind, with the position of provincial towns. To elucidate this he would instance the case of four corporate towns in the county of Dorset, and contrast them with four boroughs in the county of Middlesex. He would give the names of the boroughs, the number of houses paying duty, the amount of duty paid, and the population in each of these towns. They stood as follows:—

	Houses paying duty.	Duty paid.	Population.
Poole	143	£126	9,255
Shaftesbury	55	59	9,404
Wareham.........	41	42	7,218
Bridport	165	201	7,566
	404	£428	33,443

The inhabitants of these small boroughs were allowed by the Legislature to manage their own affairs. He would now turn to the county of Middlesex, and exhibit the case of four of the largest boroughs in the empire.

	Houses paying duty.	Duty paid.	Population.
Marylebone	34,569	£76,835	370,957
Finsbury	27,208	42,534	323,772
Tower Hamlets .	25,001	25,522	539,111
Westminster ...	20,146	67,396	241,611
	106,924	£212,287	1,475,451

The inhabitants of those important boroughs had no voice with regard to the imposition or disposal of a large amount of taxation, which was entirely under the control of irresponsible commissioners. He thought this was an injustice of which the ratepayers of the metropolis were entitled to complain, and which the Government should take measures to remove. He regarded the proposal of the noble Home Secretary as very objectionable, but it had been materially modified since its first introduction; and he thought the assurance given by the noble Lord that the money would not be expended without some communication being made to the inhabitant ratepayers, was very satisfactory. If no new works were undertaken which were not absolutely necessary for the welfare and health of the inhabitants, and if some means were adopted of ascertaining the views of the inhabitants before such works were carried out, he thought some of the main objections to this measure were removed. But the injustice of not allowing the inhabitants of these great boroughs to manage their own affairs was so monstrous, that he must vote against the instructions to the Committee, for he could not sanction a proposal by which it was intended to permit an irresponsible Commission to levy 300,000*l.* as a mortgage on the rates of the metropolis, and more especially so as that Commission had proved itself quite unequal to the discharge of the duties intrusted to it.

Mr. PETO said, as he had been connected for two years with the Sewers Commission of the Metropolis, he wished to say a few words respecting this Bill. When that Commission was originally appointed, it consisted of thirty-two or thirty-three individuals, and there was a violent schism between them, one party headed by Mr. Chadwick being in favour of sumpts and pipe drains, and the other led by Mr. Phillips, advocating the plan of conveying the sewage by main drains so far below the metropolis that it should not be brought back again by the tide. The Board of Works, the then head of which was the Earl of Carlisle, appointed a Commission of practical men to investigate into the sewerage system in the metropolis, and, if possible, to propose an efficient plan for effecting that object in a complete and substantial manner. When he (Mr. Peto) was called upon to take a part in the affairs of that Commission, the Board was composed of practical men, and he had associated with him Mr. Robert Stephenson, Sir William Cubitt, Mr. Rendell, Sir John Burgoyne, Captain Veitch, Sir Henry de la Beche, and other eminent persons. They at once told the First Commissioner of Works that they could not consent to act, except on the express understanding that they were to undertake the formation of a plan to give a complete and efficient drainage to the metropolis; and to advise the Government as to the best mode of carrying that plan into execution. An under-ground survey of the metropolis had been previously ordered; and although it was not ready when they first took office, they afterwards found it of very essential service to them. At their first meeting they laid down certain rules upon which they should act in the formation of the plan they had in view; the first being, that the whole sewage of the metropolis should be taken such a distance below London that it would be impossible for it ever to return. Their second principle was, that wherever they could form sewers in which the matter by its own gravitation and by proper flushing would be swept away, they would adopt them in preference to pumping; but that in other cases they would use pumps. The Commissioners bestowed the greatest labour and pains upon their plan, and when it was at length completed it received the unanimous sanction of the whole Board. They placed it before the Government, and they also laid it in the shape of a Report before Parliament; but up to the present moment not a single step had ever been taken for the purpose of carrying it into effect. The Commissioners feeling, therefore, that they were placed in a hopeless position, and that they would only be suspected of incompetence to fulfil their duties, placed their resignation in the hands of the Government, and the Commission ceased to exist. A temporary Commission was then appointed, consisting of men, many of them of the very highest character and talents; but placed in the situation they were, it was perfectly impossible that they should satisfactorily discharge their functions. Without being at all wedded to their plan, the members of the former Commission begged to assure the noble Lord that he might command their time at any period during the recess, and that the best advice they could give him on this difficult question they would always most cheefully render. He thought the metropolitan Members had good cause to be dissatisfied; but the hon. Baronet (Sir B. Hall) was a little in error with respect to the management charges. He (Mr. Peto) had taken particular notice of those charges, and he found that in one year, when the total expenditure amounted to 122,098*l.*, they were only 21,209*l.*, or 17½ per cent; and if it had not been for local superintendence of works, they would have been only 12 per cent. The fact was, those charges comprised a great many items besides the management of new works. As to the Victoria-street sewer, they had the statement of Mr. Simpson (upon which they might entirely rely) that they could not have selected a better line or a better outlet, though in its execution there had been much to be regretted. The Commissioners, however, were placed in a very unfortunate position. Mr. Forster, who had been appointed engineer-in-chief, was taken seriously ill, and died during the progress of the works, which presented many unforeseen difficulties; and he believed that the parties left to superintend them were not equal to the task. With respect to Mr. Forster himself, as he had had the entire management of the Kilsby tunnel, on the London and North Western Railway, and of the tubular bridge over the Menai Straits, the Commissioners were surely quite justified in having originally appointed him. With reference to pipe sewers, to which allusions had been made by the hon. Member for Marylebone (Sir B. Hall), he must inform the House that the Commissioners with whom he (Mr. Peto) had acted, had at once condemned pipe drains under thoroughfares and places where there was much pressure. If they wished to see the results of dilettanti engineering, they could not have a more striking example than Croydon. The pipes used there, so far from conducting the sewage from the houses into the drains, had only conveyed the effluvia from the drains into the houses; and that which, according to Mr. Chadwick and others, was to have been a sort of Arcadia, was made a public pest-house. With respect to the present condition of the metropolis, nothing could be more painful. For sixteen hours out of every twenty-four, the whole district south of the Thames was one huge cesspool. Nothing could be the source of more anxiety to the Commissioners than the medical reports they had daily received from these and other bad localities, which they felt perfectly unable to remedy. In the north of the metropolis the case was not much better. While he was on the Commission, numbers of cases of typhoid fever, arising from insufficient drainage, and all of the most painful character, were continually coming under his notice; and the Commission was unable to do what was necessary even for giving temporary relief. The question was, what was to be done? He should advise his noble Friend (Viscount Palmerston) to take up the question—no man was more able to do so—and, by applying his masculine mind to it, complete the conception of some plan by which the metropolis might be relieved from the stigma which at present attached to it. He believed that a course of proceeding might be devised which would enable the noble Lord to come before Parliament in the ensuing Session to ask for such a sum of money as would be necessary for effectually draining the whole of the metropolis. The present state of things was a disgrace to the country. The noblest works completed by the States of ancient times—by Rome, for instance—were those connected with the supply of water and the drainage of large towns. With regard to the sum of money which it was now proposed should be granted, he would suggest to his noble Friend not to allow the money to be spent without a certificate from the consulting engineer to the Commission, and Mr. Robert Stephenson, that the works were really required for objects of urgent necessity, and that the plan on which the works were to be carried out had been inquired into and accepted.

SIR JOHN SHELLEY said, that there was no doubt the members of the present Commission of Sewers were men of eminent ability; but still when his hon. Friend (Mr. Peto) said that they were on that account entitled to confidence, he could not help calling the attention of the House to the infrequency of their attendance. Thirty-four Courts had been held during the years 1852 and 1853; out of these Sir John Burgoyne had only attended six, Mr. T. Hawes nine, Captain Veitch six, and Mr. L. Gordon two. Of fifty-five committee meetings held during the same time, Sir John Burgoyne had attended eleven, Captain Veitch eight, and the other members in proportion. Now, if that was so, it was evident that the eminence of these gentlemen was not a sufficient reason for public confidence being reposed in the Commission, but that we must look to those who actually did the work. The plan which the hon. Member had so strongly recommended for effecting the drainage of the metropolis was not that which was now proposed. It was proposed under the former to carry the whole of the sewerage of the metropolis to such a distance below London that it could not be brought back by the tide; but by the present it was proposed to cover in and make use of Hackney Brook for the purpose. That, he thought, would prove to be quite ineffectual, and, as a practical man, acquainted with draining, he had no hesitation in saying that it would be found to be absurd. He believed firmly that no one out of that House had the slightest confidence in the present Board of the Sewers Commission, and he attributed a great deal of its blundering to Mr. Chadwick, in discharging the whole of the officers who were employed by the previous Commission, and substituting for them ill-informed men, who were quite ready to carry out all his own foolish designs. Another cause of the failure that had attended the efforts to effect good sewerage was the appointment of Commissions for brief periods. One set of Commissioners were superseded by another before they had time to carry out their own plans. Nothing at all, it seemed, was to be done for poor, miserable Lambeth, much as that district needed sewerage. In fact, nothing was to be done on the south side of the Thames, and the Commissioners had had the audacity to propose that, against the opinion of such a man as Mr. Robert Stephenson. But the great objection to these Commissions was that unfit men were appointed. They were mere lawyers, and how should lawyers know anything about sewerage? But in this world there was always some compensating good for every evil. Bad as this Commission was, badly as it was constituted—of men totally devoid of any practical knowledge, as their work showed—yet there was one man who was worse, and to be avoided in every way in this matter. They had known him in the agricultural districts for some time. He trusted that the present Commissioners—bad as they were, having by their works shown their total inability to grasp with the great work they had to achieve—yet he trusted they would beware of Mr. Chadwick. He was a pest wherever he went. He feared the noble Lord had been misled on this subject; he would not say whether by Mr. Chadwick or any one else. What was required was a great and proper scheme to be carried out over the whole metropolis, and not an attempt to effect the object by this sort of pettifogging drainage, which would do more harm than good. He should be most unwilling to grant the power asked for by the noble Lord to these men, to whom he would not intrust the laying out of one single sixpence.

Mr. CHARLES S. BUTLER said, that as the question of the sewerage of the metropolis was of great importance to his constituents, he hoped that he might venture to trespass upon the indulgent forbearance of the House. He was sorry to say that the ratepayers of the Tower Hamlets had no confidence in the Commission of Sewers as at present constituted, and he must, therefore, protest against the proposed extension of their powers in order that they might raise 300,000*l*. on the security of the rates. He thought it a grievance that every housekeeper in the metropolis should be taxed for the benefit of the very few who had sewerage, and it was unjust that rates should be levied on poor parishes, and expended in other localities. This grievance would not exist if the Commissioners of Sewers were elected by the ratepayers: when they should be so elected, he (Mr. Butler) would be willing to entrust them with ample borrowing powers. With the permission of the House, he would endeavour to show what had been done with reference to sewerage in some of the parishes in the densely populated borough of the Tower Hamlets. He would first explain the present position of the parish of St. Matthew, Bethnal-green, the inhabitants of which, he had been informed, had paid sewers rates for nearly a century. Many of the leading thoroughfares were entirely destitute of sewers; in that parish there were thirty-six miles of densely populated streets, and the sewers extended only between six and seven miles, so that nearly thirty miles of streets were drained by means of cesspools. Now, in 1848, the Sanatory Commissioners reported, that "any delay in the abolition of cesspools is a delay in the removal of the most extensive sources of disease and mortality;" and, although five years had passed, positively nothing but a trifling work in a back street called Collingwood-street had been done in that important parish, which, perhaps, more than any other in the metropolis, required vigilant attention, for, in 1849, there were 1,000 deaths from cholera and diarrhœa, principally caused (he would quote the language of his official correspondent) "by the want of drainage, which remains to this day in the same condition as at that dreadful time." Now, was it not lamentable that in the parish of Bethnal-green, containing 13,500 houses, with an industrial population of 90,193 inhabitants, nearly 60,000 should be without the means of efficient sewerage. Surely, some exertion might have been made by the Commissioners of Sewers after the last dreadful visitation of cholera. He feared that it would be found that rates levied on many poorer parishes had been expended in the sewerage of more wealthy localities; but he would turn to the adjoining parish of

Stepney or Mile End Old Town: this parish contained 75,000 inhabitants, there were 20,000 houses, and twenty-five miles of streets, of which there were about one-fourth drained, one-fourth partially drained, and one-half entirely without drainage. There were sixty streets having sewerage, sixty partially drained, and 112 streets entirely without drainage. Now, only about 300 yards of sewers had been formed by the Metropolitan Commissioners of Sewers in Mile End Old Town, although they had by their last two rates raised from that hamlet alone no less than 8,000*l.* beyond and in addition to their portion of the 12,000*l.* handed over by the local Tower Hamlets Commission to the Metropolitan Commissioners. Would any person, having a knowledge of local management, assert that if the sum of 8,000*l.* taken from his (Mr. Butler's) constituents of Mile End Old Town, had been expended by local commissioners, elected by and responsible to the ratepayers, that only 300 yards of sewers would have been formed, or that the parish would have been permitted to remain in its present state? He thought not. With the indulgence of the House, he would refer to a memorial that had recently been presented by his constituents of West Hackney to the noble Lord the Secretary of State for the Home Department. He would, however, first mention that the parish of St. John, at Hackney, contained 9,502 houses, and 53,589 inhabitants; but the West Hackney, Stoke Newington, and Stamford Hill districts extended over an area of 11,000 acres, containing a population of 23,000, and rated to the poor at 110,000*l.* Now what did these memorialists to the Secretary of State say? They complain that they had paid sewers' rate for 80 years; that on some occasions it had amounted to 1*s.* 6*d.* in the pound on the amount rated to the poor: that notwithstanding the heavy amounts they had from time to time contributed, they had no sewers within their district; and that they did not, nor did they ever, derive any benefit from the operations of the Commissioners of Sewers, but on the contrary they had been seriously injured by the conversion of the Hackney brook, once a clear stream, into an open sewer for the benefit of another district, that of Holloway. They state that they have no means of drainage other than into cesspools, which exist in such great numbers that the whole substratum had become impregnated with the elements of contagion and disease, and yet this district was rated equally with other districts having the benefit of covered sewers. He would not stop to remark upon this grievous state of things, but would read to the House an extract from Dr. Sutherland's Report to the Whitechapel Union of October, 1852. This Union, he might observe, contained about 9,000 houses, and between 60,000 and 70,000 inhabitants. Dr. Sutherland says—

> "I have made an inspection of a considerable portion of Spitalfields, a part of Mile End New Town, most of the north part of Whitechapel; and have witnessed scenes that would have appeared almost incredible without personal examination. I have seen court after court, and house after house, which in a sanitary point of view are scarcely fit in their present state for the abode of man. The history of populous courts and neighbourhoods may be summed up in a very few words; bad paving, cleansing defective, no efficient drainage, cesspools or open privies over drains loaded with putrescent deposit. There is a high rate of mortality. Preventible zymotic disease is always cutting off its victims; great epidemics come and go at their will, and the ratepayers are taxed for consequences which might by prudence and foresight be averted."

Now he (Mr. Butler) would ask who were responsible for this fearful state of things? Were the Commissioners of Sewers? Who were to exercise this prudence and foresight? He insisted that it was the duty of the Government. He would not trespass on the time of the House by detailing the sewerage statistics of other parishes in the borough of the Tower Hamlets; it would be a repetition of the same sad tale, to the truth of which the Registrar General, in the weekly returns of mortality, abundantly testified, clearly evincing how large a proportion of deaths in the metropolis were due to imperfect drainage. He considered that it was impossible to overrate the importance of this question, and he trusted that Her Majesty's Ministers would introduce a comprehensive measure in the next Session. He felt bound, however, to say, that he should record his vote against any measure for perpetuating the present system: it was really too bad at the end of the Session, when so many Members had left town, that the noble Lord should, under cover of a Continuance Bill, ask Parliament to give these Commissioners power to raise and expend 300,000*l.* What had they done to warrant such an extent of confidence? Had they performed works to an equal extent with the works executed by the local commissioners who were resident in the districts for which they acted? To his (Mr. Butler's) knowledge the local commissioners had covered miles of open sewers in the Tower Hamlets during the last five years of their existence; and from the years 1838 to 1847 inclusive, the late Tower Hamlets' Commission executed fifteen miles of new works. He did not say that the old system was perfect; but the House would bear in mind that the local commissioners were acting under ancient, almost obsolete, statutes; they had difficulties to contend with which modern legislation had cleared away for their successors; nevertheless large works had been performed by them. Had the Metropolitan Commissioners been more industrious? He thought not. In 1847 a Commission was appointed, of which the noble Lord the Member for Middlesex was the chairman; it was called in the Tower Hamlets the Chadwickian Inquiry. He would not trouble the House by remarking upon the evidence; it was in consequence of the Report of this Commission that the Government superseded the several local commissioners, somewhat unceremoniously, considering that many of these gentlemen had been acting in the gratuitous performance of a public duty, and that, had they been allowed to remain in office one week longer, their commissions would have expired by efflux of time; but the Government of the day were so anxious to place the management of the sewerage of the metropolis in proper hands that they could not wait the week, and these local commissioners were accordingly sent to the right-about;—and who were the experienced and practical men that succeeded? The first was an hon. Baronet, Sir Edward North Buxton, for whom he (Mr. Butler) entertained the highest esteem, and he desired to speak of him in terms of great respect; but what did the hon. Baronet know about sewers? and what time could he, being then Member of that House, devote to the duties of a Commissioner of Sewers? Again, there was the Rev. William Stone, a highly respected minister of the Church, the rector of a densely-populated metropolitan parish, conscientiously active in the performance of his own sufficiently arduous duties. Now, if the question had been whether Mr. Stone should be appointed to a bishopric, he would have at once concurred in the propriety of the appointment; but to make that rev. gentleman a commissioner of sewers was really most ridiculous. The House would see that the effect of these appointments was, to throw the management into the hands of Mr. Chadwick and Dr. Southwood Smith, gentlemen who had taken an active part on the Royal Commission, which recommended the supersedeas of the several local commissions. These gentlemen were superseded in turn, and eventually the present Commissioners were appointed. Having felt it to be his duty to speak of the past and present management in the language of complaint, he would now venture to suggest a plan for the future, which he thought would be approved by the great body of ratepayers. His scheme was to divide the metropolis into levels. District courts to be formed for each level, the ratepayers in the several parishes electing the Commissioners. The number of District Commissioners to be determined by the extent of the population. The District Commissioners to make rates upon all property within the level for the maintenance and extension of the drainage within their jurisdiction, but not for the formation of outlets. The District Commissioners to have power to communicate with the outlets under proper regulations, and to borrow money on the security of their rates. The several chairmen of the District Courts to have seats at the central or outlet commission. He further proposed the appointment of a central court of Commissioners, whose powers should be confined to the important duty of providing and maintaining proper outlets for the sewerage of the metropolis, with powers to make rates and to borrow money on their security; these powers were of course necessary to enable them to perform the extensive works so much required. He would not object to these Commissioners being appointed by Government, because it was necessary that they should possess great practical experience; but, as he before mentioned, the several district chairmen of the levels should have seats at that court. He trusted that the noble Lord would, during the recess, apply his gigantic mind to the maturing a comprehensive measure with reference to this important subject; for it must be obvious to all that one set of Commissioners could not properly attend to the local requirements of the enormous population, and at the same time mature and carry out a great scheme of outlets for the sewerage of the metropolis.

Mr. WILKINSON said, he must express his surprise that the great pains already lavished on this subject had not been attended with a more beneficial result, and trusted that the noble Lord at the head of the Home Department would turn his attention to the important subject of the formation of local boards.

Mr. EVELYN said, he had listened with much pleasure to the speech of the noble Lord (Viscount Palmerston) at the Mansion House, when the noble Lord had expressed a hope that the Thames would soon be as clear as the waters of Blandusia, and trusted the noble Lord would take immediate steps to free their parent river from its present pollution. He thought the noble Lord was particularly bound to do this, as permission had been refused to two private companies which had proposed to do so. If the necessary works were not commenced at once, he would suggest that a clause should be inserted to give to some private company the power of undertaking this highly necessary measure. He considered the Thames would never be freed from pollution except by the results of some private enterprise; and he would support any measure which would give to the metropolitan parishes the power of self-government. Nay, more, if no other Member did so, he would himself venture to bring forward a measure which would confer the power of self-government on all the towns of England.

Lord DUDLEY STUART said, he most strongly objected to any such instruction being given to the Committee as that which the noble Lord had proposed. The inhabitants of the metropolis had no objection to make any pecuniary sacrifice in order to provide for the public health of the population. Show them proper measures, and they would do what was required of them; but what they feared was, that they would be put to great expense without obtaining any corresponding benefit. They believed that all the talk about cholera and the public health was merely a mystification, and that after a large outlay they would find themselves in a worse condition than they were in before. He strongly suspected that if the proposed money were taken, the country would be burdened without receiving the slightest advantage, just as it was now burdened with the expense of an Army and a Fleet, which were of no use whatever, because they were never suffered to go where their services were required. So little confidence had the public in this Commission, that he believed, if the metropolis were polled, rather than assent to the proposition of the noble Lord, they would gladly give 50,000*l.* to get rid of the Commissioners altogether. He admitted that the noble Lord had somewhat modified his plan; but, although what the noble Lord now proposed was a mitigation of the evil, he still believed that it would not meet the approbation of the public.

Mr. MALINS said, it could not be doubted that the proceedings of the Commissioners of Sewers hitherto had resulted in a miserable failure. He was not indisposed, however, to give the noble Lord the power of raising 300,000*l.*, provided the House had an assurance that that money should be properly expended. But he did not understand that, up to this time, there had been any agreement as to the mode of drainage which was to be adopted. There were at present two systems under contemplation, and, as yet, neither had been determined upon. 300,000*l.* would suffice to construct an immense amount of drainage, and he should be quite ready to grant that amount, if the suggestion of the hon. Member for Norwich (Mr. Peto) were acted upon, and the money were only to be laid out under the authority and sanction of such able and practical men as Mr. Stephenson and Sir William Cubitt. He trusted that we should now have a properly constituted Commission of Sewers; and, above all, he hoped that the noble Lord would not be led away into putting upon it merely "ornamental" names. It should not be a Commission composed of a large number, or of elements which could not work together, but should really consist of a few efficient practical, able men. Let the noble Lord first make up his mind whether the system to be adopted should be the deep system, or the shallow system; and, his mind once made up upon that subject, let it be carried into operation as speedily as possible, in order to secure to the inhabitants of the metropolis the necessary comforts of cleanliness and wholesomeness.

Motion made, and Question put—

"That it be an Instruction to the Committee, that they have power to make provision in the Bill, as to monies borrowed or to be borrowed under the said Acts."

The House *divided*:—Ayes 71; Noes 32: Majority 39.

House in Committee.

Viscount PALMERSTON said, that he had no wish upon that occasion to enter upon a long answer to all that he had heard. He was sure that at that hour of the night it would be undesirable that he should do so. He would merely say that he was desirous to act upon the suggestion which had been thrown out by his hon.

Friend the Member for Norwich (Mr. Peto), and that he would take care that nothing should be done in the way of the employment of this money which was not approved by the consulting engineers of the Commission, Sir William Cubitt and Mr. Stephenson, on whose judgment he was persuaded both the House and the country might safely rely. He perfectly agreed, also, with those who said that nothing would be satisfactory until some general system of draining the metropolis should be decided upon, which should relieve the Thames from the ignominious duty of being the common sewer instead of the ornament of London. With that also might be combined the application of those side sewers, which in that respect would be the substitutes for the Thames, and he should hope that means might be adopted to convert those tunnels into what miners would call downcast furnaces, so that instead of all the bad air rushing up to the houses from the drains, it might be carried the other way, and the atmosphere thus be relieved from that source of pollution. He thought, upon the one hand, that the ratepayers had had good reason to complain that they had been left hitherto without relief; but, on the other hand, he assured the Committee that the Commissioners also had had reason to complain, because they had been placed in the situation, being men of great ability, and seeing what ought to be done and anxious to do it, but they were unable to accomplish it, because they had not the funds necessary to carry into execution the works which they knew to be desirable. The only wonder, he believed, was, that those Commissioners had not struck work altogether, and refused to be any longer apparently responsible for what was considered to be neglect, but what really was the impossibility to do that which they were asked to do. He should consider it his duty to see that no works were undertaken which were not in the first place approved by those two eminent men whose names he had mentioned; also, that the works should be of such a nature as to connect places that were not drained with existing outlets; and that all the works should be such as might be brought into keeping and harmony with any general system that might hereafter be adopted. He would only add that he believed there were about 2,000 miles of street in the metropolis; and he understood that there were only about 900 miles of drains. There were therefore at present 1,100 miles of street without drains; and, as Milton had described the evils of a populous city, when he said that it was a place where

> "Houses thick and sewers annoy the air,"

he asked the Committee to consider what must be the annoyance where there were "houses thick" without any sewers at all; yet such was the condition of a great part of the metropolis.

SIR WILLIAM CLAY trusted that the noble Lord would take care that no money should be laid out in any district without previous communication with the best informed persons in that district. He begged to state that he had voted in the minority against the noble Lord, because he feared that the money would not be expended as the noble Lord had since stated that it should be.

SIR BENJAMIN HALL would suggest that the Commissioners of Sewers should at once be directed to have a plan prepared on which they should delineate their propositions, and that it should be put forth in such a manner as to be accessible to the ratepayers. He was convinced that this would prove a great facility to the operations of the noble Lord.

SIR JOHN SHELLEY said, that the noble Lord should be careful how he trusted Sir William Cubitt too much, because that gentleman had stated in evidence before a Committee of that House that the Thames was the best drain, and, in fact, the natural sewer, for the metropolis. He would prefer leaving the case in the hands of Mr. Stephenson alone.

Clause 1 *agreed to.*

Clause 2 (Amended to reduce the borrowing powers of the Commissioners from 500,000*l.* to 300,000*l.*)

MR. PETO said, he would suggest that the expense of the formation of the sewers should be spread over a period of thirty or forty years, which might be said to be the natural life of a sewer. By this means the expense to the metropolis would be less than the actual cost of maintaining the present crazy sewers. He wished also to call the attention of the noble Lord to the unfair mode in which the rates were levied. For example, the inhabitants residing near Hyde Park and other districts in the outskirts of London, and who were mainly rich people, paid no sewers rate; while the inhabitants of the Tower Hamlets and other districts through which these outlying places were drained, and who were mostly poor people, paid for their own drainage, and the drainage of the others besides.

VISCOUNT PALMERSTON said, it was the intention of the Commissioners to raise money on annuities in the manner which had been proposed by the hon. Member for Norwich.

Clause *agreed to.*

House resumed.

Bill *reported* as amended.

HACKNEY CARRIAGE DUTIES BILL.

Order for Third Reading read.

COLONEL SIBTHORP said, he thought the House and the country were greatly indebted to the noble Lord the Home Secretary and to the hon. Member for Lewes (Mr. Fitzroy) for the active part they had taken in promoting this measure. He considered, however, that some additional regulations were still necessary. He had frequently seen the lives of persons jeopardised from the practice of taking up or setting down passengers in the centre of the streets. He considered that the proprietors of public vehicles ought to be made responsible for the misconduct of their servants; and he believed if such a regulation were adopted they would not be very likely to hear of violence or insult on the part of the drivers. He thought it was desirable that drivers should be prohibited from sitting in their carriages, for he had frequently seen drivers smoking in their cabs, and the smell was not very pleasant, especially to women who might afterwards engage the vehicles. He would therefore beg to propose four clauses to remedy those defects.

MR. LOWE said, he could not consent to the clauses proposed by the hon. and gallant Member, which did not appear to him to come within the legitimate scope and meaning of the Bill. He considered that as the clauses, which were highly penal, would materially affect the interests of a large body of persons, they ought to have been brought forward when the Bill was in Committee. He agreed with the hon. and gallant Member that it was not right that omnibuses should set down passengers in the middle of the streets; but the police had power to prevent such a system, and that power was exercised every day in the metropolis with regard to all carriages, whether public or private. He must say the clauses were drawn in a very informal manner. They provided for the infliction of a penalty of 40*s*., or one month's imprisonment, but they did not say who was to adjudicate. As the clauses stood, he apprehended that proceedings could not be taken before magistrates, but that the penalties must be sued for by the Attorney General in the Court of Queen's Bench. The second clause would entail great hardship, for if a driver got drunk and were discharged, the proprietor could not send out the carriage next day. The third clause was one of the most objectionable he ever saw. The fourth clause made the police judges upon the spot. In the plenitude of their wisdom, they were either to rectify the matter at the time, or make a report; but what was to be the consequence of making a report was not stated. They were also to act as referees; but whether with or without the consent of parties, did not appear.

COLONEL SIBTHORP said, he had more confidence in the "plenitude of the wisdom" of a police officer than in the wisdom of half the Treasury Bench. He would rather submit to his decision and impartiality than to the wise Gentlemen on the Treasury Bench. He was no lawyer, but he had put a plain common-sense proposal before the House. He had done his duty, and the responsibility must rest with the hon. Secretary to the Board of Control and the Government.

Clauses *negatived.*

SIR DENHAM NORREYS said, he wished to move a clause having reference to the new fares proposed by this Bill.

MR. LOWE said, he could not agree to the clause, which was liable, in the first place, to the objection that it was legislation of a too minute character, which ought to be left to some subordinate authority. The House had passed a law that the distances published in the book of fares, signed by the Commissioners of Police, should be conclusive, and that with regard to other distances they should be measured. The clause proposed that the magistrate should measure the distance by the Ordnance map. He might do so now. ["No!"] Yes, he might measure the map and give his opinion, and then if that were disputed, the parties must abide by the measurement. The rule of law was, that the best evidence, where it was procurable, should be taken, and it would not be right to deprive a party of his appeal to actual measurement. The hon. Baronet had correctly anticipated that the magistrate might not know exactly where to begin his measurement; but the mode proposed of beginning with the first intersecting street or public building might be extremely unjust to the cabman, and might lead to his being wrongfully imprisoned for overcharge.

Clause *negatived.*

Mr. F. SCULLY then moved the insertion of the following clause:—

> "That the proprietor of every hackney carriage or metropolitan stage carriage, licensed to ply for hire within the limits of this Act, who shall withdraw his carriage from hire for two consecutive days, or for any two days in one week, without just cause, of which the magistrate before whom the complaint is heard shall be the judge, shall be liable to a penalty of a sum not exceeding 20*s.* in respect for every carriage for each day he shall so withdraw the same; and the licence of such proprietor shall be suspended or recalled and taken away at the discretion of the said commissioners of police: provided always, that it shall be lawful for such proprietor, upon giving ten days' notice to the commissioners of police, to withdraw his carriage from hire."

It would prevent the very great inconvenience to the public that occurred a short time since, when the strike took place, and would not operate unfairly to the proprietors or owners of cabs or carriages.

Mr. FREWEN said, he would admit that the greatest inconvenience had been sustained by the public during the late strike, particularly by persons arriving by railway from the country. But he was informed that the loss sustained by the cab proprietors in consequence of the strike was so great, that doubts were entertained whether they would ever try that experiment again. It had been calculated that the loss to the proprietors of cabs from the three days' strike amounted to 2,500*l.* [Sir J. Shelley: 2,000*l.* a day.] This, he thought, would be a sufficient caution to them how they struck work again.

Lord DUDLEY STUART said, he should oppose the clause, which he thought would have a tyrannical effect. It was, besides, an interference with free trade. Several cab proprietors had a number of cab licences, but it did not always suit their interests to continue the same number; and, if this clause passed, they would be unable to withdraw their cabs without ten days' notice, which would inflict a serious loss upon them. He saw no security that there would be any appeal; and, considering the manner in which magistrates had of late exercised their power, he could not consent to vote for this clause.

Sir JOHN SHELLEY said, he entirely differed from his noble Friend. It must be recollected that the House had not only the cab proprietors to protect, but the public out of doors; and he must say that the cab and omnibus proprietors had shown they had more power than it was thought they possessed, and had exercised that power to the great inconvenience of the public, who could not protect themselves. He thought the proposed clause nothing more than a reasonable one, and should cordially support it.

Mr. W. J. FOX said, he would add, that there was a third class of persons who needed protection, and that was the cab drivers. When the proprietors took their cabs off the stands, they deprived the drivers of their work and wages; and it was within his knowledge that many drivers (who were entirely dependent upon their masters) were very much annoyed as well as injured by the strike which had lately taken place.

Mr. LOWE thought, recent events had shown that the proprietors of public carriages possessed a great and important power, with which it was not safe to intrust them. A more unwarrantable annoyance to the public than the recent cab strike could hardly be imagined. On the Monday those who represented the cab proprietors had seen his hon. Friend the Secretary to the Treasury (Mr. Fitzroy), and had obtained from him assurances of concession on two points to which they attached much weight, and both of which had been since carried out. Notwithstanding, however, the assurances these persons obtained, they had not chosen to wait and see if they would be carried out, but "struck," and by withdrawing their vehicles produced the greatest possible inconvenience to the public, and much loss to the drivers. All they had got by the strike they had been promised before, and yet after it was all over they met together and congratulated each other upon the triumph they had achieved. He knew also that it had been in the contemplation of the omnibus proprietors, who could not pretend that they had any grievance, and who had the power of regulating their own fares, to strike, he supposed out of mere gaiety of heart, for the purpose of assisting the proprietors of cabs. Now, he did not want to take any measure in a retaliatory spirit; but he thought it was only just that the public should be protected from combinations like these, entered into not so much for the purpose of carrying any point, as of showing the power of the proprietors, and of producing public inconvenience. His hon. Friend the Secretary to the Treasury approved of the clause proposed by the hon. Member, and he therefore hoped the House would agree to it.

Clause *added.*

MR. V. SCULLY moved to substitute for Clause 13 the following clause:—

> "Where any hackney carriage shall be discharged beyond the circumference of a circle the radius of which shall be four miles from Temple Bar, it shall be lawful for the driver of such carriage, in addition to the fare now directed to be paid under the Act of the present Session of Parliament, chap. 33, to charge a sum of 6*d.* per mile for each mile, or part of a mile, in respect of the distance between the place where he is so discharged and the nearest point of such circumference."

SIR WILLIAM CLAY seconded the Motion, but said he must complain that the East and West India Docks, and the important districts clustered around, were cut off from the circle of four miles which was proposed, while Hampstead-heath and part of Tooting-common were embraced within it. In his opinion it would be much more advantageous to have an ellipse than a circle.

MR. SPOONER would suggest that there should be two points of departure—Charing-cross for the cabs going west, and St. Paul's for those going east.

MR. LOWE said, he did not consider it necessary to reopen the question of the two centres, which had already been thoroughly discussed. He was quite willing to accept the Amendment of the hon. Member for Cork (Mr. V. Scully), provided several verbal amendments were made in it.

LORD DUDLEY STUART brought up a clause to establish an appeal in certain cases. Though he condemned the recent strike of the cabmen, he thought that some palliation was to be found for their conduct in the manner in which the previous Bill on this subject had been discussed. The consequence of that hasty and inconsiderate measure had been to give satisfaction to no one. It would have been much better if that Bill had been referred, as was proposed, to a Committee upstairs. He now proposed, that, in cases of refusal of licences, there should be an appeal from the decision of the Police Commissioner to the Quarter Sessions; but, to prevent any inconvenience, he thought that the refusal of the licence should be valid until the final decision of the appeal. He proposed further to give an appeal from the decision of the police magistrates. The want of this appeal was considered a peculiar grievance by the trade and by the drivers, and that feeling had been increased in consequence of a late decision, by which a cabman had been sent to prison because he could not pay down a certain sum to have a disputed distance measured. He knew that the case to which he alluded had been denied in that House, but he believed the fact was as he had stated it. The objection to the appeal was, that it would sometimes frustrate the ends of justice, because the cabmen would immediately appeal in every case from the adverse decisions of the magistrates; but the clause he proposed so fenced round the power of appeal that it would seldom be exercised. The cabman would have to give notice of his intention to appeal within twenty-four hours; he must also enter into recognisances for the payment of double the amount of the penalty and costs awarded against him; and he must be bound over to pay the reasonable expenses of all the witnesses in the case, together with any other costs. Although the power of appeal would be very seldom exercised under these circumstances, it would place a salutary check upon the decisions of magistrates. The omnibus proprietors, who also desired a power of appeal, had waited on him to ask his advice when the cab strike had taken place. He advised them to relinquish all intentions of striking, and to endeavour to induce the cabmen, if possible, to resume work. He also advised them to petition Parliament, and to lay their case before the Home Secretary. Now that the strike was at an end, he had consented to bring forward their case, as he considered that their demand for a power of appeal was but reasonable. In the cases of licences to public-houses there was an appeal to the Quarter Sessions. Why, then, should there be no appeal in the cases of cab licences? He had copied these clauses, with regard to the appeals, out of an Act which had passed through the House for regulating hackney carriages in Dublin. Why was an appeal just in Ireland, and unjust in England? They were often asked for justice to Ireland. He now asked for justice to London. He felt a great respect for Sir Richard Mayne, who, he was sure, would not feel hurt at there being an appeal given from his decision. A police magistrate had written to him on the subject of this Bill, and had argued that there ought not to be any appeal from a police magistrate to the Chief Commissioner of Police; but he had no intention to give such an appeal, and there was no objection expressed to an appeal from a magistrate to any competent tribunal.

MR. LOWE said, he had strong objections to this clause. His first objection was, that this matter had been brought forward by the noble Lord in the Committee on the Hackney Carriage Bill, and then fully argued and negatived. And now, on the third reading of another Bill, at the end of the Session, the noble Lord came forward and asked the House to repeal that decision. But the case did not rest here. Let the House only think what the effect of this power of appeal would be. These gentlemen had already shown what they could do in the way of combination, and if the appeal were granted it would be the virtual repeal of everything done by Parliament for the regulation of the public conveyances. Everybody knew that there was great difficulty in inducing people to come forward and make complaints in the case of cabs and omnibuses, and that numerous delinquents in consequence escaped; but, if to this they added the appeal, the difficulty would be greatly increased of reaching a class of men not very observant of the law, and not very decorous in their conduct. It would be found that the appeal would be universal; for the proprietors of hackney carriages would form a fund, and, by appealing against every decision, secure themselves from punishment, for attempts to bring them up before the magistrates would soon cease to be made. He might state, that the general opinion of those who administered the law was against the appeal, and he thought their objections were well founded. The noble Lord objected to the decision being left with the police magistrates; but they were, nevertheless, as intelligent and learned a body of men as could be found; and he would not retort upon the noble Lord the *argumentum ad hominem* that the very gentleman who presided over the Court to which the appeal was to be made was the gentleman whose salary the noble Lord lately refused to raise some 300*l.* a year.

MR. I. BUTT thought a strong case should be made out before they refused the right of appeal. He proposed that the magistrate should reduce the evidence to writing when an appeal was taken, and remit such evidence to the Court before which the appeal was to be heard.

Motion made, and Question put, "That the said Clause be brought up."

The House *divided:*—Ayes 27; Noes 41: Majority 14.

Bill *passed.*

The House adjourned at One o'clock.

HOUSE OF COMMONS,

Wednesday, August 10, 1853.

MINUTES.] PUBLIC BILLS.—1° Burgh Boundaries (Scotland).

2° Consolidated Fund (£10,634,087 2*s.* 4*d.*); Militia Pay; Improvement of Towns (Ireland).

Reported.—Evidence Amendment.

3° Customs; Customs Acts Consolidation; Loan Societies; Stock in Trade Exemption; Registrar of Meetings; Public Works Acts Amendment (Ireland); Ecclesiastical Jurisdiction; Militia Ballots Suspension, and Militia Law Amendment; Commons Inclosure (No. 3); Smoke Nuisance Abatement (Metropolis); Betting Houses.

LAW OF PARTNERSHIP.

MR. WARNER said, he wished to ask the right hon. President of the Board of Trade whether it was the intention of Her Majesty's Government to bring in a Bill early next Session to amend the present law of partnership, with a view to facilitate the formation of companies or partnerships with limited liability, without the necessity of a charter or Act of incorporation; and, if this was not their intention, whether the Government intended to lay down any, or what, principle for their future guidance in giving or refusing charters with limited liability?

MR. CARDWELL, in reply, said, that as the law at present stood, incorporated joint-stock companies had not limited liabilities. There was power in special cases for the Queen in Council to grant charters with limited liability. The practice with respect to these charters was this: They were sent to the Committee of Privy Council for Trade. Those consisting of financial questions—for instance, colonial and banking charters—were disposed of under the responsibility of the Treasury. Charters, neither commercial nor financial, were under the responsibility of the Home Office, and the ordinary charters were disposed of under the Committee of Privy Council for Trade. With respect to those charters, the rule had been to grant them only in cases where the enterprise, from its magnitude, demanded a very large capital, and where the benefit to the nation from the undertaking was evident. That rule was not of easy application, and the course of precedent had not been uniform. The present Government had only granted charters in two classes of cases—one the Australian Voyage, and the other the Submarine Telegraph. He found that charters had been obtained by the following companies:—Royal Mail Pacific Steam, Peninsular and Oriental, Indian and Australian, General Screw, Eastern Steam, South American General, African Royal Mail, and Liverpool and Australian. Two Committees had been appointed to inquire into the subject, and recommended the issue of a Commission. That Commission was now proceeding with its inquiry. He understood that the Lord Chancellor would be able to lay the Report before Parliament early in the next Session; and it would be manifestly improper to make any declaration in anticipation of that Commission. With regard to the course to be pursued by the Board of Trade in the interval, all he could say was, that it would keep the question in the most advantageous position for the House to deal with, and every question would be dealt with in conformity with established precedent.

CUSTOMS BILL.

Order for Third Reading read.

MR. WILSON said, that in moving the Third Reading of this Bill, he could not omit the expression of his deep obligations to the Gentlemen whose unremitting and most able co-operation had enabled him to prepare this very important measure. The Commissioners of Customs, and their very able solicitor, had been indefatigable in the application of their labour and their knowledge to this most difficult and most complicated subject, the complication of which might at once be understood from the fact that the Customs Acts, originally no fewer than 1,500 in number, and since reduced to 300, were now reduced within the compass of this one measure, which was framed with so much perspicuity as to be at once intelligible to any person consulting it. He had also derived most valuable aid from the merchants of London and Liverpool. That measure was at once the accomplishment of the great work commenced by Mr. Huskisson, and the completion of the commercial reforms begun by Sir Robert Peel. The amendment which the measure effected in the system of prosecution under the Customs laws would of itself constitute a most valuable reform. The assistance rendered by Sir Thomas Fremantle in the completion of the Bill was beyond all praise. With respect to any improvements of the Customs laws, it was satisfactory to state, that instead of serving the parties with a long legal process, nearly the whole of which was irrelevant to the charge, four or five lines would for the future be quite sufficient to define the offence; and, beyond this simplification, many of the cases might be decided by the County Courts.

MR. G. A. HAMILTON said, he fully concurred in the praise which the hon. Gentleman had so deservedly accorded to those gentlemen by whom he had been assisted in this great measure, and he felt bound to express the gratitude which he conceived due to the hon. Member himself for the indefatigable assiduty with which he had applied the energies of his able mind to the work. He felt that the hon. Gentleman had, in this measure, conferred a most important benefit on the commercial interests of the country.

Bill read 3°, and *passed.*

TRANSPORTATION BILL.

On the Report of the Bill being brought up,

MR. WALPOLE said, he wished to take that opportunity, as the third reading of this Bill was appointed for to-morrow, to refer to two Amendments which had occurred to him to be absolutely essential for the proper working of the measure. In the first place, he thought that they should retain the power, at any rate, of sentencing convicts for ten years, and transporting them, if the Crown thought fit. His reasons for that were these: As he understood the proposition of the Government, it was founded on the expectation that Western Australia would take 700 or 800 convicts a year. The returns showed, however, as he had stated on a former occasion, that the average number of convicts sentenced to transportation for periods exceeding ten years did not amount to that number. The hands of the Crown, therefore, would be unnecessarily tied when it might be advisable to carry on transportation. Again, if they passed a Bill allowing only those convicts to be sent to Western Australia who were now willing and anxious to go there, or those who were under sentence of fourteen years and upwards, it might induce the colonists to believe that the worst kind of convicts, and not the best, were sent there, and would be no longer willing to receive even that limited number. For these reasons he was anxious that the Government should consider the propriety of abolishing transportation only for seven years' sentences, and not for sentences beyond that period, leaving the rest in the discretion of the Crown, but intimating the desire of the Crown to act upon the intentions of the Government, and not to carry out those sentences as a general rule. Another amendment which he thought of still greater importance was this: To provide means that when convicts in this country obtained a conditional pardon, they should not abuse the mercy of the Crown by committing again offences of a similar nature without being liable to a much more severe punishment. Unless that were done, he feared they would find that the worst kind of delinquents would be constantly sent back upon this country. Unless there was some check or power on the part of the Crown during the time of conditional pardon, it would undoubtedly operate very much to the detriment of the measure, and would prevent that deterring effect operating upon the minds of the convicts, which, combined with the hope that they might obtain a remission of their punishment, would do more to reform their character, and to render them useful members of society, than any other measure that could be devised. These were the two points which, after much consideration, he wished once more to press upon Her Majesty's Ministers. He would not take the sense of the House upon them, because he felt that it was a matter the responsibility of which entirely rested with the Government; but he considered that he should not have done his duty, entertaining the strong opinion which he did upon those two points, if he had not pointed them out to the House and to the Government before sanctioning this otherwise exeellent and beneficial measure.

VISCOUNT PALMERSTON said, that the suggestions which had just been thrown out should receive the consideration due to the importance of the subject, and the respect to which anything that came from the right hon. Gentleman was so pre-eminently entitled.

Further consideration of the Bill postponed to Friday.

ADJOURNMENT OF THE HOUSE.

VISCOUNT PALMERSTON moved that the House, at its rising, should adjourn till ten o'clock to-morrow. It was desirable that the House should meet, with the view of carrying on certain Bills another stage, and he should hope that those hon. Gentlemen who might not be over-fatigued by the labours of the morning, would not object to meet at Ten o'clock at night for that purpose.

Motion *agreed to.*

The House adjourned at a quarter before Three o'clock, till Ten o'clock *To-morrow night.*

HOUSE OF LORDS,

Thursday, August 11, 1853.

MINUTES.] PUBLIC BILLS. — 1ª Apprehension of Offenders Act Amendment; Defacing the Coin; Betting Houses; Commons Inclosure (No. 3); Ecclesiastical Jurisdiction; Loan Societies; Linen, &c. Manufacturers (Ireland); Female Convicts; Militia Ballots Suspension and Militia Law Amendment; Marriages, Holy Trinity Church, Hulme, Validity; Stock in Trade Exemption; Smoke Nuisance Abatement (Metropolis); Hackney Carriage Duties; Public Works Acts Amendment (Ireland); Customs Tariff Act; Customs Consolidation Act.

2ª Assessed Taxes; Insurance on Lives; Sheriffs (Scotland).

3ª Naval Coast Volunteers; Liberated Africans (Sierra Leone); Land Tax Redemption; Consolidated Annuities (Ireland); Turnpike Acts Continuance (Ireland); Passengers Act Amendment.

Their Lordships met; and having gone through the Business on the Paper,

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, August 11, 1853.

MINUTES.] PUBLIC BILLS.—1° Registrar of the Privy Council; Liberated Africans (Sierra Leone); Passengers Act Amendment.

3° Friendly Societies; Metropolitan Sewers Acts Continuance; Copyhold, &c., Commission Continuance; Lunatics' Care and Treatment.

[Her Majesty having appointed this day to review the Fleet at Spithead, and having graciously disposed a steam-frigate for the accommodation of the Members of the House of Commons, the House appointed to meet at the unusual hour of Ten o'clock p.m.: but a sufficient number of Members to form a House not having returned at that hour, Mr. Speaker did not take the Chair until half-past Eleven o'clock p.m.]

LUNATICS CARE AND TREATMENT BILL.

Order for Third Reading read.

Bill read 3°.

MR. MICHELL moved the following clause:—

"Provided also, That it shall not be lawful for a proprietor or superintendent of any licensed house, to keep or confine beyond the period of six months any person admitted into such house as a lunatic under the provisions of this Act, unless a jury, as in the case of a writ de lunatico inquirendo, shall have been summoned to ascertain the lunacy of such person; on the unanimous finding of this jury, the person shall be discharged or detained, as the case may be; if the jurors cannot agree, then the person shall be transferred to the nearest county lunatic asylum, as provided for by Clause 20."

While protection, he said, was extended to the poorer classes of lunatics, those who were richer were left without it, especially as regarded their detention in the asylums. It had been said that he had complained that the keepers of private asylums treated their patients with cruelty; but this was only the fact in a limited sense. So far as personal treatment went, there was nothing calling for complaint; but it was his opinion that, in many instances, persons were detained in the asylum for a longer period than was necessary. This was a cruelty which he thought it his duty to endeavour to provide against.

Clause *negatived.*

MR. WALPOLE moved to add the following clause:—

"And whereas by the said recited Act it is provided that every person to be appointed in the room of any Commissioner, being a barrister of five years' standing at the bar, and upwards, shall be a practising barrister of not less than five years' standing at the bar; and whereas it is expedient to amend the said provisions as hereinafter mentioned, the present or any future Secretary to the Commissioners, if at the time of his appointment to be such Secretary he was or shall have been a practising barrister of not less than five years' standing at the bar, shall be eligible to be appointed a Commissioner in the room of any such Commissioner as aforesaid."

Clause *agreed to.*

MR. FRESHFIELD said, that in the present state of the law, a great hardship, he would rather say a great injustice, attached to the situation of persons considered as criminal lunatics, by which term was not to be understood generally persons who had committed acts of great violence, but acquitted by juries on the ground of insanity so unequivocal as to relieve them from criminal responsibility; but it not unfrequently happened that persons became subjects of criminal charge of a very minor character, but when in custody their sanity became matter of inquiry, and in the end it became a question whether the magistrate should require sureties to keep the peace, or pursue the provisions of the Act 3 & 4 *Vict.* c. 52; and in this latter alternative, if the accused Person was certified to one of Her Majesty's Principal Secretaries of State to be of unsound mind, and should in consequence be committed by him to some lunatic asylum or other place of confinement, that commitment would not be during pleasure, but till it should be certified by two physicians or surgeons that such person had become of sound mind. No power was possessed by visiting committees of lunatic asylums to discharge the individual, as in the case of ordinary lunatics, nor was any discretion vested in the Secretary of State. It might be that the patient had become harmless; his primary enmity and sense of injustice, out of which the conduct originally complained of, might have abated; his confinement and a course of treatment as a prisoner might tend to aggravate his mental weakness, but some matter of delusion resting on the mind delayed the hope of such a certificate being obtained as the law required, and every day of delay rendered it more probable that the case would fall into the chronic class, and exclude the prospect of the medical certificate; and though the improved and harmless state of the patient should be shown to the Secretary of State upon the best authority, medical and otherwise, still the official person was powerless; and it had happened that, persons, who might, in the exercise of a safe discretion, have been delivered over to the care of their friends, were on the contrary continued in confinement until released by death. He, therefore, intended to propose a change, which he trusted would be deemed safe as well as humane; it was merely to give the Secretary of State a discretionary power. He should not propose that the qualified certificate of two medical men, in the stead of the positive certificate now required, should be obligatory upon the Secretary of State; but it would leave that officer, after receiving such certificate as the Amendment contemplated, still at full liberty to exercise as much caution as he thought proper. He might, if he chose, ask for further information—for a report from the visiting justices as to the case in all its stages—in short, only to exercise the power when all doubt was removed. With this explanation, he (Mr. Freshfield) moved the Amendment of which he had given notice, which had the assent of his right hon. Friend the Member for Midhurst, who had charge of the Bill, and of the noble Lord the Secretary of State for the Home Department, namely, at the end of Clause 38, to add—

> "Save as hereinafter provided; that is to say, it shall be lawful for one of Her Majesty's Principal Secretaries of State to issue his warrant to remove or discharge any insane person who shall be in custody under the provisions of the said Act of the 3rd and 4th years of Her Majesty, c. 54, provided it shall be duly certified to such Secretary of State, by two physicians or surgeons, that such insane person was harmless, and might be discharged from restraint as an insane person without danger to himself or to others, in like manner as if it had been certified to such Secretary of State that such person had become of sound mind, anything in the said Act or any other Act to the contrary thereof in any wise notwithstanding."

Clause *added* to the Bill.

Bill *passed.*

The House then adjourned at a quarter before Twelve o'clock.

HOUSE OF LORDS,

Friday, August 12, 1853.

MINUTES.] PUBLIC BILLS. — 1ª Friendly Societies; Copyholds, &c. Commission Continuance; Metropolitan Sewers Acts Continuance.

2ª Pilotage; Universities (Scotland); Burials (beyond the Metropolis); Employment of Children in Factories; Public Works Acts Amendment (Ireland).

Reported.—Duties on Horses let for Hire; Assessed Taxes; Insurance on Lives; Sheriffs (Scotland).

3ª Poor Relief Act Continuance; General Board of Health (No. 3); Public Libraries (Ireland and Scotland); Government of India.

RUSSIA AND THE PORTE.

The EARL of MALMESBURY: My Lords, in accordance with the notice I placed on the Minutes of your Lordships' House, I rise to move for the papers which I there mentioned, being a translation of the two circulars addressed by Count Nesselrode to the diplomatic agents of the Russian Government, and published in the *St. Petersburgh Gazette;* and also, any answer which Her Majesty's Government may have sent to the statements therein contained. Your Lordships may easily imagine that if I had been moved by any party feeling or factious motives, or even by any feeling of personal vanity, in wishing to present myself before you to discuss so important a question as the present, I should not have chosen this late period of the Session—I should have risen before now to ask what had been the negotiations of the Government on this subject, and should not have waited until within a very few days of the close of the Session, and when so few noble Friends of mine are in London to attend the House. But, my Lords, having once had the honour of being in the position which my noble Friend opposite now holds, I certainly thought every indulgence should be given to a Minister employed, as he had been, in a question of such momentous importance to the peace of Europe. I therefore, as your Lordships well know, having at different periods asked questions of the noble Earl as to the continuance and the result of his negotiations, have always bowed to his wish and the wish of the Government, not to proceed into the whole matter in question, and not in any way to embarrass the Government, inasmuch as they led us to suppose that any premature discussion upon the subject, would possibly have prevented that happy result which we all so anxiously desired. But with respect to the papers for which I now move, I may fairly say they are not to be set in the same category as negotiations and correspondence carried on by a continued series of despatches. I must say, judging from the little experience I had in the office now held by my noble Friend, that I can see no objection to the production of the papers, which are not correspondence, but which have been published to all Europe by the Emperor of Russia himself in his own language, and which have appeared in the language and in the public prints of France and England. For the same reason I cannot see any objection why we should not have the answers which we understood, the other night, had been made by my noble Friend opposite to those manifestoes of the Emperor of Russia. Those manifestoes contain much that ought to be answered; they contain much that none of your Lordships can possibly assent to; and inasmuch as the French Government did answer them immediately and ably, and inasmuch as two out of three of the parties engaged in these negotiations have publicly put forth their sentiments on the matter, I cannot understand on what ground Her Majesty's Government can stand up to refuse to your Lordships and to the other House of Parliament their reply, which we are told would be sent soon after that of the French Government. I was told, when I asked for papers connected with this question, that it was not the custom in this country to publish diplomatic correspondence. It is certainly perfectly true that diplomatic communications are for obvious reasons kept back until the Minister, in the exercise of his discretion, thinks it right to place them before Parliament; but, as I said before, I do not think these papers come within the category of that correspondence; and there certainly are precedents, well known to your Lordships, for not opposing their production, which will at once relieve my noble Friend, who is anything but a pedant, from any pedantic pressure that might be laid on him by official custom. In 1822, if I am not mistaken, when the entry of the French army into Spain took place, Mr. Canning immediately published a paper on that subject —I believe within four and twenty hours of the time when the news arrived; and, to go to a much later period, it is only a few months since Lord John Russell published in the newspapers of the day a despatch which he had sent, in the case of the Madiai, to the Court of Tuscany.

My Lords, before I say one word more on the question—a question which has certainly caused more public anxiety than anything which occurred during the last twenty years—I must remind my noble Friend opposite that, after thirty-eight years of peace, when the minds of men have been turned for so long a time to the peaceful employments of commerce and the arts of civilisation, we may, perhaps, feel somewhat more nervous than our forefathers did, who were more accustomed to long wars and hostile alarms. We have all the indications of the greatest possible agitation in this country, and all the signs of that apprehension must have been clear to your Lordships. There has been a great fall in the funds, there has been a great rise in certain provisions, and there has been a considerable dulness in speculation and trade; and I think the Government ought to leave no means unemployed to allay the excitement, which has been certainly raised to a very high pitch. I believe, however, that that excitement and those apprehensions have been very much increased by the continued and lengthened mystery which the Government have thrown over their operations and negotiations on this subject. This state of things may be now said to have continued ever since the month of March last. It was difficult for you, as it was difficult for me, to believe, when we first saw these signs of an aggression on the part of Russia upon an ancient ally—that most important country to us and to all Europe, Turkey—it was certainly a matter of great astonishment to every person here, who had for so many years placed the greatest confidence, not only in the honour of the Emperor of Russia, but also in the conservative policy in which he so long appeared to pride himself, and which he had so emphatically proved during the Revolutions of 1848. My Lords, no one could be more astonished than myself; for during the year 1852, when I had the honour of holding the office which my noble Friend now holds, it was impossible for any Court to give more repeated assurances, to show a more sincere interest in the maintenance of the treaties by which Europe is bound, and in those territorial arrangements which have happily subsisted for so long a period, than the Emperor of Russia. If there is one Sovereign more than another, if there is one Government in Europe more than another, which impressed on me the importance of maintaining inviolate those treaties, and an interest that the present territorial distribution of Europe should remain undisturbed, it was the Emperor of Russia and his Government. Not being in office, I cannot follow the events which have taken place so closely as my noble Friend, who is acquainted with all their various details; but I cannot help thinking I can account in a great degree for what has happened. The Emperor of Russia, it appears, was deeply irritated at the conduct of the French Government in respect to the Holy Shrines in Palestine. My Lords, that subject had long occupied my attention, and that of Her Majesty's Government, while I held the seals of office, and we left no opportunity untried of urging the French Government to bring to an early and satisfactory issue that unfortunate dispute. On the part of the French Government and the French Emperor we were met by assurances that they were equally anxious to bring that dispute to an end, and that they would make no unreasonable demands; and just before my noble Friend, then at the head of the Government, left office, the French Ambassador at Constantinople was changed, and M. de la Cour, a man of singularly mild and conciliating conduct succeeded in his place. But, my Lords, it appears that, in the Emperor of Russia's mind, what had passed had not been effaced in consequence of the feeling on the part of the French Government, which impression subsequently assumed a more practical form. Although, when M. de la Cour had repaired to Constantinople, the question relating to these Holy Places had been fully and satisfactorily settled; and although this took place before

Prince Menschikoff arrived at Constantinople, still it appears that the impression on the mind of the Russian Government remained unaltered—that they were dissatisfied with the settlement of that question, and still suspected, or pretended to suspect, the Turkish Government of wishing again to impose upon them conditions which they thought they had no right to impose. It is impossible for us or any human being to read the human mind; but your Lordships are well aware of the traditional policy imputed to Russia and its successive Governments, and it is impossible, therefore, to divest the mind of the idea that probably the Russian Government might have conceived from these circumstances, that the moment had arrived, to which a vast portion of the Russian population had been taught for many generations to look forward, as the predestined epoch at which they were to march to the southward, and obtain possession of the capital and the country which their former sovereigns had so long coveted. Now, supposing these feelings to have been shared by the present Emperor of Russia, and by the members of his Government, I must say that I think they have been, if not urged, at least not restrained, from yielding to the fatal temptation presented by the course of events which had recently occurred. When Her Majesty's late Government was in office, our policy was naturally reviewed, canvassed, and criticised on many points; but there was one upon which unremitting censure was showered from that portion of the press which represented, or appeared to represent, the opinions of the then Opposition. The newspapers of the day, during the whole time that Lord Derby's Government were in office, fiercely assailed his foreign policy—I mean that part of the foreign policy which was followed with regard to France; and if one newspaper exceeded another in constant abuse of the policy which prompted us to maintain a close reliance with France, it was a newspaper, supposed by the public—I know not whether justly or not—to be peculiarly connected and intimately associated with that political party whose members are more celebrated for their talents than for their numbers, and who have since formed a most important portion of the present Administration. That newspaper and others of the Opposition continually taunted us with what they called our subservient and cringing policy to the French Emperor. Personally, my Lords, I was continually abused—even terms of ribaldry were continually used upon this point whenever the subject was discussed:—indeed, it was broadly insinuated in these newspapers that I was unworthy of the post that I occupied—that I had acted unfaithfully to my trust, and had lost the feelings of an Englishman, and was altogether blinded to the interests of my country by my extraordinary partiality to a foreign nation and a foreign ruler. If I could have been personally moved by such observations, I have the satisfaction of knowing, as subsequent events have proved, that that policy, that close alliance formed with the new dynasty in France, has been productive of the most important consequences to this country. I have had the satisfaction of seeing the columns of those very newspapers commending this intimate alliance with France as the most useful, and prudent, and important policy; and, going still further in exaggeration than I should have thought it possible, it has been proclaimed that it is the only alliance that is of any use or consequence to England. As far as I am personally concerned, I have the satisfaction of knowing that my successor in office —one of the most eminent Members of the present Government—stated to the House of Commons, cordially and generously, that in my policy with respect to France I had maintained the dignity of my country. It was not, therefore, as a matter of personal annoyance that I regretted these systematic attacks against our policy towards France; but it was because I knew that foreign countries did not understand what we Englishmen understand, that certain journals belong to one party and certain others to another, and that whoever may happen to be Minister is certain of being continuously and vigorously abused by the newspapers in the interest of the parties opposed to him. This, my Lords, I knew as well as your Lordships; and not one of you who might have been in my place, would have escaped being attacked in the same way; but I regretted the persevering attacks on our important neighbour and on our own policy, and our anxiety to maintain a close alliance with her, because I was satisfied they would not be understood at their real value, but would be construed into a wish, not of the general body, but of the majority of the English people, either to be averse to an alliance with France, or to be indifferent to that alliance. I cannot help thinking that the language of the press during eleven months, always taking this direction, must unfortunately have made a very strong impression on foreign Courts, but above all upon the Court of Russia. But if such an impression does exist—I know, as a fact that it does generally exist—how much that impression must have been strengthened, if not changed into almost positive conviction, by the circumstances which followed! Lord Derby's Government resigned on the 28th of December, and Her Majesty's present Government succeeded to their places. Your Lordships know that, especially upon the foreign policy of the new Government, the eyes of all Europe were turned—that the probability of what view they might take on foreign policy was anxiously canvassed in foreign Courts. I say these foreign Courts, being under the impression which they had received from the constant language of the Opposition press whilst we were in office, had their attention at that moment attracted by two remarkable speeches, made in allusion to France, by two Members of Her Majesty's Government. My noble Friend opposite (the Earl of Clarendon) will not, of course, suppose that I am making any attack on him, for he was not then in office; as little can the noble Earl suppose that I am attacking his eminent Colleague who succeeded me in office (Lord John Russell); nor am I making an attack on the noble Earl at the head of the Government, for both of them must have deplored those speeches as much as I did; but still, they were made—one of them at Carlisle by the First Lord of the Admiralty, one of the most experienced Members of the Cabinet; and the other by the President of the Board of Control, at Halifax. In those speeches the speakers did not hesitate openly to condemn the policy and character of the present Emperor of the French, the ally of Her Majesty, nor did they hesitate openly to condemn the French people for their choice of that Prince as their Sovereign; and the only inference that could be drawn from those speeches, which I will not take the trouble to quote, was, that those two Members of the Government were actuated by a hostile feeling towards the people and the Prince of the country of which they spoke. Now, my Lords, can it be supposed that the speeches of two such distinguished individuals, following on the language which the Opposition press had then for so long a period used, made no impression on the Emperor of Russia, adhering to the hereditary tradition of his family, and hesitating whether he should yield to the temptations of his position? Do you not suppose that the first feeling he must have had, in common with all other Sovereigns and States, was that it was impossible that a cordial and practical understanding and alliance could continue between France and England, when a new Government had succeeded to office supposed to be under impressions of political hostility to France? It is consistent to suppose that this should have been the case. I know it was the case. I know the impression made, and I know the convictions forced on the minds of all the leading persons in every Court in Europe. This, I say, was an additional temptation to Russia; because if England and France do not hold together, and together resist any aggression on Turkey, there can be no doubt that Turkey must fall. But there was after that another reason for doubting the anxiety of Her Majesty's Government to maintain the independence and freedom of the Turkish Sultan. I think Her Majesty's Government did not, at the time when the Austrian Government sent a diplomatist to make demands on Turkey, show that activity in supporting their ancient ally which it would have been their wisest as well as their most honourable policy to evince. I think that, when Prince Leiningen's mission took place, there was a certain supineness shown by our Government with respect to the language used and the demands made by Austria; I will not go into the whole of that question further than to say that we did not regard the Sultan's best interests when we allowed Austria to insist on the Sultan abstaining from further coercion of his own subjects, the rebellious Montenegrins, and we did not secure to the Turkish army a safe and peaceable retreat from the rough and dangerous country in which they were employed; because I know no previous instance in which an army has evacuated a hostile country by treaty, in which an agreement has not been made that they shall not be molested in their retreat. In this case no such agreement was made in favour of the Turkish armies by her allies, England and France; and in consequence, in their retreat from those fastnesses the Turkish army lost 1,500 or 2,000 men. I think that this and other circumstances attending Prince Leiningen's mission, must have impressed the mind of the Emperor of Russia with a feeling that we were not very anxious to take a warm interest in measures for defending our ancient ally. But, as events passed on, there was another point which certainly must have confirmed the impression of the Russian Court, and which I know did make an impression on the different Courts of Europe. I speak of that period when, after Prince Menschikoff had arrived at Constantinople, but before he had made his famous demands with respect to the privileges of the Greek population. At that period we had at Constantinople, as our *Chargé d'Affaires*, a gentleman of considerable experience, whose character was much appreciated by Lord Palmerston when he employed him, and of whom I can say nothing but praise during the time when I employed him—Colonel Rose—to whom it appeared that events were impending which made it desirable that the English and French fleets should approach near to Constantinople; and he recommended Admiral Dundas to go—I do not know whether he named any particular spot—in short he wished them to make a demonstration in the eastern part of the Mediterranean. It seems that Admiral Dundas took a different view of the case; and using, perhaps, a wise discretion, did not comply with that intimation. It appears, further, that Her Majesty's Government approved of Admiral Dundas's view of the subject, and took a different view of the necessity of the case from that entertained by Colonel Rose. I do not intend to say that it was desirable, that on that occasion, the English and French fleets should have repaired to Besika Bay, or even to Smyrna; but I think that it was of the highest consequence, of the most immense importance at that moment, that the English and French fleets should be as near together as possible, and that every appearance of want of cordiality, not only in the feelings but in the policy of the Governments of England and France, should have been carefully avoided. Now, my Lords, what happened? The French Government, taking alarm at Colonel Rose's view of the case, within two or three days, sent their fleet to the Greek waters at Salamis; while ours, notwithstanding the recommendation of our *Chargé d'Affaires*, remained at Malta. This circumstance naturally inspired the Courts of Europe with the idea that the two Governments of England and France were proceeding on different lines of policy; and nothing, in my opinion, could have tended more than this unfortunate incident to encourage Russia to make the demands she afterwards preferred. I see no reason why our fleet should not have gone to Smyrna or Besika Bay; but it might even have gone to Naples, or any other friendly port, so as we might have appeared to be following the same policy as the French Government. If that had been done, I believe, on my conscience, it would have made such an impression on the Court of Russia that, bold as it may be, I am convinced that Prince Menschikoff would have stopped there, and not have made the demands which he subsequently did make. It is to these events that I attribute principally the demands made by Russia upon Turkey; and it is not in any way to attack Her Majesty's Government that I have made these observations, but only to call your Lordships' attention to these unfortunate circumstances as they happened:—to the abuse of the policy followed by the Earl of Derby's Government by the Opposition press; the impression, nay, the conviction on the minds of foreign Courts, subsequently strengthened by the language of Sir James Graham and Sir Charles Wood; and which finally appeared to be proved by the mistake made by the two Governments of England and France, when they did not at once place their fleets in a position to show to all Europe that their policy and their feelings were allied.

My Lords, with respect to the alliance which now happily exists between England and France, your Lordships know that Her Majesty's late Government valued it so much that they made its maintenance one of the principal points of their foreign policy. Discarding old prejudices which had hitherto existed between the two countries, they considered it as one of the most important elements of civilisation to extinguish those feelings which, after centuries of war, had only ended in leaving two great countries perfectly independent of each other, unable, although they had often tried to do so, to subjugate one another, so that all their power might be employed in spreading civilisation over every part of the world, and in maintaining peace in Europe, founded on the territorial distribution which now exists. At the moment when we came into office, the French people had ratified the change which had been made in the Government by the President of the French. They had ratified the change from the Government of the Chambers to a despotic constitution, and it was evident to all who were at all acquainted with the President that he would not fail, as soon as possible, to restore the dynasty of his uncle. It was felt to be of great consequence, at that time, that this country should stand well with that new dynasty and that new Prince, occupying, as he did, an almost unparalleled position; and we found, with pleasure, that he was equally anxious with ourselves to establish relations of amity between the two nations. It was not by words alone that the Emperor of the French manifested his anxiety on this point. He proved it by acts during the whole time of our administration. He proved it when, being about to advance an army upon Switzerland, he accepted the advice and good offices of this country, as did the Helvetic Republic also, to settle their differences, and to put an end to a danger that might easily have brought on a war in Europe. He proved it when we wished to secure Cuba to Spain, and to save that island from the possibility of being annexed to the United States; and he showed it when we wished to render the river communication to South America open to the world, by establishing an ambassador, at the same time as ourselves, at Buenos Ayres. He proved it still more, perhaps, than in any of the other instances I have quoted, by his conduct, when an unfortunate discussion arose between the Sultan of Turkey and the Viceroy of Egypt, in consequence of the *firman* by which, when the Sultan insisted, pedantically, as I think, insisted on forcing the *tanzimat* on a country as yet perfectly unsuited to receive that mild code which now rules in Turkey. This case was very remarkable, because your Lordships know the feeling with which France has always regarded English influence in Egypt. It has always been the traditional policy of France to thwart the English agents and English interests in Egypt. It was supposed to be impossible that French and English agents should act together in that country. At the very moment when the Sultan threatened to force his vassal to accept these laws, when that vassal seemed equally determined to resist, and the interests of Turkey would have been still further jeopardised by civil war, Her Majesty's late Government alone had failed in bringing the Sultan to reason. We were anxious on the point, and we appealed to the other great Powers of Europe. My Lords, we found none more anxious than France to produce, and more efficacious in producing, the happy results that did take place; and in the arrangement that followed those negotiations, none were more active than the Government of France. Considering all the jealousies that existed with respect to that country, I think your Lordships will say that there could not be a stronger test of the sincerity of the French Government than their assistance at that moment. Then, again, with that Government we found no difficulty upon the vexed question of political refugees. Perhaps there is no country, on account of its vicinity to this country, which is more interested in the point than the Government of France. I will do them the justice to say, that never whilst I was in office did the Government of France show any unreasonably irritable feeling with respect to that question. I am glad that we were not discouraged by the attacks which were showered upon us by the daily press from carrying out that policy respecting our alliance with our great neighbour—a policy which was afterwards justified by the way in which it was practically met by the Government of France. But, my Lords, when I have said so much of one course of policy with regard to France, I must add, that it has in no way prevented our alliance with other countries continuing on the same footing of amity which existed between them and the Government which preceded ours. Our language, my Lords, to all countries was alike—that while England would not willingly become the adversary of any nation, at the same time she would be the ally of no Government or State which took on itself any act of aggression which would have the effect of destroying the landmarks of the present territorial arrangement in Europe, or would infringe any rights now existing—any interference with which would meet with resistance and discouragement at her hands. My Lords, I think the present Government must have found, when they came into office, the happy results of the foreign policy which we thought it our duty to adopt; at all events, they certainly have found it in the intimate alliance which they have been able to maintain with France; because I said that, if it be true—and I trust it is true—that Turkey has been saved from Russian aggression and appropriation, that result is owing to England and France; and the foundation which the late Government formed for a cordial alliance between those two Powers has now brought forth its fruits, and of these fruits none have been more ready to take advantage than the present Government.

My Lords, it is hardly necessary for

me to point out to your Lordships the immense importance of maintaining the independence and integrity of Turkey; and, indeed, I should not touch on the subject at all, if I did not know that there is a section of politicians—a small one, happily, who openly and without hesitation declare that the independence and integrity of Turkey are not worth a war—that it signifies very little to whom Turkey belongs—and who do not scruple to say, when it is shown to them that unless the independence of Turkey be maintained, we could hardly maintain our hold of India, that they do not see in such an event as that any great calamity. It is, indeed, scarcely worth while answering such politicians. Still, however, I will venture to avail myself of this opportunity to bring to your Lordships' recollection of what importance the independence of Turkey is to this country. It will be found that our trade with Turkey is two-thirds better and more important than that with Russia. Your Lordships will also see that if Constantinople, the great emporium of Turkish commerce, by any division of Turkey, should happen to fall into the hands of Russia, the Mediterranean will be in the possession of three great Powers—France, Russia, and England. It is now in the possession of England and France; but if you allow another great Power to establish itself within the close seas of the Euxine and the Marmora, and to possess itself of the flourishing capital of Constantinople, your Lordships will perceive that, if it should so happen that if she should join herself with any one of the other two Powers, it would be almost impossible for the other Power to maintain its position in the Mediterranean. I therefore cannot conceive any point in our foreign politics of more vital consequence to this country than the maintenance of the independence and integrity of Turkey; and I can hardly imagine a sacrifice too great to secure that independence, for it would not only be for the interests of this country, but for the interests of peace, and the maintenance of the territorial distribution of Europe, as arranged by treaty. My Lords, it has been said by many persons in this country that the Turkish Empire is in a state of decay, and that the most prudent course to adopt with regard to it would be, laying aside all treaties and obligations, to come forward and make a partition of Turkey, or establish there some independent Government more suited to the state of European policy. My Lords, that is a theory, to my mind, at least, as absurd and ruinous as the one to which I have already referred. It is absurd to suppose that a Government so established, whatever might be its form, whether it be a federal Government of several States, an empire, or a monarchy, could be really independent, or that it would not be under the control and direction of Russia and Austria. It is impossible that such a Government could in any way maintain the equilibrium of power which now exists in Europe, but which would bid fair to be subverted unless the Ottoman Empire be maintained in all its integrity. My Lords, I, for one, do not agree with the statements which have been made, that the Turkish Empire is in a state of caducity. It has no debt, and its commerce has of late years much increased; and I do not believe, although it may perhaps be less civilised as regards its domestic affairs than other countries of Europe, that that circumstance renders it a bit the less formidable to its enemies, or that the axiom is true that in all cases civilisation makes a country more powerful in resisting the attack of an invading enemy. The Turkish army I believe to be in a better condition and more efficient than it used to be; the commerce of the country has considerably increased; the policy of Turkey to foreigners is an improving policy, and I know no country so liberal to all religious denominations. I am unable to see any symptoms of decay in the points to which I have called your Lordships' attention. An argument has been urged in support of the alleged caducity of the Ottoman Empire, to which I must beg your Lordships' attention. It has been said that the fact of the proportion of the Greek subjects of the Sultan being immensely larger than that of the Mussulman population, is a symptom of the caducity of the Turkish Empire. Now, that is an argument which might with equal, if not greater, cogency be applied to our Indian possessions. The excess of the Greek subjects over the Mussulmans in the Ottoman mpire is nothing compared with that of the Pagans over the Christians in our Indian territories—and yet it can hardly be said that that vast Empire is in a state of caducity.

My Lords, before I sit down I wish your Lordships to follow me in a sketch—the shortest I can possibly make—of what has occurred in Turkey during the last four or five months. It appears that the question of Holy Places being settled in February, immediately after the Emperor of Russia sent Prince Menschikoff to Constantinople, he arrived there apparently with no very distinct intentions; his language was haughty, his mien arrogant, and his manner peremptory; and the first act he committed after his arrival at Constantinople, was to insist upon the immediate dismissal of the then Secretary for Foreign Affairs. He then refused to hold any communication with the Minister, and insisted upon communicating directly with the Sultan. My Lords, at that time he did not, however, make the proposition which has since become famous; that proposition was not put forward for six weeks after his arrival; and I must beg leave to point out to your Lordships what was in reality the purport —what the meaning—of that proposal. It insisted that the Turkish Government should grant, under treaty, to its Greek subjects for a perpetuity all those privileges which they had enjoyed by successive firmans from the Sultan—that was to say, privileges which they had enjoyed at the will and pleasure of their Sovereign. That was placing the independence of the Sultan under the power of Russia, inasmuch as he was to bind himself and his successors to an act which came entirely within his own jurisdiction. The proposal was analogous to a foreign Power insisting upon the Queen of this country securing for ever by an act of treaty those privileges to Her Roman Catholic subjects which were conferred upon them by an act of Her own in 1829. It was a matter of perfect impossibility that such a demand could be complied with. The Turkish Government could not have acceded to it, even if they had not been backed by their old allies, but stood alone in the quarrel. Be that as it may, the proposal was refused. We are not in possession of official papers relating to this affair, as none have been laid upon the table of your Lordships' House; but the public are in possession of correspondence on the subject, which there is no reason to believe to be at all incorrect. The Turkish Government replied with much dignity and calmness, that it was impossible to comply with so unreasonable a proposition. The Russian envoy then gave notice that he should quit Constantinople, and retire to Odessa; but before doing so he wrote a note to the Turkish Government—extraordinary, from its unprovoked insolence; and which, if it be authentic, is unsurpassed by any letter to any civilise Government in the history of the world. I must beg to read to your Lordships that letter. I take it from one of the daily journals, which states that—

"Prince Menschikoff, on taking his departure from this place, having failed in intimidating or seducing the Porte into the most dangerous concessions, addressed the following note to the Minister of Foreign Affairs, which has been communicated to the Legations of England, France, Austria, and Prussia:—

"'Bujukdere, May 9, (21).

"'At the moment of departure from Constantinople the undersigned, Ambassador of Russia, has learnt that the Sublime Porte manifested its intention to proclaim a guarantee for the exercise of the spiritual rights vested in the clergy of the Eastern Church, which in fact renders doubtful the maintenance of the other privileges which that Church enjoys.

"'Whatever may be the motive of this determination, the undersigned is under the necessity of informing his Highness the Minister of Foreign Affairs that a declaration or any other act which, although it may preserve the integrity of the purely spiritual rights of the orthodox Eastern Church, tends to invalidate the other rights, privileges, and immunities accorded to her religion and clergy from the most ancient times, and which they enjoy at the present moment, will be considered by the Imperial Cabinet as an act of hostility to Russia and to her religion.

"'The undersigned, begs, &c.,

"'MENSCHIKOFF.

"'His Highness Redschid Pasha, Minister of Foreign Affairs.'"

You perceive, my Lords, that the Sultan was willing to give further privileges to the Christian population in his own dominions; but that because they were not granted exactly in the terms and in the manner required by this haughty Ambassador, he demanded of the Sultan many other privileges and concessions, and called his refusal an act of hostility to the Russian Government, and one which would bring down dangers on his head. I can conceive no proceeding so aptly described by the trite expression "trying to pick a quarrel," as the demand and the subsequent letter of Prince Menschikoff. I can hardly conceive, my Lords, that the Russian Government could be cognisant of such a proceeding, or that they could support it.

After having despatched the note, Prince Menschikoff left Constantinople and retired to Odessa, and shortly afterwards—on the 19th—Count Nesselrode sent a despatch to the Turkish Government, stating, that if the terms demanded by his Sovereign were not acceded to, he should at once cross the Pruth and invade the Principalities. Now, my Lords, I must beg your Lordships' attention to another point. It seems, from the documents which have appeared, taking for granted that they were authentic, that Count Nesselrode founded his claim upon the treaty of Kainardji, and said that the Emperor asked for nothing more than the observance of that treaty, which in reality gave all the privileges he required. Now, my Lords, I can conceive no object in asking for a treaty to guarantee rights guaranteed already by a treaty in existence; and if the treaty of Kainardji in 1774 guaranteed the rights and privileges demanded by the Emperor, what was the use of a new treaty in 1853? But does the treaty of Kainardji guarantee the privileges demanded by the Emperor in 1853? The seventh article of that treaty

> —"promises to protect constantly the Christian religion and its Churches, and also permits to the Ministers of the Imperial Court of Russia to make representations in favour of the new Church at Constantinople, promising to take them in consideration as made by a neighbouring and sincerely friendly Power."

To that point only does the treaty of Kainardji go. There is a wide difference, as your Lordships cannot fail to see, between a promise to protect the Christian religion, and giving the Emperor of Russia a treaty by which the Sultan binds himself to give certain unchangeable and positive privileges for ever, not to all Christians, but only to those of his subjects who belong to the Orthodox Greek Church. That is one of the misrepresentations of the Russian Government, and upon that misrepresentation they founded certain demands, at the same time threatening that if those demands were not acceded to they would send an army across the Pruth and occupy the Principalities. My Lords, I must say that I consider sending an army across the Pruth to be nothing more nor less than an invasion. I have heard the occupation of the Principalities defended on the ground that by certain treaties the Emperor of Russia has a right to send his troops into those provinces; but under circumstances totally different from and precisely at variance with the present state of affairs. In the first place, there can be no doubt as to the national boundaries of Turkey. The treaty of Adrianople and the treaty of Akermann, in 1826, declared that the Pruth was the boundary between the territory of Russia and the Ottoman empire. Subsequent treaties also speak of those two provinces as belonging to the Turkish empire, and therefore there cannot be the slightest possible doubt as to which country those two provinces belong to. On the 5th of July the Russians crossed the Pruth and usurped the government of those provinces—the collection of the revenue, the management of the post-office, and in short all those departments which form the civil Government—and it is even said that they went further still, and enlisted some of the natives of those provinces into their own army. I consider, my Lords, that the Russians by thus crossing the Pruth and invading the Principalities, have violated the treaty of Adrianople, for the present occupation is very unlike any former occupation. The former occupations of the Principalities have been either to secure the payment of a debt which the Ottoman empire did not abjure, or to have taken place at the wish of the Turkish Government to put an end to disturbances, as was the case in the year 1848. There is not the slightest analogy between those occupations and the present one. The present one has taken place, not only without the consent but, in spite of the protest of the Sultan, and not to expedite the payment of a debt, but to compel the fulfilment of a demand made to the Turkish Government in the form of an *ultimatum*, and in direct violation of existing treaties; and I can only look upon it as an act of aggression.

My Lords, I do not know whether the Government will lay upon the table all the correspondence that has passed; but I must say with regard to their conduct, that unless they have had some good reasons unknown to the people of this country, for adopting the course they have adopted, I do not think they have acted wisely. I think that it was a prudent thing at the outset to place the fleet of this country, in conjunction with the French fleet, within the reach of the Ambassadors of either country; but I also think that when the Russian army crossed the Pruth, the moment had arrived to go a step further, and to give instruction to the allied fleets to enter the Dardanelles. In my opinion, their crossing the river was a *casus belli*, and I consider that Her Majesty's Government did not act wisely in not issuing such instructions, for, my Lords, I firmly believe that had the fleets entered the Dardanelles we should be in a more advantageous position than we are at present. It ought to have been the policy of this country to advance step by step with Russia, and retreat in a similar manner. There is another reason why it was most desirable that the fleets should have entered the Dardanelles. Your Lordships may not be aware that there exists considerable excitement at Constantinople among the Turkish population, and therefore there is a second danger. There is the danger of the Russians proceeding in their career of aggression, and there is the danger of the Turkish population forcing their Government into measures which may expedite or actually bring on war; and the resistance which you will have to meet may be at Constantinople instead of St, Petersburg; and I say, if the two fleets had been in the Dardanelles, that danger would not have been so imminent; and you would have taken away all suspicion from the minds of the Turks that they were deserted by their allies, and that those allies were not willing to assist them in withstanding any acts of violence on the part of Russia. It would have been useful also in case the Sultan should require assistance against the violence and excitement of his subjects. I must, therefore repeat, my Lords, that unless the Government have had good reason, unknown to us, for the policy they have adopted, I cannot but think that they have committed a grave error. Having made these observations, I will say but little more, but I must apologise to your Lordships before I sit down for the time I have taken up, and I must thank your Lordships for the indulgence which you have shown me in listening to the remarks which I have felt it my duty to make. I feel most strongly the importance of the subject; but nothing could have induced me—although there may be a precedent for it—to make any factious Motion against the Government on the question of their foreign policy. The present question is not only a matter of importance as regards the stake at issue, but the honour of England is completely involved in the result; and I do think that it is the duty of Her Majesty's Government to furnish the country with some information on the subject, to state what line of policy they have adopted, and with what results, and to declare with what *animus* they entered into the affair; and I am firmly persuaded that they might safely have done this without in the least degree impeding or embarrassing the negotiations which were going on. They might have answered publicly the manifestoes of Russia, which were no doubt intended to be read by Englishmen as well as any one else; and the effect of not answering those manifestoes has been certainly unfavourable to the Government, as far as the public is concerned. I am well aware that certain despatches are necessarily kept secret; but I think that the Government have rendered themselves liable to injurious suppositions, from their having given the House and the public no information on an affair so closely affecting the honour of the country. The French Government published their manifesto, relative to which there never was any difference between the Governments of France and England. You appear to have thought that France was too bold, and ran too much risk of offending the Emperor of Russia. These suspicions arose from your silence, but there was no reason to justify your concealment. I am certain that the document sent in reply by Her Majesty's Government would have done that Government honour. I do not suspect the Government of not having answered the Russian circular in fitting terms, and I think it was a grievous mistake not to publish that answer. Wherever I go I hear it repeatedly remarked that it is humiliating to England to see her Foreign Minister appear as if he could not answer Count Nesselrode's circular. If you had taken this line, instead of being embarrassed in this House, I think you would have found, what you have always found, and will always find, that Parliament will support you in any difficulty which concerns the interest of our common country; and you will see, what I should like to show to foreign nations and foreign Governments, that in this country, not only have we not degenerated from our predecessors, because we have grown richer in peace, and have advanced in civilisation, but also that even that spirit which is inseparable from free institutions—the spirit of party—would have been sacrificed whenever the common interests of our common country and the honour of the Crown wêre at stake.

The Earl of CLARENDON: My Lords, I certainly was not prepared, when my noble Friend gave me notice of the question he was going to put, for so long a speech—very interesting certainly, but still so long, and consisting of so many narratives as my noble Friend has given. There are parts of his speech which I hope he will not think me discourteous if I decline to follow. My noble Friend has laid down various propositions which no one, I think, will be inclined to dispute; and he has also made allusions and statements which, in the present state of affairs, I think it my public duty not to notice, from the same motives on which I have hitherto acted. I assure my noble Friend that it is very painful to me to have to give the same answers to questions over and over again, and to decline to lay before your Lordships all the information that your Lordships have a right—and which the country have the right—to expect, to remove the state of anxious suspense that has so long lasted, which interferes with the business transactions of the country, and which has led to feelings of impatience and irritation. And I assure my noble Friend that it is with great reluctance, and from nothing but a sense of public duty, that I still adhere to that principle which has been the principle of all former Governments of this country, and which has always been sanctioned by Parliament—namely, that of not making communications while negotiations are pending, and of not laying before Parliament separate despatches or portions of correspondence. But with respect to the answer to that circular for which my noble Friend has asked, and to which at the end of his speech he referred, I assure him that it is in argument the same, and in tone not less firm or moderate, than the note of the French Government, of which he has expressed his satisfaction. He may therefore readily believe that it is, as I have said, nothing but a sense of duty that prevents me giving myself the satisfaction of laying that answer on your Lordships' table. But Her Majesty's Government are anxious to do and say nothing that can impede the peaceful solution of this embarrassing question; for our object—and it must be that of your Lordships—is the maintenance of peace; but peace, as I have said before, consistent with the national honour and the national faith, and therefore with the national interests. For, my Lords, I am sure Her Majesty's Government would ill represent the feeling of the country, and they could not rely upon any support either from your Lordships or from the public, if peace were purchased on any other terms. My Lords, in one portion of my noble Friend's speech, with reference to the alliance with France, he has reviewed first the circumstances that may have impaired that alliance, and next the reasons that may have induced the Emperor of Russia to take the course he has done. My noble Friend began with a full review of his own policy during the time he was himself in office — against which I am not prepared to say anything. He alluded to the abuse which was directed against himself by the press. I think, my Lords, it is a little out of time and place in him to allude to such matters on this occasion, but I am sure he will acquit me of having had anything to do with these attacks. [The Earl of MALMESBURY: Hear, hear!] I can only say I very much regret many of those attacks which were made against my noble Friend. I believed them to be unjust at the time, and I have found them to be unjust since; and I entirely agree in the statements of my noble Friend in the other House, that there was nothing in the relations between my noble Friend and the French Government that was in any way inconsistent with the dignity and honour of this country. But I cannot admit that my noble Friend is entitled to claim the entire credit of having established our friendly relations with the French Government. He has talked as if between this Government and that of France there had always existed a state of semi-hostility, if not more, and that the idea had first struck him that it would be very desirable that the two countries should live together in peace and harmony. Now, in the first place, I would remind my noble Friend—and I am in your Lordships' recollection—what has always been the policy of this country, and I trust always will be towards France, that friendly relations should exist between the two countries. The relations existing between us have indeed been of a nature so friendly and intimate that they formed the subject of congratulation in speeches from the Throne. My noble Friend might have seen, and I am sure when in office he must have seen, ample evidence of the desire of this country to be on the most friendly terms with France, whatever form of government the people of that country might choose—whether it was a limited monarchy, a republic, or the Imperial form under which they now live. There always has been exactly the same feeling, and I do not say it to the credit of any one Government more than another; but it was the duty of every Government, because it was the manifest interest of this country, to maintain the most friendly, cordial, and intimate relations with France. Though the attacks of certain newspapers—because I do not apprehend they all joined in such attacks—but though the attacks of certain newspapers upon my noble Friend for having laboured to maintain those relations, were no doubt heavy, yet he did but his duty in maintaining them; but that they should have produced any effect in the manner he supposes on the mind of the Emperor of Russia, is what I really cannot believe, any more than I can believe that his mind has been influenced, or that his policy towards Turkey has been guided by the two speeches to which my noble Friend, I am sorry to say, has again alluded. I think it perfectly unnecessary to answer that part of my noble Friend's speech. I do not think that those speeches have led to any results such as he has attributed to them. It is a bygone story; and I cannot congratulate my noble Friend upon having again brought it forward. Those speeches, my Lords, I am certainly not here to defend, but they were certainly delivered without any such intention as my noble Friend has imputed. One of them, as my noble Friend knows, was delivered at a public meeting, without any reference to France, and as an illustration how universal suffrage might lead to results different from those attributed to it, without any thought of the French Emperor or the French Empire. The other speech was delivered at a mere private meeting, equally without thought or reflection as applying to France. As your Lordships are aware, immediately upon the meeting of Parliament this Session, the matter was brought by the noble Marquess (the Marquess of Clanricarde) under the attention of this House. It was then fully explained by the noble Earl at the head of the Government in this House, and equally satisfactorily explained, and I may say apologised for, in the other House of Parliament. I believe that my noble Friend (the Marquess of Clanricarde) expressed himself satisfied with the explanation then given, and I know that the same feeling existed in the other House. And I may say, to the credit of the Emperor of the French, that if ever he had any such feeling as the noble Earl imagines, he at once accepted those explanations given by the right hon. Gentlemen of the accidental circumstances, as I may call them, in which they were spoken, and the thing was treated as *non-avenu.* And I do not think that my noble Friend will find many to share his opinion, expressed in bringing these speeches forward, that they had anything to do with the notion that England and France could not act together, and that it would therefore be safe for the Emperor of Russia to pursue his own policy. I have, my Lords, on more than one occasion, stated to your Lordships how intimate and cordial the alliance between France and England has been. I rejoice on this as on every other opportunity to repeat it, and to assure your Lordships that there has been throughout the whole of this Eastern question the most intimate and cordial, and I may almost say daily, communication between the two Governments. On every important proceeding there has never existed any material difference of opinion. They have taken the same view of the policy to be adopted, and there has been complete unity of action between them in the course that has been pursued in carrying that policy out. I think that with those assurances that have been given to the public of both Governments, and with those manifestations which have also been given of this unanimity, and which are now before the world, it would be impossible for the Emperor of Russia, if his policy in the East had any reference to the alliance of France and England—it must have been impossible for him to believe that that alliance did not exist, or that it was not sincere, or that it would not be brought to act in any way in which those Governments might determine.

My Lords, the next point to which my noble Friend alluded as having influenced the Emperor of Russia was, the little care and interest which Her Majesty's Government appeared to show towards Turkey during the mission of Prince Leiningen. This question has also been brought before the House, and I gave explanations at the time, which your Lordships thought satisfactory. We were in communication with the Austrian Government on the subject. We did not fail to ask for full explanations relative to the mission of Prince Leiningen, which explanations, I must say, there was, on the part of Austria, no disinclination to give. The Austrian Government said that the expedition to Montenegro was carried on upon a very large scale, contrary to the advice given by the allied Powers at Constantinople, so as to endanger the security of all the provinces on that part of the Austrian Empire—that she had every reason to apprehend that there would be a rising of her people, and that her frontier would be in danger. Under these circumstances, Austria sent a mission to the Porte, to request that this expedition of Omar Pasha should be put an end to, and to represent that, although she did not mean to dispute the authority of the Sultan over the Montenegrins, but merely the manner in which his authority was exercised, yet that such a contest going on in the territory of a neighbouring Power was dangerous to herself. With respect to the retreat of the Turkish army, I am not aware that any stipulations were violated. All I found was, that 1,500 or 2,000 men were afterwards captured. Even after the Sultan had given orders for withdrawing his force, Her Majesty's Government were in constant communication with Austria to insure the full completion of the terms of the stipulations that no injury should be done to the Turkish authority. I have reason to believe that those stipulations were carried out, and that the efforts made by the Austrian Government in that direction were quite satisfactory.

The next point to which my noble Friend alluded, as a proof that the French and English Governments were not acting cordially together, and that this again must have influenced the Russian Government, was, that at the time the English fleet was sent for by Colonel Rose, the French fleet sailed from Toulon, while ours did not leave Malta. I have said before that Colonel Rose did write to Admiral Dundas under the first impression and excitement produced by Prince Menschikoff's arrival—attended by certain circumstances to which my noble Friend has alluded, although not correctly. Prince Menschikoff did not ask for the dismissal of the Turkish Minister for Foreign Affairs. He did nothing more than has been announced by the Russian Government; he sent in a note, saying that that Minister having been the instrument by whose conduct the violation of the promises given by the Sultan to the Emperor had occurred, the Emperor was determined not to intrust any negotiations through that channel, and therefore, when Prince Menschikoff went to the Sultan, he requested that the correspondence should be sent through the Grand Vizier or any other Minister. Prince Menschikoff did not call upon Fuad Effendi, and that Minister was dismissed; but his dismissal was not asked by the Russian Government. Still, Prince Menschikoff's arrival under the circumstances did produce a great deal of excitement and alarm in the minds of the Turkish Government, and Colonel Rose did write to Admiral Dundas, not exactly to come to Constantinople, but stating that he understood the fleets were about to take their summer cruise to the East, and that he recommended that his departure from Malta should be hastened by eight or nine days. Admiral Dundas did not comply with that request, and when, a few days after, things became peaceable at Constantinople, Colonel Rose expressed his satisfaction that the fleet had not come, and his belief that bad results to the negotiations then carried on at Constantinople would have followed had it done so, and that those negotiations might have taken a more hostile character. On the news of the English fleet having been sent for by Colonel Rose reaching Paris by the telegraph, orders were given for the French fleet to go to Salamis. This was done without consultation with our Government. It was done on the spur of the moment, the French Government believing that the danger was imminent. However, the order was given, and when the French Government communicated this order to Her Majesty's Government, we frankly told them that the danger did not appear to us to be so imminent, and that at that moment we did not think it necessary that our fleet should leave Malta. But the French Government said that under the circumstances—and it made no difference in our relations—Toulon being further west than Malta, if danger did occur, and the two fleets should be wanted at Constantinople, they would now be much more in a line together, and more handy for action and better able to arrive at Constantinople at the same time, and to act in combination, if one were at Salamis and the other at Malta. We entirely agreed in this, and the circumstance did not for one moment throw a single shade of difference over our relations. Her Majesty's Governmen were entirely satisfied that the French fleet should be so much ahead of the English fleet, and the result has proved, that when the fleets were wanted to proceed to Besika Bay, the instructions were agreed upon on the same day at Paris and in London, and despatched by the same telegraph; and within a few hours of each other the fleets arrived at Besika Bay, which could not have been the case if one fleet had been at Toulon, and the other at Malta. That circumstance never produced the slightest difference, or shade of difference, between the two Governments.

My Lords, my noble Friend said it was difficult to define or explain the motives which influenced the Emperor of Russia in his policy towards Turkey. I cannot dive into the mind of any man further than my noble Friend, but I will merely say that the assurances that were given to us were the same as those given to my noble Friend, although they went further—because the Russian Government gave us general assurances, and also more particular assurances, as to the objects sought by Russia in the East. No Sovereign could have given more solemn or more sacred assurances of respect for existing treaties, and for the territorial arrangements of Europe. The Emperor of Russia has never hesitated to say that he considered the maintenance of the Turkish empire as a great principle of European policy, and that for that purpose he would yield to none in his desire to maintain the independence and integrity of Turkey. The Russian Government has, on more than one occasion, agreed with Her Majesty's Government that the dismemberment of the Turkish empire would be a great European calamity, that it would lead unquestionably to war, and that it could be settled without great disturbance to the existing balance of power in Europe. Under these circumstances, the Russian Government sent Prince Menschikoff to Constantinople; not, as my noble Friend says, when the question of the Holy Places was settled, because it was not settled. It may have been settled in the French sense, but that makes all the difference; it was on that account that the Emperor of Russia resisted the settlement. He said that those privileges had been transferred to the Latins which heretofore had been given to the Greeks—that this was a violation of solemn promises made to himself; that it was impairing his moral influence, occupying as he does a high and elevated position in the Greek Church; and that it not only impaired his influence among his Greek co-religionists in the Turkish dominions, but that it reacted prejudicially upon himself over his subjects in his own dominions. He, therefore, considered that it was absolutely necessary that the question should be set right; and —I must say that, from first to last, acting with great respect towards the French Government—he said he would not seek to deprive the Latins of the advantages they thus gained, although at his own expense; but that he would seek from the Turkish Government some equivalent, and he should require that that equivalent should be secured to him, not, as before, under a firman, which experience had shown him could be violated, but by some explanatory act of a more binding character, which should prevent future disturbance. Therefore, my Lords, this mission was undertaken, not, as my noble Friend says, after the question was settled, but it was undertaken for the purpose of settling the question. It was not at first so very easily settled. Various conferences took place. The Russian Ambassador and the French Ambassador had to meet various times upon it, and it was at last mainly adjusted by the friendly intervention of my noble Friend Her Majesty's Ambassador at Constantinople, who, this country being uninterested in the question, was enabled to act as *amicus curiæ*. By the advice he gave, the question was settled in a manner satisfactory to all parties, and his services were acknowledged by both the French, the Austrian, and the Russian Governments. It was only after this that —as my noble Friend stated — on the 5th of May, certain further propositions were made by the Russian Government—propositions certainly of which we had, until that time, no idea. We certainly, did not know that proposals—which amounted at last to little less than a protectorate —that any such proposals would be made; and we not unnaturally supposed—having officially received the assurance that Prince Menschikoff had a very wide latitude in his instructions to conclude the matter in any way he thought proper—I say, we not unnaturally supposed that this first proposal of his was an attempt to gain as much as he possibly could, with an intention to take less if that was offered. And so it turned out. This convention was objected to, and my noble Friend the British Ambassador at Constantinople pointed out to him what would be its practical operation supposing it to be agreed to. Prince Menschikoff accordingly gave it up. He next proposed another form — a *sened*, which is equivalent to a protocol. That, also, was objected to, although it was far less objectionable than the first proposal; and then the Prince proposed, lastly, a form of note, which the Sultan objected to also; and which, too, was withdrawn. I must say that throughout the whole of these negotiations it was a matter of satisfaction to Her Majesty's Government that the combined fleets had not passed the Dardanelles, because nobody could say that the Turks had not acted in a perfectly free and independent manner, guided only by what they considered to be their own interest, and because all pretexts were taken from any Power to say that the Turks acted under pressure from other Governments. On the 22nd of May

Prince Menschikoff left Constantinople. I have no doubt that the passage read by my noble Friend from his valedictory letter is correct; and I think, if it is correct, my noble Friend designated it rightly, for such language as that is fortunately very rare in diplomatic correspondence, and I hope it will long remain an exception to the general rule. Your Lordships are also aware that after Prince Menschikoff had quitted Constantinople, a note was sent by Count Nesselrode to Redschid Pasha, asking him to accept within eight days the note of Prince Menschikoff. Redschid Pasha declined, although in the most courteous manner; and then, in pursuance of the threat which that letter contained, the Principalities were occupied. I certainly have not the least hesitation in saying we have looked upon that occupation as a violation of existing treaties. Although, however, my noble Friend blamed the Government for the line of conduct pursued by them upon the occupation of the Principalities, I do not intend now to enter upon a defence of that part of our policy, for a sense of public duty does not permit me to do so. We might certainly, if we had thought fit, have recommended the Sultan to have acted upon that which was unquestionably a *casus belli*. I have not the least doubt that we might, if we had thought proper, have advised the Sultan to treat the occupation of the Principalities as a *casus belli*, to suspend existing treaties, and ask for our protection. We did not, however, think it advisable under circumstances to do so—not because we did not consider it to be a *casus belli*, but because we thought it was incumbent upon us in the first place to do all that in us lay to avoid the chances of war; and we thought that we were bound to consider that event as probable, and that having to appeal to the people of this country, we should not come with a good grace to them unless we could show that we had exercised and exhausted every effort to maintain an honourable peace. It was upon these grounds that, upon the mere occupation of the Principalities, we did not recommend to the Sultan to exercise his undoubted and unquestionable right of treating that act, as it was, as an act of war. And in this I must beg to say that, throughout the whole of the negotiations, although I did not allude to the joint action of the French Government, I must beg your Lordships to understand that in nothing have we taken a step without consulting the French Government. There have been communications almost daily by despatches or by telegraph; questions have been asked, and answers immediately returned, in order that there should not exist any variation of policy; and in nothing was the French Government more united with us than in the propriety of recommending the Sultan not to consider this as a *casus belli*. Moreover, we found that the instructions we sent to our Ambassador at Constantinople to this effect crossed the despatches which were soon afterwards received from my noble Friend (Lord Stratford) stating that such had been the view of the Porte, and that such had been the advice he had given to the Porte. My Lords, I certainly was not prepared to enter into this question so fully as I have been led to do by the speech of my noble Friend (the Earl of Malmesbury), but still I have been most desirous to put your Lordships, as far as I can, in possession of the information which both your Lordships and the country at large must be anxious to possess. Although negotiations are still pending, I will not hesitate to state to your Lordships by what steps those negotiations have arrived at their present stage and what is their present position;—and I am sure, when I do so, my noble Friend must be at once convinced, looking to the forbearance and moderation which he has hitherto exercised, and bearing in mind that he is aware from late experience of the extent of Ministerial responsibility in these matters—I am sure, I say, he will understand that a more full discussion of such matters will not at present be desirable. It was after the note of Count Nesselrode had been rejected by the Porte, and after the Principalities had been occupied, that the opportunity seemed then to have arisen when mutual friends might treat the matter as having entered into a new phase. It had then certainly, by the occupation of this portion of the Turkish territory, and in contravention of existing treaties, assumed a European character, which imposed upon other Powers the necessity of interfering in some way or other to put an end to such a state of things. The mediation of Austria was offered. Whether it was asked for or not, or offered without being asked for, I don't exactly know; I only know it was acted upon. The Austrian Government made a most fair and reasonable proposition, saying to the Porte, "You have rejected this note; furnish us with such a note as we may send to St. Petersburg—something which shall be safe to you, and not unacceptable to the Emperor of Russia. Furnish us with such a note as that, and we will agree to send it to St. Petersburg, and support it when there." A Ministerial crisis and other causes, which at this moment I am unable to explain, caused delay at Constantinople, and the Austrian Government, foreseeing the very great dangers that would arise from delay, called together the representatives of the other Powers—the Ministers of France, England, and Prussia—and proposed to take as a basis the note which had originated with the French Government, which, with some slight modifications, they proposed should be laid before the Governments of the Emperor and of the Sultan as a means of settling the differences. These modifications were, in the first instance, referred to London and to Paris. They were approved by Her Majesty's Government and by the French Government; and the note was sent to St. Petersburg and to Constantinople on the 2nd of this month. The Russian Minister at Vienna had meanwhile transmitted the substance of this note to his Court, where it was well received; and on the 3rd of this month a telegraphic message was sent from St. Petersburg to Vienna, announcing that that note met the Emperor's views, and would be accepted by him if it met the views of the Sultan. Since that time, I have heard this morning, Count Nesselrode has made to Sir Hamilton Seymour an official communication that that note would be duly accepted by the Emperor. As this note, slightly modified, no doubt, originating, as it did, with the French Government, contains nothing derogatory to the dignity or to the independence of the Porte, I can see no difficulty in accepting it.

Your Lordships will see, without going into more details upon the subjects which my noble Friend has brought under your notice, I have endeavoured to place your Lordships in possession of the information which is most important in reference to this affair. You will now see that, although these negotiations may be certainly said to be brought to the point of a satisfactory conclusion, they are still pending; and, therefore, my object, and that of Her Majesty's Government, is, while these negotiations are pending — while, therefore, there is a risk of their not coming to the satisfactory conclusion which all hope for —to abstain from a more full discussion of this subject, to abstain from laying before your Lordships any papers—including perhaps the papers moved for by my noble Friend—to abstain, in fact, from doing or saying anything which might endanger the solution which, as I said before, I am sure your Lordships feel the Government desire.

LORD BEAUMONT said, that he was sure his noble Friend would do both the House and the country the justice to acknowledge, that neither the one nor the other had attempted to embarrass Government or interrupt negotiations by premature discussions or ill-timed demands for information. He (Lord Beaumont) had systematically abstained from forcing on a debate upon this question, for fear of placing obstacles in the way of a peaceful solution; nor would he now have continued the conversation, if it were not that he found it difficult to reconcile what had now transpired with the former professions of the Government. The facts stated by the noble Earl, and the steps taken by this country, did not appear to be quite in conformity with the avowed principles and declared policy of Her Majesty's Ministers. In order to bring their Lordships' attention to the point on which he thought the Government had failed to carry out the principles they had on more than one occasion avowed, he would briefly refer to the commencement of this most unfortunate affair, and follow the course of events up to the period when he thought the noble Earl's Government had abandoned the policy they had at first announced. He looked upon the ill-judged mission of Monsieur Lavalette to Constantinople, and the demands made by the French Government on behalf of the Latin Church, as the origin and beginning of the whole affair. In this ill-advised step on the part of France, was to be found the only justification, or shadow of a justification, of the subsequent proceedings of Russia. No doubt the Emperor must have felt any concession to the Latin Church which would trench on the privileges of the Greek Church as derogatory to his dignity as a prominent member of the Greek community, and injurious to his reputation as an influential patron of it. Such concession was offensive to him individually, as well as injurious to his Church, for it would have essentially led to a diminution of his influence amongst his coreligionists, and annihilated the prestige of his name throughout the whole East. If, in addition to the offence thus committed against the Church of which he was a member, it was proved that some of the concessions made to France were direct violations of the promises formerly made to the Emperor of Russia himself, he was certainly justified in representing the case to the Sultan, and asking him to rescind or modify the agreement with France, so far as they infringed the rights or privileges previously conceded to Russia. Prince Menschikoff's mission was at first announced as a special mission on the subject of the Holy Places; and as long as it was confined to that question it was a matter which touched the Latin and Greek Churches alone, and Her Majesty's Government were in consequence perfectly justified in abstaining from all interference whatever. As long, therefore, as Prince Menschikoff went no farther than to demand a firman regarding the Holy Places, to rectify the wrong which he conceived to have been done by the concessions made to France, he (Lord Beaumont) saw nothing to find fault with in the conduct of Russia, and no grounds whatever for our interference. It happened, however, that France, with a liberality and foresight which did her the greatest honour, behaved on the occasion in a manner so generous towards the Porte, and so creditable to herself, that the whole question of the Holy Places became one of easy arrangement. She freely resigned her disputed claims, and took such steps as would effectually prevent what had previously taken place, from becoming an excuse for further proceedings on the part of any other Power. Her generous conduct reduced the question between Russia and the Porte to this position; namely, the matter relating to the Holy Shrines being once settled, there was no justification for further demands, and no excuse for the prolongation of the mission of Prince Menschikoff. The noble Earl had told them, that at an early period of this transaction, all the questions rising out of the subject of the Holy Places had, by the voluntary and generous concessions of France, been settled to the satisfaction of all parties concerned. From that moment, therefore, the quarrel about the Holy Places ceased to be on the scene, and whatever has since taken place in this eventful drama, must necessarily have been a distinct question, and one of a totally different character. It was then, when every just ground of quarrel or complaint had been removed, it was then, and not till then, that those demands, which were both unjustifiable in their nature, and uncalled for by circumstances, were avowedly put forward by Russia, and it was then that it became the bounden duty of Her Majesty's Government to watch closely the conduct of Russia, and be at hand to advise, if necessary, the Porte. Now, he did not think that either France or this country were called on to interfere, as long as the Porte was merely pressed to grant a favour, and not threatened with consequences in case she refused. He did not think it advisable then, or, in fact, until the matter assumed a decidedly hostile character, that the Western Powers should hastily take any strong measure, or proceed to any violent step on the subject. As long as the question was one of negotiation between the Emperor and the Porte, and no threat to carry his point by force had been made by the former, it was not necessary for England to interfere, further than by giving advice when consulted by the Sultan or his Divan. The noble Earl had stated, that during the whole of this negotiation, and up to the final rupture, the Porte acted singly and on its own opinion, as any great and independent Power would have done. There was no interference, therefore, nor was there any necessity for any. But the moment the refusal of Turkey to comply with the unjust demands of Russia, produced that note of Prince Menschikoff's, which had been read by the noble Earl opposite—the moment the Emperor no longer asked a favour, but insisted on a right—the moment he declared that ulterior measures would be adopted if the Porte persisted in refusing his demands, the active interference of England became not only justifiable but absolutely necessary. From that moment the whole features of the case were changed. The question ceased to be one of negotiation between Russia and Turkey; it became an attempt to obtain by threats that which could be lawfully and legitimately withheld. The law of nations was then broken, and all the subsequent proceedings of Russia were unjustifiable acts of violence. The Russian Embassy was withdrawn—all negotiation was at an end. The last note of Prince Menschikoff allowed no misinterpretation; it demanded a surrender, or declared war as the alternative. Turkey preferred to run the risk of the latter, rather than to submit to the imposition of the terms dictated by Russia. Europe generally, and England in particular, were interested in the resistance of

Turkey to a measure which might have eventually involved every maritime Power in difficulties, and endangered the basis on which the balance of power is founded. Both France and England were satisfied with the view the Porte had taken of the demands of Russia, and declared that she was justified in refusing to comply with them. Each of the three Powers were from that time equally engaged to resist the attempts on the part of Russia to obtain by force that which they had considered it right to refuse to her demands. To the strong measures taken by the Emperor, should have been opposed equally strong measures on the part of the Allies. France and England should then have directed their efforts towards arresting the progress of Russia in the unjust course she had adopted, and endeavouring to induce her to respect the law of nations. We should have insisted on the rights of Turkey being acknowledged, instead of suggesting modifications in the concessions which she was unjustly called upon to make. While our Ambassador was advising the Divan to be moderate, while we were bidding the Sultan to hold his hand, Russia was permitted to execute her threats, and met with neither resistance nor rebuke. The frontiers of Turkey were invaded, the Principalities occupied, the local government superseded, and a hostile force advanced to the Danube, and yet, while all this was taking place, while war was actually being carried on, the Powers who professed to be friendly to the Porte, who had justified her in the course she had taken, and were bound alike by interest and honour to repel the invasion and punish the infraction of the peace, remained inactive, and took no single step to arrest Russia, or assist Turkey in her defence. The fault he therefore found with the Government of this country, and by implication with that of France, was their acting simply as mediators, instead of conducting themselves as the parties against whom the acts of aggression had been directed. Treaties were broken, the law of nations violated, the policy of Europe opposed, and other acts committed which affected the interests and touched the honour of every State of Europe; and yet, if he understood his noble Friend rightly, we had allowed all this to take place without even a remonstrance, much less an attempt to check the unprovoked and unjustifiable progress of the peace-breakers. In fact, after all the delay which had taken place—all the valuable time which had been lost—all the supposed negotiations we had been led to believe in—we were now told that the Government had been employed, not in negotiating with Russia, not in inducing Russia to desist, not in bidding Russia retrace her steps, but in trying to prevail on the Sultan to yield to his opponent, and surrender that which we had told him he was right to withhold. We now learned that there had been no negotiation at all on the subject with St. Petersburg, but a negotiation with Constantinople, and instead of resisting the wrong-doer, we had been coercing the party wronged. We had not addressed ourselves to the offender, and declared to him that unless he retreated from the countries he had invaded, and unless he made reparation for the injury he had inflicted, we should take effectual measures to make him do so; but we had been acting as advisers to the Sultan, and counselling him to make no resistance. We had been abetting Russia, not opposing her; helping the Emperor to make good his position, not exposing him to the punishment he deserved. The Governments of England and France had not only not acted up to their declared principles and professions, but diametrically opposite to them. They had professed to see right maintained and justice done; they had professed to support the law of nations and punish its infraction; they had professed to throw the weight of their influence into the balance on the side of the oppressed, and to repel the wrong-doer when his attack was on a party not quite able to right itself. But what had been the result of our actions, and the effect of our conduct? Why, that the party who had been wronged was the party who was advised to make concessions, and the party who had done the wrong was the party to be rewarded. We were about to punish Turkey for being in the right, and to heap favours on Russia for being in the wrong. Was not that the real result of our intervention? Would Russia have obtained any concession whatsoever from Turkey and her allies if she had not proceeded to violent measures? As long as Prince Menschikoff merely negotiated, France and England encouraged Turkey to refuse the demands of Russia, and loudly approved of the conduct of the Divan in not consenting to the proposition of the Emperor; and if the allies were now themselves actually proposing concessions, was not this change in their counsels attributable alone to the strong measures and offensive position which the Emperor had taken? It was laid down as a rule by all text writers on the law of nations, that when a demand, which was not legally founded on a right, and could only be granted as a favour, was made by one nation on another, and refused by that other nation, was attempted to be obtained by threats or violence, such attempt was a violation of the law of nations, and constituted an unjustifiable interference with the independence and rights of nations. This was exactly the position in which Russia stood; she was attempting to obtain by violence and threats of violence what she had no right to demand, and which she had already been refused. Any advantage, therefore, which Russia gained in consequence of her hostile position would be a direct reward and encouragement to breaking the law. We placed ourselves on the side of Russia the moment we consulted her as to the concessions she would be satisfied with, and took up the cause of the lawbreaker when we endeavoured to obtain those concessions for him. It appeared that we were now actually engaged in urging the Turks to yield, and inducing them to propose terms to St. Petersburg—in other words, to throw themselves at the feet of the Emperor and ask him to accept as a favour to them what he had taken up arms to obtain by violence. We were acting as mediators in the interest of Russia, instead of standing forth as the defenders of the law of nations. Instead of maintaining the peace, we were rewarding a breach of it. It might be that the concession made at our request was no sacrifice of the honour or dignity of Turkey—it might be that neither the interest nor the position of the Sultan was affected by it; but be it what it might—be it even a profit and a gain to Turkey, it was still a concession, and a concession which established a principle dangerous if not fatal to the best interests of society, and totally destructive of the adopted policy of Europe. It established the principle that by using violence and breaking treaties—by breaking through all rules and trampling on all rights—by acting singly and setting at defiance the united voice of Europe, a Power may obtain some advantage, and secure a benefit she is not entitled to. If the proper course were taken, and true justice done, Russia would be obliged not only to retreat, but to pay a penalty for the wrong she has done; she would not only be obliged to forego her demands on the Sultan, but make reparation for the offence committed against his sovereignty; to pay the whole expenses of the preparations for war she has caused, and repair the injuries she has inflicted. But, instead of placing the real merits and justice of the case before her, we, it appears, were employed in bestowing some recompence on her for her illegal proceedings, and giving her a reward for her show of violence. If such were to be the result of our interference, glad as he might be that a war had been averted, he could not felicitate Her Majesty's Ministers on the issue of their negotiations. He must, however, say that he never believed in the probability of a war; he always felt that Russia would see it was her interest to avoid a war if possible. He knew that Russia was not prepared then, nor was she now, for a war on such a scale as that which she must have undertaken to attain her object. Her experience obtained in former wars made her aware of the difficulties which would attend a campaign in Turkey; and she knew, though many here did not, that the defensive power of the Sultan had considerably increased since the period of her last war. There was here an exaggerated idea of the military force of Russia; but on the frontiers of the empire a more correct knowledge of her weakness existed, and there it was well understood that if Russia were rash enough to rush into a war on a large scale, the dogged obstinacy and persevering firmness of the Turks, which had been so often displayed in the last war, would again lead to long protracted and probably a successful resistance. The Court of St. Petersburg knew well enough that strong as Russia was, she was not strong enough for a tussle of that sort—a tussle in which she would have to waste both treasure and lives, and in which she would have the opposition instead of the sympathy of Europe. Knowing that the Porte is far better prepared for war than is supposed here, and Russia less capable of great exertions far from her frontier than most military Powers, he never believed that the Court of St. Petersburg was anxious for or ever intended war. It hoped to obtain its object by a show of violence and making a demonstration, without ever pushing things so far as to involve it in a serious war with the Porte. Its policy had been successful, for while it had avoided the inconvenience and serious losses which would have attended a struggle with Turkey, it had gained more than even a complete concession of its demands would have given it: it had placed France and England in a humiliating position: it had actually forced them to employ their time and use their efforts in making the Sultan yield something, no matter how little or how great that something might be, still something to Russia, and it had shown to the world that the Western Powers had not ventured to act boldly and vigorously at St. Petersburg, where the real matter of complaint ought to have been redressed. The explanations of that day had, therefore, caused him much regret. He had heard his noble Friend with pain, and he must again repeat that he could not felicitate the Government on the result or conclusion of their labours and negotiations.

The EARL of HARDWICKE did not think the debate had given their Lordships much insight into the circumstances of the case, nor was it likely that any results would follow from it. The difference which existed between himself and the noble Earl opposite as to the course which had been pursued by Her Majesty's Government was this—that whereas the policy which the noble Earl had pursued had been of a more tender, slow, and pacific character, so his (the Earl of Hardwicke's) should have been quicker, more determined, but, he believed, of a not less pacific character. His impression was, that the pacific character of the communications which had taken place between this country and Russia, and between this country and Turkey, would ultimately tend to produce more difficulty than if they had been of a more serious and determined character. His conviction was, that where there was any breach of the law of nations, and of great principles which had been laid down by treaties, the surest way of supporting the peace of Europe was to act with those treaties in hand, to take them as the public law of Europe, and to deal with them as with any other legal documents. The noble Earl opposite (the Earl of Clarendon), in his usual kind and gentlemanly tone, had addressed the House, and had gone at some length into the subject; but he had not given their Lordships one iota of information of which they were not in possession before. Of the nature of the concession to be made, they knew nothing as yet, and were therefore unable to deal with it in any way that should give satisfaction to the public, or information to the world. He hoped and trusted that his noble Friend and Her Majesty's Government would succeed in its endeavours to preserve the peace of the world; but they certainly had placed themselves in a position of the deepest responsibility and anxiety by the manner in which these negotiations had been conducted. Certainly, from the position in which the Emperor of Russia and the Sultan had been placed, a very strong argument could be used against the Government of this country by both those Sovereigns, if these negotiations should fail. The Emperor of Russia might fairly say, "When you, England, saw the position I had taken up, the serious tone that I used at Constantinople, when you were thoroughly informed of the motions of my armies and fleets, that was the time to warn me that I was about to break the law of nations, and to declare that I should not perpetrate the act I meditated before war should be declared." On the other hand, the Sultan might well say that we had persuaded him not to take alarm at the invasion of his empire, and had told him that we would not allow his privileges and rights to be infringed. He (the Earl of Hardwicke) was convinced that if a firmer course had been taken from the first, none of these events would have taken place. To use a homely simile, if any one of their Lordships allowed a man for an illegal purpose to walk into his house and take up a position in his entrance hall —and then, without his having moved a step further, were to proceed to throw him out of the window, would not the man have a fair ground of complaint of such an aggression being committed on him, after he had been admitted into the house in violation of the known law of the country? Those who had persuaded the Sultan not to take up arms on the invasion of his empire, had drawn upon themselves the responsibility of all the consequences which might ensue. If it should be the feeling of the Emperor of Russia that these provinces were necessary for the interest and security of his dominions, and if, when called upon to quit them, he should refuse, the Government of this country would find that it had drawn upon itself a responsibility which might well alarm any one. That, however, was not the whole question. The manner in which the present state of things had been protracted, aggravated by the mode in which the public law of Europe had been tampered with, had led nearly to the ruin of the Turkish empire. While we had been negotiating, the Emperor of Russia had carried on a campaign, and the expenses of the war had led almost to the ruin of the Turkish empire in a financial point of view. While the Powers had been treating, the finances of Turkey had been brought to the verge of ruin, and that was another reason why he regretted that the affair had not been stopped at the beginning; and it was on that ground alone that the slightest difference existed between him and his noble Friend opposite.

The MARQUESS of CLANRICARDE said, he was satisfied with the explanation of the noble Earl, in so far as they now knew positively that negotiations for peace were in a favourable position; so far, therefore, as the prospect of peace went, the noble Earl's assurances had given him great satisfaction. An important question, however, still remained, which he could not expect, and which indeed he did not wish, that the noble Earl would attempt to answer—what did the note which had been accepted contain? He must state that in his opinion how the matter was proposed to be settled would depend upon that. His noble Friend (the Earl of Clarendon) said the other evening that the evacuation of the Principalities must be a *sine quâ non* before the question was settled; and in his (the Marquess of Clanricarde's) opinion, that evacuation ought to be immediate. In saying that, he was not throwing out any suspicions that were not legitimate, because his noble Friend told them that he had in the course of these proceedings been already deceived, and they knew that what had taken place in the Principalities was distinctly at variance with what was contained in the document that had been published by Count Nesselrode. He should, therefore, not be satisfied until the authority of the Sultan had been established in those provinces. He should want, too, to know what satisfaction was to be afforded to the Turkish Government and to individuals who were Turkish subjects for the violence done to them by being forced to enlist in the Russian army? If the newspaper accounts were true, nothing could be more illegal or insulting than the proceedings of Russia, and full reparation should be made for the indignity which the Turkish empire had received. That, however, was not the only question now to be settled. He should hope to know when Parliament next met what had been done to prevent a recurrence of such proceedings. The course taken by the Russian Government had opened the entire question of Eastern Europe, and there had been an opportunity, such as had not occurred in his memory, and, very likely, would never occur again, for entirely settling this question. That should be done, he thought, not by propping it up just for the present, at all hazards and at all risks, whatever might be the course of the Government of the Sultan, but by taking good care that, for the future, no one great Power should be able to gain, by any event which might take place in Turkey, such an accession of strength as might endanger the balance of power in Europe, or such an influence as might be fatal to the spread of our commerce and the advancement, he might say, of the true religion of Christ. The Government of the Sultan was one of the most tolerant in matters of religion in Europe; while, on the other hand, it was well known that the Government of Russia was most intolerant. There was, therefore, a great religious as well as a great commercial question involved in the whole of this matter. It was perfectly well known that the Reformed as well as the Latin religion had made great progress throughout the Turkish dominions. The great aim of Russia had been, not so much to get liberty of worship for the old Greek Church—the Oriental Church, as he might call it—as to enforce the concession of privileges to the Greek-Russian population, which the Emperor of Russia might interfere to enforce; thus importing a foreign temporal, not a spiritual, power into the heart of the Turkish dominions. But it was also well known that, in order to establish that feeling, the Russian Government had assisted that part of the Greek clergy who were most anxious to prevent American and other missionaries from pursuing their missions in Turkey, notwithstanding all the Sultan could do to maintain toleration and freedom to all sects. That was a point to be well taken care of and considered. He had been sorry to hear the noble Lord speak of the "mere" occupation of the Principalities. The fact was that the Russian troops had entirely overrun those provinces. They had traversed the banks of the Danube, and although they had not yet landed on the opposite side, they had taken possession of an island in the middle of the river, and had advanced to the very shore of the other bank. Care must be taken that no traces were left of this occupation which could give Russia any further power or any influence beyond that which she now possessed. With regard to our commercial interests in connexion with the question, it was notorious that the Turkish tariff and customs regulations were extremely liberal, while those of Russia were most prohibitory and vexatious. The people of this country hardly knew how important to their commercial interests it was that the Turkish rule should be maintained, or, if anything happened to it, that nothing like Russian rule should be established in that country. He would not quote statistics to prove facts which were very well known to their Lordships; but as the opportunity had occurred, we ought to take care of these interests for the future, and these points, he trusted, would not be neglected by Her Majesty's Government. It was very well to say that they had made this a European question; but was it made a European question by their forbearance? No! There was no European question in the case, until the fleets entered Besika Bay, and the world became aware that France and England were acting vigorously together; for then Austria and Prussia were forced to take part in the affair. If, at a former period, when the French fleet was ready to sail for the Turkish waters, and when, unless all the accounts in the newspapers were wrong, the French authorities most urgently pressed the English fleet to sail also—if, he said, at that time the fleets had proceeded to Constantinople, it was difficult for a person unacquainted with the parties concerned not to believe that not a man would then have passed the Pruth. In one of the circulars of Count Nesselrode there was something said, in reference to the advance of the Russian forces, of an analogous movement in the occupation by the combined fleets of Besika Bay; but Besika Bay was a *mare liberum*, not a *mare clausum*, and there the fleets ought to have been in the month of March. It was very remarkable that Prince Menschikoff, as it appeared from the newspapers, put forth pretensions something like those of the note of the 5th of May very early in March; but then Colonel Rose sent for the fleet, and no more was heard of these pretensions from Prince Menschikoff until the fleet refused to come even to Besika Bay. Then they were renewed by Prince Menschikoff on the 5th of May. He said, then, that by being a little more vigorous at an earlier period, they might have arrived at a settlement of the question sooner. He rejoiced to hear now that it was in a fair train for settlement; but until he heard what the nature of that settlement might be, his satisfaction could not be complete.

The EARL of ELLENBOROUGH said, he had always thought that the less said on this very important subject the better, and therefore he should detain their Lordships by very few observations. He was desirous of expressing his entire concurrence in what had fallen both from his noble Friend (the Earl of Malmesbury), and from the noble Earl the Secretary for Foreign Affairs with respect to the policy which ought to be pursued by this country in reference to France. He held his opinion upon that policy traditionary from the Duke of Wellington, in whose Government he had the honour of acting. He recollected well what the Duke of Wellington always said—namely, that a war between England and France would be a war throughout the world; but that so long as there was a good understanding between England and France, then, if a war took place, it would not be—at least to this country—serious, and, probably, not long. He therefore, adhering to that principle, entirely concurred with both the noble Earls in what they had said upon that point; but he could not agree with his noble Friend in thinking that, after the Russians had taken military possession of Moldavia and Wallachia, their taking civil possession of those countries was adding anything to the original offence. The first duty of a general in such a case was to disarm the population; and the first duty of a sovereign was to protect his army in any operations he might direct it to perform. Taking possession of the civil administration was the necessary consequence of the military occupation of a country. Without that the army was not secure; and it was absolutely essential that the army should be made secure by the sovereign who directed and the general who commanded it. He saw no increase, therefore, of offence in taking civil possession, in addition to military possession, of the Principalities. He confessed he had always taken a very serious view of the probable consequences of Prince Menschikoff's proceedings. Looking to the character of the Emperor of Russia, the force of which he disposed, the moderation he had hitherto manifested since 1842—looking also to the whole character of the Russian nation, he confessed he had never been without serious apprehensions as to the ultimate consequences of this affair. He never could believe that the Emperor of Russia would have taken such a great step without making up his mind to all the consequences which must result from it, and without being determined to meet all those consequences. That had been from the first his impression. Noble Lords talked somewhat too lightly of a war with Russia. Undoubtedly, he thought it would be better to make war for the preservation of the integrity of the Turkish empire, than, after that integrity was gone, to make war, which would ultimately be forced on this country by disputes with other Powers with reference to the different portions of the dismembered Turkish empire. In the first case this country would fight with allies, and especially with France by its side. In the latter case, he was unwilling to state under what circumstances he thought the country would be compelled to carry on war. He did not say that in a war for the integrity of Turkey this country might not succeed. It might be forced on the country by considerations of honour as well as of national interests; but he entreated the Government and noble Lords in that House, before they urged the country to such a war, to calculate well its extent, and to consider all the sacrifices it would entail, and the great effects it would produce throughout the whole world. That war must be an offensive and not a defensive war, if intended to be successful. It must be a war in Circassia—it must be a war in Poland—and that was a point which should be considered above all by Russia as well as by this country, when taking into view its probable consequences of what was now going forward at Constantinople. He earnestly trusted that, as expected by others, this state of things might be determined by diplomacy; but if it were so determined, he should think much better of diplomacy and its influence than he had hitherto had reason to do. He confessed that he still entertained very great apprehensions; but he certainly did not think that any earlier hostile demonstration on the part of England and France would have placed the affair in a better position.

The Earl of ABERDEEN: My Lords, I will not say that in the present state of affairs it is at all unnatural that noble Lords should be desirous of having the most accurate information on this subject; and my noble Friend has, I think, fully satisfied, or ought to have fully satisfied, the expectations of noble Lords. My noble Friend has given in substance the fullest statement of the actual condition of affairs, and in such a manner as must have given sincere satisfaction to your Lordships. My noble Friend who just sat down, has given some very good advice on this subject, and has expressed opinions, in some of which I agree. My noble Friend has referred to the opinion of the Duke of Wellington, of whom, when at the head of the Government, I was, as well as the noble Earl' the colleague, having had the special direction of Foreign Affairs. I agreed with the noble Duke in opinion at that time, and ever since I have felt the same conviction, that a close intimacy with France was the real policy of this country. I felt that conviction in the time of King Charles X.; I felt that conviction under King Louis Philippe; and I feel it now; and I have no doubt that while there is any Government of France with whom we can enter into engagements, and which is so solid and established as to be capable of maintaining its enagagements, that Government—be it republican, be it imperial, be it royal—is a Government with which we ought closely to connect ourselves. That is the course we have pursued throughout the whole of these transactions. It is true the noble Lord behind me, and others, have expressed their firm conviction that if we had at an earlier time taken vigorous and decisive measures, we should have put a stop to all those difficulties. My Lords, it is easy to prognosticate what would be the case after an event has occurred; but I find it is impossible for me to say what might have been the case if we had followed a different course; I can only say that we shall be perfectly satisfied, if the course we have followed should lead to a happy conclusion. I do not doubt when the great Powers of England and France are united in any course they may please to take, that they will be successful; but, at the same time, it is of no small importance to have the other great Powers of Europe united with England and France; and that is the state in which we stand at the present moment. The four great Powers of Europe are now acting in concert; they speak the same language, they make the same conditions which, as my noble Friend says, have already been accepted by one of the Powers with whom we are mediating. I shall certainly not enter into the particulars of these terms; but this at least is quite clear, that this country, that France, that Austria, all of them, are equally concerned in preserving substantially the integrity of Turkey—Prussia indeed may not feel herself equally interested—and it is not likely that we would consent to propose any sacrifice on the part of the Sultan which he could have any reason to object to, or to hesitate in accepting. Your Lordships are aware that those are our motives. We are not bound by any treaty—for I deny that this country is bound by the stipulations of any treaty to take a part in hostilities for the support of the Turkish empire—it is from a sense of our national interests, and from a sense of what is due to the general interests of Europe, and of our own honour, that we take the part we have done; for though we have no treaty engagements, undoubtedly there are honourable engagements that must more or less weigh with every country on this question. But your Lordships may be satisfied that, interested as the Great Powers of Europe are in preserving the independence of the Turkish empire, as long as it can be upheld by foreign countenance and support, nothing will be proposed that can militate against the honour and the essential interests of the country.

The Earl of MALMESBURY said, that there had been an expression of regret upon the part of noble Lords opposite that the discussion in which they were engaged had taken place. Now, in his opinion, it would have been far better if Her Majesty's Government had at an earlier period of the Session consented to satisfy the public mind with reference to the important question before them, so far as was consistent with the due discharge of the public service. He believed that the documents to which his Motion related could not be classed in the category either of correspondence or despatches, and he was of opinion that, as the answer of the Government of France to the circular of Count Nesselrode had been published, there could be no reasonable excuse alleged why Her Majesty's Ministers should not produce the reply which had been made upon the part of this country to the same document. Its production would have served to show to the public the *animus* by which the Government were actuated. The noble Earl opposite (the Earl of Aberdeen) was perfectly correct in stating that there was in existence no treaty or guarantee by which England was pledged to defend the Porte against Russia. He believed, however, that the noble Earl would agree with him in thinking that this country was unquestionably bound in honour by the preamble of the Treaty of 1841, to maintain the independence and sovereignty of the Ottoman Empire. In conclusion he should observe that in accordance with the course he had hitherto adopted, he did not wish to press the Government to lay upon the table of that House any papers which they might have declared it to be contrary to the public interest that they should produce. He should, therefore, withdraw his Motion, and he believed he consulted the feelings of their Lordships in so doing.

Motion (by leave of the House) *withdrawn.*

CASE OF VICCAJEE MERJEE AND PESTONJEE MERJEE.

Lord MONTEAGLE *presented* a petition from Jevanjee Pestonjee, and Rustomjee Viccajee, the sons and repesentatives of Viccajee Merjee and the late Pestonjee Merjee, British subjects and Parsee inhabitants of Bombay, lately carrying on the business of bankers and merchants at Hyderabad in the Deccan. This petition complained of wrongs done them by His Highness the Nizam's Government, and of certain acts of the Government of India, and prayed that the petitioners should be reinstated in the districts which had been mortgaged and assigned to them by the Nizam, and of which they had been dispossessed by violence, or that they might be allowed to seek a remedy for the wrong they had sustained by taking the law into their own hands, without interference from the British Government. The noble Lord said that the case of the petitioners had been brought so recently before the other House of Parliament, that many of their Lordships were probably familiar with its leading circumstances. The petitioners complained of certain acts of the Nizam as well as of the British Government in India, fraught with injustice and injury to them. These merchants were gentlemen by birth and education; though natives of Bombay, they were intimately conversant with the language and the usages of England. They were British subjects, and entitled to the protection of British law. They were members of a family long and honourably connected with the Government of India in the Bombay Presidency. The fathers of these gentlemen had been employed in the highly-confidential service of collecting the land revenues of extensive districts of the Bombay Presidency; they had ceased to hold that appointment, not from any misconduct or negligence on their part, but solely in consequence of certain great financial improvements effected in the revenue system of the Presidency, which had the effect of abolishing the duties these gentlemen collected. They were also engaged in banking, and in that branch of commerce they had accumulated a fortune little inferior to that of our great merchant princes in the city of London. Their engagement with the Bombay Government closed in 1836, and at the termination of it they received a most honourable testimonial of their faithfulness and zeal from the Government of Bombay. Being thus deprived of an official station in all respects suitable to their birth, position, and abilities within the British territories, they were induced to repair to the Nizam's country, which adjoins the Bombay territory, the sovereign of which is one of those native Princes who are virtually in a state of vassalage to the East India Company. Having entered into negotiation with the Minister of the Nizam, they formed an engagement for farming the revenue of certain of the districts of Berar within his dominions, the principal condition of their engagement being the advance of large sums of money on the security of these districts. In that situation of things the Nizam incurred a large debt to the petitioners, whose advances were chiefly employed in enabling the Nizam to pay the contingent of troops which he was by treaty bound to maintain for the defence of the East India Company. England herself was directly interested in the maintenance of the contingent at that particular period, for it was at the crisis of the Affghan war, when the presence of the Nizam's contingent in the field had a great moral effect throughout India, and when the defection of a great native Prince could not but have been attended with most calamitous consequences. Soon afterwards, the Nizam, being anxious to obtain more extended advances from these gentlemen, assigned them a distinct portion of his territories in pledge for the payment of the debt, by an instrument agreed to be deposited with General Fraser, the British Resident at the Court of the Nizam. Upon the execution of this instrument of mortgage, and its deposit at the Residence, the petitioners gave up to the Nizam a portion of the districts which they had till then actually occupied, conceiving that they had, by the acts of the Resident in thus becoming party to the negotiation, and becoming the depository of their mortgage deeds, obtained the specific sanction of the British Government, or at least their recognition of their right to the whole transaction, and to a retention of the remainder of the mortgaged lands. The instrument having been thus deposited with the Resident, the petitioners' fathers were furnished with authenticated copies given to them by the Resident himself for the satisfaction of their correspondents and of those connected with them in busness, that their credit might continue unimpaired throughout the Indian territory. On so doing the Resident notified the fact and his motives to the Nizam's Government, thus distinctly marking the Resident's recognition of the entire proceedings. The Parsees thus considered that they had obtained the approbation of the Resident to their transactions, and the virtual security of our Government; and it should be remembered, so strong were their feelings on this point, that, in order to obtain this recognition, they had actually lessened the extent of the mortgage which they actually held in security for their advance. But after this a change took place in the government of the Nizam: the Minister who negotiated the transaction retired from office, and another was appointed in his place. And then occurred a transaction where the despotism of the East was applied to a repudiation as unjust and cruel as had ever been heard of, even when compared with works of injustice committed in the Western world. The Nizam not only refused to pay his debt, but he sent bodies of troops into the districts which these Parsees held in mortgage, killed some of their officers and servants, and drove them out of these mortgaged possesions; while the position of the Parsees, as British subjects, precluded them from following the example of the Nizam's own subjects by enforcing justice for themselves, and retaining possession of their districts, by the strong hand, as had been successfully done by other of the Nizam's creditors, upon whom similar attempts had been made. This course would, on the part of British subjects, have been illegal towards a native Prince in alliance with England. The very contingent whose arrears of pay had been supplied from the funds of these Parsee merchants, would have been marched against them if they had dared to defend their own property. They suffered because they were our fellow subjects. It was this circumstance that gave them a peculiar claim to a hearing from their Lordships. Had these gentlemen been simply subjects of the Nizam, they could of course have had no claim upon the East India Company, or the British Government. But, as it happened, they were also British subjects, and it was in that capacity they were entitled to petition their Lordships' House for redress of the unexampled injuries they had suffered. The petitioners had represented their case to the Government of India, which had refused any interference. But more remains to be told. Further debts were contracted by the Nizam, not to the Parsees, but to the Company. The Indian Government enforce the payment of a large sum of money in satisfaction of a debt incurred by the Nizam to themselves, for the very same purpose as that for which the Parsees had made their advances, namely, the payment of the British contingent; and the Governor General demanded and obtained from the Nizam the perpetual cession of a district which comprises two-thirds of the very territories pledged to the Parsee merchants with the knowledge of our Resident, and from which these gentlemen had been ejected by force, fraud, and oppression; and the Indian Government now refuse to make any compensation to them for the lands which rightly belong to them, but of which we have taken possession. Was there ever a more crying injustice? But it had been said that the original loans were illegal, as being contrary to the Act of 1797, which prohibited British subjects from lending money to native Princes, except with the licence of Government. He blushed to think that so pitiful a defence could be resorted to by his countrymen. Was it denied that the advances were made and the debt contracted with the privity and consent of the East India Company, through their accredited agent? Was it denied that the proceeds of these loans were applied to the Company's benefit? Was it denied that General Fraser held their mortgage-deeds in trust? Was it denied that the Company knew these facts when they acquired possession of the very lands mortgaged to the Parsees? Dare they hold these lands and reject the debt to which they are justly liable? Was General Fraser prepared to repudiate an obligation accepted by him at the instance of the Nizam? No such thing. He was a man of honour, as well as a gallant soldier. He held in his hand a letter which General Fraser, the Resident at Hyderabad, had lately addressed to the petitioners, both parties being now in England, and the petitioners having appealed to him to assist them in obtaining relief. Surely, if the transactions were illegal, General Fraser, to whom they were known from the beginning, must have known this; but so far from saying one word of the illegality of the transaction, he expressed his regret that the petitioners were not able to obtain redress. The noble Lord then read the following letter from General Fraser:—

"Salterton, 9th July, 1853.

"My Dear Sirs—I much regret to hear that the authorities to which you addressed yourselves have not thought proper to interfere in your behalf, as I was induced to hope that a more favourable view might have been taken of your case. I am of opinion that, under the peculiar circumstances of your claim, as British subjects, upon a Prince in close alliance with ourselves, and over whom we assume the right of exercising a paramount influence, this might have been done without any danger of making an inconvenient precedent, any violation of treaty, and any necessity for saying a word that could have been offensive to His Highness' feelings, and regarded by him as an undue interference in the affairs of his Government.

"I may perhaps be under an erroneous impression in this matter; and I of course do not pretend to pronounce a positive judgment on the resolution adopted by Sir Charles Wood, as I remain ignorant of the grounds on which he has taken it.—Believe me, my dear Sirs, yours, very sincerely,

(Signed) "J. S. Fraser.

"To Jevanjee Pestonjee, Esq., and
Rustomjee Viccajee, Esq., London."

Then it had also been said that the case had been decided against the merchants by the Government in India, who were in possession of all the facts: that was true, no doubt. The claims were rejected on false grounds. He held in his hand the official letters, which proved this conclusive fact. The following was the letter from the Governor General of India to the Resident at Hyderabad:—"The petitioners appear to have advanced money without any guarantee on our part, or any communication with the British Resident." The decision of the Indian Government bore on the face of it that the claim of the petitioners was refused, because their transactions with the Nizam were without the knowledge of the Resident. This he had shown was not the fact, and General Fraser's letter, which he had just read, written as it was with the full knowledge of the allegations of the present petition, was conclusive.

He hoped he should not be told in reply, that however the Resident may have been cognisant of the transactions which were negotiating between the petitioners and the Nizam, no technical or legal guarantee had been given. If by a guarantee was meant a written legal instrument, pledging the security of the Government, he admitted that he had nothing of the kind to produce. But there was in this case as strong a moral guarantee as had ever been given or heard of. It was one which the Government was bound, in his opinion, to recognise, on the principle of honour and conscience. The present case could not be liable to the suspicion of having been brought forward in the spirit of party. The Motion made in the Commons had been seconded by an hon. Gentleman (Mr. J. A. Smith), was a personal, he might say an hereditary, friend of the Company. It was brought forward as a wrong that ought to be redressed; and if an injustice had been committed, the difficulty of finding a remedy ought not to be insoluble. The facts had been admitted by the Company. It had been suggested in the other House that an opportunity should be afforded to the petitioners of making out their case before the Judicial Committee of the Privy Council; but this suggestion was resisted upon a ground which he thought his noble and learned Friend on the woolsack would refuse to sanction. It was said that the Judicial Committee was a court of appeal only; and that as no suit had been instituted in this case, the claim of the Parsees could not be brought under the notice of the Committee. He thought, however, that a noble Duke on the Ministerial benches (the Colonial Secretary) would bear him out when he said that it had been usual to refer to the Judicial Committee of the Privy Council questions of any nature upon which Her Majesty might require advice. It had been asked, "Suppose the rights of the petitioners to be admitted, how are they to be enforced?" He believed many cases had occurred where the rights of British subjects, which had been withheld by native Princes, had been successfully enforced by the interposition of the British Government in India. He knew that there were such cases. He admitted the wisdom of the general principle upon which the Government of India had acted, in refusing to enforce debts which had been contracted by native Princes with British subjects; but that was a principle which had always admitted of exceptions. In Mr. Fox's Bill the rule was absolute as well as prohibitory. In Mr. Pitt's Bill the prohibitory clauses were altogether omitted. The subsequent Act, in introducing these clauses, contemplated exceptional cases. Accordingly, the Act of 1797 established the prohibition only in cases where the Government had not given their assent to the transaction. In the present case he contended that such assent had been virtually given on the part of the Government. The assent was implied by the acts of General Fraser, and was binding in conscience and equity. Another question arose, whether the Nizam was the only person subject to this liability; for in cases somewhat similar it had been held that where a wrong of this nature had been done by one independent State to a private subject of another, the Government of the latter was bound to obtain satisfaction, or to accept the liability. He regarded this case as somewhat analogous to that of the Danish claims; where the law officers of the Crown expressed their opinion that the wrong done to our merchants in seizing their book debts and goods ashore was contrary to the law of nations, and was consequently a wrong for which the British might have demanded redress, or have made war. He (Lord Monteagle) had considered, as Chancellor of the Exchequer, that, under this opinion, the British Government was bound to procure satisfaction for the wrong that had been inflicted upon its subjects, or that, in default of doing so, it was itself responsible to those of its subjects who had suffered loss. The House of Commons acted on this opinion. The consequence was, that Parliament, adopting the recommendation of Lord Melbourne's Government, granted a sum of 300,000*l.* to the sufferers. In the case of the present petitioners an undoubted wrong had been inflicted; and if the British Government declined to enforce a remedy as against the Nizam, he considered that the responsibility of affording reparation devolved upon them. He thought the Judicial Committee would be the best advisers to which the Crown could resort with respect to the extent and nature of their obligation. He would ask their Lordships not to leave the petitioners without a remedy. He would respectfully warn the House against a decision which, in the present position of their legislation in regard to India, might cast a doubt on their good faith towards the native inhabitants of that country. During the progress of the Bill for the better government of India, the declarations made by the Ministry, as well as by the Court of Directors, of their earnest desire to do justice to the native population, had been repeated, and, as he hoped, were sincere. Good will and kind intentions had been professed on both sides. But if an opportunity like the present were lost—if a wrong like that complained of by the petitioners were left without redress—he could not but fear that such an omission would furnish but a painful commentary upon the Act of Parliament about to pass, and would deprive the one hundred and fifty millions of our Eastern fellow-subjects of any sufficient grounds of confidence in their European rulers. He would conclude by moving that the petition should, for the present, be referred to the Select Committee on Indian Affairs, in order that its prayer and allegations should be made a subject of examination in another Session.

EARL GRANVILLE said, that as the case was brought before the House merely on the presentation of a petition, upon which no Motion was founded, and as some very important business yet remained to be transacted that evening, he would not trespass at any length upon their Lordships' attention. He must, however, say a few words to show that, although this was undeniably a case of great hardship and injustice, it was not clear that Her Majesty's Government had incurred the responsibility which the noble Lord had endeavoured to throw upon them. Entirely admitting the hardship and injustice committed by the Nizam against the two gentlemen who were petitioners, he must say he thought the noble Lord had entirely failed in making out his case of alleged injustice on the part of the British Government. The case of the noble Lord, as he understood, was, that the petitioners, being British subjects, had lent money to the Nizam, and now sought to obtain it back through the pressure of the British Government; and although such loan was certainly contrary to the letter of the law, which expressly forbade any British-born subject lending money to any native Prince without a licence from the Government, the noble Lord contended that it was not contrary to the spirit of the law, which was intended to prevent Europeans, and not natives, from making these loans. Now, it appeared to him (Earl Granville) that all the evils arising from the advance of loans to native Princes by Europeans who were connected with the English Government, were just as likely to result in the case of loans made by natives of India who were British subjects. If the British Government undertook to interfere in one case, on behalf of such natives of India, to recover money due to them from native Princes, the consequence would be that all debts due from native Princes would be transferred to British subjects, and the Government would be called upon to interfere in every case. The noble Lord had endeavoured to make out that the British Government had in some way given a licence to the petitioners to lend money to the Nizam. That he (Earl Granville) denied to be the case, although certainly there seemed to have been some knowledge of the transaction on the part of the Resident at Hyderabad, who had gone so far as to give an authenticated copy of the agreement to the petitioners. It was true the Resident had used some general, though rather doubtful, expression of opinion, that Her Majesty's Government might interpose in a friendly manner with the Nizam to obtain payment; but it was clear, from the papers in his (Earl Granville's) possession, that the Resident had never given the slightest guarantee of the nature referred to by the noble Lord. General Fraser, the Resident, in a letter to Major Oliphant, said—

> "The Minister, Chundu Lall, informed me that from certain districts assigned to the Parsees I should receive a portion of the monthly payments due on account of the contingent; but this was a matter entirely between the Minister and myself, and involved no intercourse, negotiation, or question whatever between the Parsees and the Resident. The main object of what I said to Mr. Smith and Sir C. Wood was to show that our interference, if called for at all, was so on the exclusive ground of that protection which is due from any Government to its subjects when seriously aggrieved by the act of another Government. I have stated distinctly the ground, and the sole ground as it appears to me, on which our interference could be justified, and this would extend no further than to suggest to the Nizam that it would be but an act of justice to the Parsees to cause their complaints to be inquired into, with a view to their being redressed if well founded. The present Minister by no means assents to the correctness of their accounts."

Major Moore, who was then Military Secretary at Hyderabad, stated, that so far from considering that the interference of the British Government could be obtained to enforce the payment of this debt, he recollected having warned the Parsees as to the want of prudence they were manifesting in the transaction, and expressing to them his opinion that they would be ruined by it. If a British subject was seriously aggrieved, it was right that redress should be demanded; but in dealing with the native Princes of India, so paramount with them was the opinion of the British Government, that if a sort of hint were given in support of a claim of this kind, it would be equivalent to a demand enforcing payment, and we should thus encourage a state of things which, for fifty years past, it had been our policy to prevent. This case had been well considered by Lord Hardinge, by Lord Dalhousie, by the Court of Directors, and by the Board of Control; and, if claims of this nature were admitted, they would, in fact, confiscate the whole property of the native Princes, whose debts would be transferred to British subjects. Although the case was one of undoubted hardship, he considered that the petitioners had no claim upon the British Government to aid them in enforcing their demand. With regard to the reference of the question to the Judicial Committee of the Privy Council, he (Earl Granville) believed he would be confirmed by the noble Duke to whom the noble Lord had appealed, when he said that the cases which were referred to that tribunal were only those in which questions of very doubtful and complicated law were involved. The present case was clear in law, and involved only a line of policy which had been long established, and the propriety of continuing which he saw no reason to doubt.

The Earl of ELLENBOROUGH said, that having read the papers on this subject, he believed the statement of the case of the petitioners which had been laid before their Lordships was entirely correct. He agreed with the noble Earl in the opinion, that undoubtedly the case of the petitioners was extremely hard. These Parsee merchants were as respectable as any commercial men in the City of London, and they stood in the same position towards the Government. He must say, however, that while he admitted this, he could not admit that the British Government could be held in any way to have guaranteed the loan made by the petitioners; neither could he admit, that in consequence of our having taken possession —as it appeared we had done—of lands which had been placed under the management of the petitioners, we were liable for the debt incurred by the Nizam. In his opinion the Nizam still remained solely liable for the debt, and that it did not in any way attach to the land. He must say, however, that he thought, if this injury had been done to any British subject by any State in Europe, such British subject would have received all the advantage which he could have derived from the friendly interposition of the British Government, exercising its good offices in his behalf; but no such thing could be done in India in treating with independent Princes. In India what was in Europe diplomacy practically meant war, and the *ultima ratio* was the *prima ratio* also; and if we were to demand from the Nizam payment and satisfaction for the petitioners on account of the injuries they had sustained, we should be called upon to interfere in numberless similar cases. The result would be, the utter confiscation of the Nizam's territories, and a great political revolution. He had considered, if he had been in India, what he would have done in this case; and he must say, he thought he could not have pursued any other course than that which had been taken by the Government. He could not have interfered. He understood that within certain districts which had been ceded by the Nizam to the British Government, and the revenues of which districts were to be applied to the support of the contingent, were situated lands which had been assigned to the petitioners by the Nizam as security for their debt. He must say, had he been in India, that though he could not have entirely replaced these gentlemen in the position they had previously held with reference to the lands, he would, exercising the power which was vested in the Government, have placed under their management, as collectors of the revenue, the districts from which they had been ousted, and would thus have enabled them, by the ordinary remuneration given to persons so employed, to derive some benefit from their services and their connexion with the Government. The noble Earl had mentioned the name of a Major Moore. Might he (the Earl of Ellenborough) be allowed to ask whether that Major Moore was a Director of the East India Company; and, if that was the case, whether Major Moore was not at this moment in the receipt of a pension from the Nizam? He (the Earl of Ellenborough) had been told this was the case; and, if it were true, he would ask whether the pension did not practically come within the spirit of the clause in the Act of 1797? Was it not just as bad to receive a pension from the Nizam as to lend money to the Nizam, if not much worse? He really wished the noble Earl (Earl Granville) would make some inquiry on this subject. He (the Earl of Ellenborough) knew nothing of the matter of his own knowledge; but he had been told that a Major Moore was to this hour in the receipt of a pension of 500*l.* or 600*l.* a year, which must have been extorted from the Nizam's

Government, and which was certainly much worse than lending the Nizam money.

The LORD CHANCELLOR said, no one could but feel that it was a matter of deep regret that persons in the high position of these merchants in our East Indian possessions should be subjected to the grievous wrongs which they had no doubt sustained. As this question had only arisen upon the presentation of a petition, it was impossible to express distinctly an opinion whether any thing ought to be done, and, if so, then what course ought to be taken: the noble Lord who introduced the subject proposed that the case should be referred to the Judicial Committee of the Privy Council; but he thought the noble Lord must see that that course could not possibly be adopted. The noble Lord was perfectly right in saying that the functions of the Judicial Committee of the Privy Council were not confined to cases brought before it by way of appeal from the decisions of Courts in the Colonies or elsewhere; but all the matters referred to the Judicial Committee, so far as he was aware, had been matters of a judicial nature, to be decided upon judicial principles, and he would therefore ask their Lordships what the Judicial Committee could do in such a case as this. The difficulty was this, that these gentlemen had no right to enter into an arrangement of this kind without the permission of the British Government. But it was said that British subjects, who were natives of India, were not included in this provision of the law. His opinion, however, was, that even if the petitioners had the sanction of the President, such sanction would not do away with the necessity of that licence. It was a different thing to give a licence beforehand, and to sanction it afterwards. But if there had been a complete licence, it would not have altered the case, for the petitioners would then be in the state of parties lending money to the Nizam before the Act of 1797 was passed. Another course to be taken was in the application of diplomatic pressure; but though the good offices of the Government might have been afforded in any case of the kind which might occur in Europe, it had been the policy of the Government not to interpose these offices in India. The only question, therefore, to consider was, whether we were to command the Nizam, or, in other words, to go to war with him? Was this a course which his noble Friend on the cross-benches was prepared to recommend? If this course were taken, it would be impossible to tell what other cases of the same kind might remain to be similarly disposed of. This was, no doubt, a case of extreme hardship and injustice perpetrated upon a British subject by a foreign State; but under circumstances which made it impossible, or nearly impossible, that the British Government could interpose.

The EARL of HARROWBY said, that the facts were not quite in accordance with the statement of the noble Lord (the Lord Chancellor), for the Government had frequently interfered in cases of this kind; and indeed it would appear that they had frequently done so in reference to this very Nizam. In proof of that, he would read some extracts from the papers on the table of the House. On a Petition from the Sahoocars (Bankers) of Sholapoor to the Government of Bombay, being referred to the Collector of Sholapoor, the Collector made a Report to the Government, dated 22nd August, 1848—No. 420 of 1848—in the words following:—

> "The Collector begs to report from inquiries instituted by him. He finds that certain Sahoocars (Bankers) in Sholapoor have been in the habit, for twenty-five years past, of making large advances to the different farmers of revenue in the Nizam's dominions, at rates of interest varying from 12 to 60 per cent, and occasionally difficulties have arisen in the way of repayment, and it seems to have been usual on such occasions for the petitioners here to present a petition to the Collector to obtain a letter from him to the Resident at Hyderabad requesting that officer's assistance in realising their claims from the Nizam's officers. Under these circumstances, it will be for the Government to determine whether there is any particular urgency on the present occasion calling for more energetic measures than those that have usually been adopted in like cases."

Instructions issued to the Collector by the Bombay Government, in reply to the above Report, dated 9th September, 1848, No. 3,727 of 1848:—

> "The practice of the Collector addressing the Resident at Hyderabad to procure payments of the debts in question, is one that never should have been adopted. As, however, it appears to have been acted upon for a long series of years, the Resident at Hyderabad will be addressed on the subject; but I am desired to request that you will immediately inform the Sahoocars (including the Petitioners) that in transactions of a similar nature subsequent to this time no petition will be listened to."

He would further remind their Lordships that although the British Government did not guarantee advances which its subjects might make to foreign Powers in the way of loan, still it had always used its friendly offices to get a settlement of their claims; and if a specific revenue had been assigned in any case as security, how would it have been tolerated if the Government had appropriated the very revenue so pledged in repayment of some claim of its own? He ventured to recommend the case of the petitioners to the consideration of their Lordships, as he believed a gross act of injustice had been done them. These British subjects had a lien upon a certain territory, and the British Government had taken possession of the identical territory so mortgaged to them without noticing their prior claim. The fact was, that these parties were in a worse position than the other creditors of the Nizam, in consequence of their being British subjects; for had they been subjects of any other Power, they would have been enabled to urge their prior claim to the property which they had received as the guarantee of their debt. They could not against their own Government. Moreover, against others they could have held possession—against us they could not; and now, having ousted them from property to which they had a prior title to our own, we not only refused to do them justice ourselves, but refused to assist them in obtaining a satisfaction of the original claim for which that property was the security. This was surely a case of great hardship and injustice. Let it be remembered that this was not a claim of a purely private nature. The debt was contracted for an ally of the Government, and with the sanction of the representative of that Government, and the money was expended in pay and necessaries for an army which the Government compelled the Nizam to maintain; and the fact of the Government having taken possession of the land which had been pledged for the payment of the debt so incurred, implicated them still further in the whole transaction, and would warrant their interference did no other reason exist.

Lord MONTEAGLE briefly replied, and moved that the petition be *referred* to the Committee on the Government of Indian Territories.

Motion *agreed to*.

PILOTAGE BILL.

Order of the Day for the Second Reading read.

Lord STANLEY of ALDERLEY moved the Second Reading of the Bill; and said, that all the measures which the Government had brought forward in the course of the present Session relating to the shipping interest, were intended to carry out that system of commercial policy which owed its first successes to the late Sir Robert Peel. Their Lordships might remember that when the navigation laws were about to be repealed, anticipations were indulged in in many quarters that the measure would have a disastrous effect upon the shipping interest of the country. These anticipations, however, were not realised, for so far from the shipping interest declining since the repeal of the navigation laws, it had increased to a large amount, and he thought that the increasing prosperity of the shipping interest would induce their Lordships to pause before they resolved to oppose the Bills before them, on the ground of danger to our mercantile marine. He held in his hand a return, by which it appeared that in the year 1849, the year before the navigation laws were repealed, the total tonnage of British and foreign ships which entered inwards and cleared outwards was 8,152,000, while in 1852 the tonnage was 8,727,000 tons. In 1849 the number of new vessels built was 121,000 tons, while in 1852, the number had risen to 170,000 tons. The total number of men employed in 1849 was 237,000, while in 1852 it was 243,000. The total number of British and foreign ships which entered inwards and cleared outwards in the first six months of 1852 was 27,000, of 5,593,000 tons; while in the first six months of the present year the number was 30,000, and the tonnage 6,627,000 tons. The total amount of tonnage which entered inwards and cleared outwards in the month ended the 5th of July in the present year was 859,847 tons, against 764,971 tons in the corresponding period of last year. This showed that there were no real grounds for the apprehensions entertained as to the effect of repealing the navigation laws. At the same time it could not be denied that if the shipowners of this country were to be placed in a position of unrestricted competition with the whole world, they ought to be relieved of the burdens which now so heavily pressed upon them. That was the object both of the Pilotage Bill and the Merchant Shipping Bill—measures which had been devised solely for the purpose of benefiting the shipowners, and which he hoped would receive the unanimous assent of their Lordships. It was not intended by the present Bill to interfere with the constitution of the Trinity Board; but it was proposed to have all the light-dues paid into a fund, to be called "the Mercantile Marine Fund," the particulars of which should be laid before Parliament, and which should be under the direction of an executive department of the Government; so that Parliament would know the exact amount which was received and expended. One of the main features of the Pilotage Bill was to enable the owners of vessels to employ whom they pleased—a right which they did not at present enjoy, though it was granted to almost every other class of the community. Another matter treated of in the Bill was salvage, which had been condemned as unjust; but he thought it would be impolitic to deprive the officers, and sailors, and men, of all compensation for the risk of their lives out of the routine of duty. The only changes proposed were, that no charge should be made for stores expended in assisting a distressed vessel; and, next, that instead of the present lien upon the ship for such charges, a bond should be taken from the master, payable upon his return to this country. There were other slight alterations, but none which could, he hoped, be considered otherwise than as improvements.

Moved—" That the Bill be now read 2ª."

The Earl of HARDWICKE wished a greater number of Members were present during the discussion of two such important Bills. He protested strongly against two such Bills having been brought before their Lordships at so late a period of the Session, that it would be hopeless to discuss them separately, or with that degree of attention which their importance demanded. As the principles of free trade had been sanctioned by the country, it was reasonable that every means should be given to the people to carry out those principles; and on that ground it was proper for the Government to give the mercantile classes the means of relieving themselves from restrictions which affected them injuriously. It was in that spirit that the late Government were prepared to deal with the complaints of the shipping interest; but it had not been their intention to go to the lengths the present Government had done. With respect to the Pilotage Bill, he considered, in carrying out free-trade principles, that nothing could be more desirable than to have first-rate pilots. It was essential to the security and prosperity of our marine, that first-class able pilots should be always attainable. The general practice of taking pilots tended to the security of shipping, and to keeping up a set of well-qualified men. Everything that trenched upon the efficiency of this important body naturally created alarm among the mercantile classes. In Liverpool and other ports a good deal of alarm existed as to the probable operation of the Bill. In the port of Liverpool, the Mersey, in consequence of the shifting sands, could only be navigated by persons resident on the spot, and constantly performing the duty of pilots; but if vessels might be navigated by their own masters, even though those masters had undergone a full examination, it would be mischievous, and would probably lead to the stranding of the vessels, as the shifting character of the channel required pilots to be constantly employed, and constantly watching their changes. The Liverpool Pilotage Committee at present would not entrust the navigation of vessels to any but old and experienced pilots. If the clause in the Bill was passed, this navigation would be very much endangered. He had several petitions on the subject, and one and all agreed in the same opinion. The masters of vessels themselves were so well aware of the difficulties of the case, that they were anxious to retain the power of taking pilots. If Government would not modify the Bill in this particular generally, he hoped at least they would consent to exempt Liverpool from its operation.

The Earl of HARROWBY objected to giving the power of licensing pilots to the Board of Trade, to the exclusion of the local authorities. The shipowners and underwriters of Liverpool had petitioned against the Bill, and he urged the Government to consider whether, at that period of the Session, they would incur the responsibility of changing a perfect system, notwithstanding the representations which had been made.

On Question, *agreed to;* Bill read 2ª accordingly, and committed to a Committee of the whole House on *Monday* next.

MERCHANT SHIPPING BILL.

Order of the Day for the House to be put into a Committee read.

Moved—" That the House do resolve itself into a Committee."

Lord COLCHESTER said, as this Bill had not received any discussion during its previous stages, and the noble Lord who introduced it stated that this Bill, together with the Pilotage Bill, comprised the measures of the Government for the relief of the shipping interest, he must beg to make a few remarks upon the subject generally, before proceeding to state his objections to that particular clause, repealing the law for manning British vessels, which he had already given notice he should move to omit. Those provisions of the present Bill which related to the volunteering of seamen from merchant ships into ships of the Royal Navy, to desertion, and to shortening the mode of procedure in the Scotch Courts, he concurred in, as they were substantially the same as had been proposed by the late Government; but he objected chiefly to the omissions in the Bill. It contained no provisions for improving the working of the system of the register ticket, nor for the amendment of the code of discipline on board merchant ships, nor for the improvement of the provisions for the health and comfort of the seamen, nor for an extension to the home trade of that examination of masters and mates which had proved so advantageous in the foreign-going ships; and whereas one of the chief complaints of the shipowners was of the number of the laws now in force for regulating the navigation of British shipping, this Bill not only added one more to the number, but by repealing individual clauses of existing Acts, made the whole system more complicated. At an earlier period of the Session he should have wished this Bill to have been sent to a Select Committee; but within so short a time of its close, this would be useless, and he should therefore confine himself to the 31st clause of the Bill, which in a few short lines proposed to repeal all the provisions of the Navigation Act for the manning of British vessels. These provisions are, that a British ship must have a master who is a British subject, and at least three-fourths of the crew British seamen; but the strictness of this rule is tempered by a power in the Crown to vary this proposition; and foreigners, having served in British ships, under certain conditions, may be considered as British seamen; and it would thus appear, that even under the existing law, any difficulty affecting the shipowners from a temporary deficiency of British seamen to man their ships, might be provided against. But it is said, that as the shipowner has been deprived of the protection he formerly received from the navigation laws, he may now claim, in justice, the right to man his ships as he pleases; and it is averred that it is disadvantageous to him to employ the British seaman, as he demands higher wages and allowances than the foreign seaman, and, owing to his alleged monopoly, he is regardless of his character, and able to interrupt the trade of British ships by combining in strikes for exorbitant wages. Now, if these facts were true, there might be some ground for opening the trade to foreign seamen, provided no higher question of State policy were involved; but, with regard to the coasting trade, which employs more than 8,000 ships, and 45,000 seamen, the case is not as stated, for in that trade the shipowners continue to possess the same exclusive privileges as previous to the change of the law, in 1849; and, even with regard to the foreign trade, no maritime Power of Europe or America permits her ships to be exclusively commanded and manned by foreigners. The character of the British seaman, which some have attempted to asperse as profligate and improvident, is spoken of by the highest authorities as greatly improved of late years; the large sums deposited by seamen in the Sailors' Homes, amounting, in that of London alone, in the year 1852, to 55,482*l.*, show the decrease of that improvidence for which he was celebrated; and the superintendent of the London Nautical School, established by the Board of Trade, says, in a letter, "It is very gratifying to see the spirit of ambition rising up among seamen to qualify themselves for their calling, now that the means and opportunity of doing so are within their reach." If he should demand higher wages than his merits enabled him to receive, or endeavour to enforce that demand by strikes, the existing power of the Crown may be brought to bear by proclamation; but those who put forward these grounds for a change of law, have openly avowed that unless they can introduce into their crews so large a proportion of foreigners as will enable them to beat down wages to the foreign level, they will not be satisfied. If this great reduction in the numbers of British seamen should take place, the country might find, on the breaking out of a war, that it had lost that reserve of men from which alone it could hope to supply the large masses of seamen which would then be required for the Navy. Some few persons, indeed, had asserted that our Navy could be manned independent of the merchant service; but the most experienced officers of the Navy examined before the Select Committee on the Navigation Laws had expressed their conviction of the necessity of a large supply of merchant seamen for the service of our fleets; and Admiral Berkeley, a Lord of the Admiralty, had strongly urged the necessity of retaining these clauses to meet the probability of English sailors who might be indisposed to serve in the Navy, providing themselves with certificates of American citizenship, and thus serving as foreigners on board British ships for the express purpose of avoiding compulsory service in our ships of war. This view had been singularly confirmed by the resolutions lately passed at public meetings of the seamen of the northern ports in reference to this present Bill, in one of which they state, "That there being no longer advantage to hail as Englishmen when this law is passed, on the contrary, freedom from impressment or service in Her Majesty's Navy during war, may be secured by serving as foreigners during peace," they will secure certificates of United States citizenship on arrival at any port of that Republic. The officers appointed to report on the best mode of manning the Navy, in their report laid before Parliament, also urged strongly the retention of these manning clauses; and even the Government itself, by the provisions of the Act introduced this Session for "The Entry Seamen," admitted the value of the merchant seamen as a supply for the Navy, by enabling the Crown to call them out by classes either in peace or war. Besides these considerations as to the supply of seamen, further objections might be urged to permitting a British ship to be wholly manned and commanded by foreigners. The flag would no longer represent the British character, and facilities would be given for the abuse of it by foreigners for illegal purposes. This was foreseen by the framers, who have attached penalties to such abuse; but the proof of the real characters will be difficult, and the proposed object of those assuming the flag will, in most cases, have been effected before the fraud has been detected. The honour of the British flag is often placed in the keeping of the commanders of British merchant ships, and where its maintenance might involve some personal risk or loss, a foreigner could not be expected to feel the same inducement to uphold it as an Englishman. For these reasons he hoped their Lordships would, when the Bill went into Committee, agree to omit the 31st clause, and thus retain the principle of the existing law, whatever modifications of its detail might be found advisable under the present change in our commercial system.

The Earl of HARDWICKE said, the late Government had contemplated giving the mercantile marine full play, by allowing them to man their ships in the best way they could. He had been quite prepared to coincide with that policy; but he never for a single moment contemplated that the coasting trade would be included in that provision. If the principles of free trade were to be carried out in the way proposed by this Bill, they would be compelled not only to keep a standing Navy, but to educate their seamen for it.

The Earl of ELLENBOROUGH shared in all the apprehensions which had been expressed by noble Lords with respect to the admission of foreign seamen to the coasting trade. It was said that the shipowners had a right to a relaxation of the present law, in accordance with the principles of free trade. Now, as regarded the foreign trade, shipowners might at present have one quarter of their crews foreign seamen; but of 100,000 seamen employed in this trade, only 5,000 were foreigners, so that they might employ 20,000 more without any alteration in the law. Then, with regard to the coasting trade, it must be remembered that the shipowners were not exposed to any foreign competition in that branch of commerce; and he could not, therefore, think it necessary or expedient to take a step which would increase the profits of the shipowner by the reduction of the already small wages of the sailors. It must be recollected that the seamen engaged in the coasting trade were the only portion of our maritime population who were always at hand, and in a position to be called upon to man the Navy in case of any sudden emergency; and he could not but think that it was highly inexpedient to take any step which might diminish their numbers. This Bill was viewed by our seamen with the strongest feelings of aversion, not so much because they feared that it would diminish their wages, as because they disliked to see a foreigner on the deck of a British ship. That feeling he (the Earl of Ellenborough) entirely shared. It might be called illiberal; but it was one which maintained a feeling of nationality and loyalty amongst those upon whose services we depended. No measure had passed within his memory which he viewed with so much apprehension as he did this Bill.

On Question, *agreed to;* House in Committee accordingly: Amendments made; an Amendment *moved,* and *negatived:* the Report of the Amendment to be received on Monday next.

GOVERNMENT OF INDIA BILL.

Order of the Day for the Third Reading read.

Moved—"That the Bill be now read 3ª."

On Question, *agreed to;* Bill read 3ª, accordingly, with the Amendments.

Further Amendments made.

Lord MONTEAGLE said, that in pursuance of the notice that he had given, he rose for the purpose of proposing the three clauses which had been presented, and were in the hands of their Lordships. He did so for the purpose of recording his own opinion, and having his proposition entered on their Lordships' journals, rather than with any intention of occupying their time, or of dividing the House. The latter course, in respect to these three clauses, would be inexpedient as well as unnecessary, after the reply made to him on a former night by the President of the Council (Earl Granville). In relation to the most important of these clauses—that which declared and enacted that the Natives of India should hereafter be considered as eligible by law to all offices whatever, as well in the covenanted as in the uncovenanted service—he understood his noble Friend to have fully assented to the principle for which he then contended; but to have objected to the clause only as being unnecessary, the exclusion having arisen solely from the right of nomination existing heretofore, but now modified by the present Bill. He admitted the force of this argument, and thanked his noble Friend for the admission; but recollecting what had been the conduct of the Home Government in relation to the Act of 1833, and how widely they had departed from the intention of its framers, he would have wished to have inserted a clause making such a course hereafter impossible. By another clause, he sought to guard against a power which had been used by the Home Government in restraining the functions of the Legislature of India, in cases where no such limitations were prescribed or contemplated in the Charter Act. This was stated in evidence to have been done contrary to law. Such a power exercised from home, prohibiting the Legislative Council from entertaining subjects not included within the list of subjects specifically reserved in Section 43 of the Charter of 1833, he held to be wholly without excuse and without defence. After the evidence given, however, he did not feel that there was much risk that this would be repeated by the Court, or permitted by the India Board. The 3rd Clause proposed to place the East India Company, in one important respect, on the same footing with all the chartered and Crown colonies. From each of these colonies, annual statistical returns were required to be made, in the form commonly called the Colonial Blue Book. These returns were corroborated by the Secretary of State and presented to Parliament. As it was now intended to leave the question of India open to the annual review and legislative authority of Parliament; and as it was not even suggested that the present Bill did more than continue, with certain modifications, the Government of India; and as the great questions of finance, commerce, agriculture, public works, and the administration of justice, had not even been touched upon by Parliament—his object was to secure to Parliament from time to time the fullest information that could be required to guide their future judgment. This, he was aware, could be done without any statistical authority, by direction of the Board of Control and the Directors, in whose hands he was willing to leave it after recording his own opinion.

Clause *moved*—To insert after Section 25, the following, namely—

"It shall not be lawful for the said Court of Directors to forbid or prohibit the Legislative Council of India appointed under this Act from making any Law or Regulation, or repealing or amending any Laws or Regulations, as authorised by the said recited Act of the Third and Fourth of William the Fourth, Chapter Eighty-five, Section Forty-three, save and except where such Laws or Regulations or proposed Laws and Regulations shall come within the Exceptions in such recited Act contained, to which excepted Cases the legislative Authority of the Governor General and Council of India is not extended by Law."

Moved—To insert after Section 37, the following, namely—

"Whereas it is provided by the said herein-before recited Act of the Third and Fourth Year of the Reign of King William the Fourth, Chapter Eighty-five, Section Eighty-seven, 'that no Native of the said Territories nor any natural-born Subject of His Majesty resident therein shall, by reason of his Religion, Place of Birth, Descent, Colour, or any of them, be disabled from holding any Place, Office, or Employment under the said Company:' And whereas it is expedient to give further Security in this respect to remove any Doubts in regard to such Enactment as aforesaid, as well as to carry into full effect the several Provisions of this Act in respect to Admissions to the College at Haileybury, and to the Appointments of Assistant Surgeons to the Company's Forces: Be it enacted and declared, That no Distinction between the covenanted or uncovenanted Service of the said Company shall hereafter disable or be deemed or construed to disable any natural-born Subject of Her Majesty, by reason only of Religion, Place of Birth, Descent, Colour, or any of them, from holding any Place, Office, or Employment under the said Company, whether such Place, Office, or Employment shall be in the covenanted or the uncovenanted Service of the said Company."

Moved—To insert the following, namely—

"For the Purpose of furnishing to Parliament, from Year to Year, accurate Accounts of the State and Progress of the Possessions of the Crown in India, and thus supplying Information of the same Description required in relation to the European and Colonial Dominions of Her Majesty, be it enacted, That there shall be made up for every Year Statements and Reports, in such Form as the Board of Commissioners shall prescribe, to the Court of Directors, showing the Territory, its Area and Population, from the best ascertained Sources; the Income and Expenditure; the Civil Service, distinguishing the Native from the European; Trade and Navigation, Numbers of each employed, and Salaries; Education, including Number of Colleges, Schools, Number of Scholars, and Expenditure; Taxation, distinguishing Land, Opium, and Salt Tax; Judicial Returns, showing the Administration of Justice, Civil and Criminal; Agricultural Productions, distinguishing Sugars, Cotton, and Indigo; Legislative Proceedings, showing the Titles of the several Bills, Laws, or Regulations submitted to the Legislative Council of India, and showing how the same have been disposed of; Public Works, whether Roads, Railways, Canals, Tanks, or Wells; together with such other Information as, in the Judgment of the said Board of Commissioners and Court of Directors, it may be thought expedient to furnish; and that the said Reports, Accounts, and Statements be laid before both Houses of Parliament on or before the First Week in the Month of May in every Year."

Amendments *negatived;* then it was *moved*—"That the Bill do pass;" objected to; and, on Question, *agreed to.*

Bill *passed*, and sent to the Commons.

House adjourned to Monday next.

PROTEST.

Protest of LORD MONTEAGLE *against the Third Reading of the* GOVERNMENT OF INDIA BILL.

DISSENTIENT—

1. *Because*, in a case where Committees of Inquiry on the Affairs of India have been appointed by both Houses, it is inconsistent with reason, authority, and precedent, that this law should be passed without awaiting the Reports from such Committees, and a communication of the evidence already taken.

2. *Because* such a course tends to degrade, in public opinion, the Committees thus recklessly set aside; it tends to lessen the weight of all Parliamentary inquiries; and, in the present instance, it deprives the House and the public of the power of comparing the enactments now proposed with the evidence given by experienced and trustworthy witnesses.

3. *Because* the interval between the first day of August, the day on which the present Bill was brought up from the House of Commons, and the present time, has not been sufficient to admit of that calm deliberation equally requisite for the exercise of the judgment of this House, for the maintenance of its dignity, and to give weight to its final decision.

Because this rash course is the more inexcusable in a case where the appointment of the Select Committees on India was recommended by the highest authorities in both Houses, in order that "the Government should submit their Proposition *after the Committees shall have made their Reports,*" and that Parliament should be enabled to ascertain, on inquiry, "*whether the Court of Directors have been faithful stewards, and whether it is wise to continue, to abrogate, or to qualify the existing system.*"

4. *Because* this hasty legislation, resting neither upon Reports nor upon evidence, can hardly be considered as supported by official experience or authority, seeing that within twelve months four successive Ministers have presided over the affairs of India, and have not had time to acquire that experience which, however eminent their abilities, and untiring their industry, cannot but be required for so great a task as that of framing a Bill for the Government of British India.

5. *Because* this proceeding is the more inexcusable, when the late period of the Session has already been relied on as a sufficient justification for postponing or withdrawing many other Bills, from the acknowledged impossibility of considering their enactments with that wise and cautious deliberation which is indispensable to the making of good laws.

6. *Because* it has been sought to defend the passing of this Bill on the authority of a letter from the Governor General of India, said to recommend immediate legislation, which letter has been used to procure Parliamentary support, and to influence public opinion, though at length admitted to be a document which, not being on the table of this House, ought not to have been referred to, consistently either with acknowledged privilege or recorded precedent.

7. *Because* the provisions of this Bill are inconsistent and irreconcileable, implying mistrust in the Court of Directors whilst continuing them in the exercise of many important functions, in the disposal of vast patronage, and in the nominal possession of sovereignty over 150,000,000 of the Natives of India; depriving them of the power of naming an Assistant Surgeon, or of nominating an Advocate General, without the approval of the Board of Control, yet entrusting them with the Imperial prerogative of recalling a Governor General at their uncontrolled will and pleasure.

8. *Because* a union, in the same deliberative body, of two classes of men—the one being the nominees of the Crown, the other being Members elected by a constituency—so indefensible as to have found no advocate, is inconsistent with all good government, and can hardly fail to produce jealousy, mistrust, and discord.

9. *Because* this unfortunate result is the more probable where the Crown nominees will, in truth, appear as six living witnesses of the incompetency or misconduct attributed to the Court of Directors, and where, supported by the Board of Control, which has appointed them, they must act as an irritating, but irresistible, check on the freedom and independence of their elected colleagues.

10. *Because* this new constitution of the Court of Directors is not recommended by the success of similar experiments in the British Colonies, such experiments having generally been unsatis-

factory, and, of late years, having been condemned and abandoned.

11. *Because* this Bill wholly fails in providing any adequate security for the faithful fulfilment of its own enactments by the Home Government; an omission the more unfortunate, when it appears from the evidence, partially reported, that, in the following important cases, former statutes have been disregarded and violated by the authorities intrusted with their administration:—

§ 1. A lac of rupees was directed by the Charter Act of 1813 to be applied for the purposes of education. No appropriation of this sum was made until the year 1824, when this omission was first brought to light by the inquiries of the Committee of Public Instruction.

§ 2. The Law Commission, though created by Parliament as a permanent body, in order to provide improved, equal, and intelligible laws for India, was advisedly allowed to expire, after the Court of Directors had themselves announced officially that "the Act of Parliament creating these officers required that new appointments shall be made when vacancies arise, and it is only by another Act that this statutable obligation can be suspended, and any new system substituted." No application was, however, made to Parliament on this subject. The Directors prohibited the filling up of vacancies; the Law Commission became extinct, by the act of the Home Government, in utter contempt and disregard of that law to which alone those Directors owed their own authority, and which it was their bounden duty to obey.

§ 3. The various measures of Law Reform, matured and recommended by the Law Commission, by an unparalleled succession of shifts and postponements, have been set aside by the Home Government, or, to use the language of an able and experienced servant of the Company, they have been "laid on the shelf." After reciting six important measures, recommended and prepared by the Law Commission, Mr. Cameron—who filled with the highest distinction the office of the Fourth Ordinary Member of Council—states that not one of these measures had been carried into effect by the Government.

§ 4. The last Charter Act, 3 & 4 *Will.* IV., c. 85, conferred a power of legislation on the Governor General and Council in India, unlimited except in certain specified cases, yet it appears conclusively, from the evidence of Mr. Cameron—2074, 2080, 2084—that in more than one case an actual prohibition was issued by the Home Government, restraining the Legislative Council from passing certain legislative measures without the previous sanction of the Court of Directors; and on the important question of the Lex Loci for India, the law was approved of by the Legislature, sanctioned by the Governor General (Sir Henry Hardinge), and adopted in its principle by two eminent judicial authorities—Sir L. Peel and Sir Henry Seton—yet the Directors wrote, 1st May, 1845, "We think it proper to desire that no law declaring the Lex Loci of India may be passed without being submitted for our approbation." This inhibition is considered by Mr. Cameron to be contrary to law.

§ 5. The Act of the 3 & 4 *Will.* IV., c. 85, § 103, expressly prescribed that for every vacancy in the Civil Service four candidates should be named, and the best candidates selected by examination. The declared object of this enactment was, that "India was entitled to the highest talents that England could spare, and that under the proposed system it was conceived that young men would be sent out superior either in talents or in diligence;" yet these express enactments were never carried into effect by the Home Government, and the former practice was persevered in, though expressly repealed by law. In 1837, a legislative sanction was obtained for this practice, till then illegal. The Act of 1837 is stated to have been founded upon an intention of recommending to Parliament the abolition of the College of Haileybury. No such proposal was ever made; yet, by its suggestion, means were obtained to suspend the system of appointing to the Civil Service, by competition, and the unrestricted private patronage of the Directors, which it had been the declared intention of Parliament, in 1833, to limit, has been, during the last twenty years, continued.

§ 6. The 87th Section of the last Charter Act provided in unqualified terms for the unlimited eligibility of the Natives of India to all offices whatsoever, without exclusion of any persons on account of caste, colour, birth, or religion. The declarations of the statesmen responsible for the Act of 1833 all concurred in giving to this clause the widest interpretation. It was described as a subject of just exultation and pride that Parliament should have passed this clause, announcing "the only principle on which India could be administered." Nor was it intended that this should remain a barren declaration of an abstract truth; on the contrary, the question was asked, "Whether England could give knowledge without awakening ambition?" and, "Whether it was meant to awaken ambition, and not to provide it a legitimate vent?" The new and liberal system thus proposed to be introduced was strongly contrasted with that which had previously existed, under which it was stated, by one who had been for many years President of the Board of Control, that "instances were adduced of corruption and venality, but these were the result of our own conduct. Duties of importance devolved upon the Natives without adequate remuneration either in rank or salary; no reward or promotion was given for fidelity." It was forcibly asked, "Why complain of peculation and bribery? We made vices and then punished them." Yet after these promises, and the enactment of a law founded upon them, no sooner had the Statute of 1833 been passed, than a regulation, which seems to have been carefully kept back from the Committees of both Houses, was boldly announced, and has ever since been undeviatingly acted upon by the Court of Directors—the distributors of all civil patronage. This regulation has neutralised the effect of the 87th clause. The covenanted service of India was declared to be exclusively confined to Europeans. To the uncovenanted or subordinate grades of the service alone, the Native subjects of the Queen were held to be eligible. Thus the unrestricted words of the Statute and the gracious intentions of Parliament have been practically defeated. To no one office from which the Natives of India were excluded before the Act of 1833, have they been since admitted; though it is undeniable that during those twenty years the Natives have rapidly advanced in education and knowledge, and though in the offices they have been permitted to fill, the Natives have given the highest proofs of trustworthiness and ability.

12. *Because*, the conduct of the Home Government towards the Natives as above stated, rendered it expedient to have guarded against a continuance of such abuse, by a declaratory and

enacting law which has been proposed and rejected; and the only security now obtained for the fulfilment of the intentions of Parliament is to be found in the unqualified declaration of the Minister of the Crown having the conduct of this Bill:—"That no distinction between the covenanted and uncovenanted service is hereafter to work the disqualification of any Native of India for public employment." This declaration, when taken in connexion with the proposed admission of Natives to Haileybury College, and to high offices in India, and when coupled with the power reserved to Parliament of amending the present Statute from year to year, will, it may be hoped, prevent the intentions of the Legislature from being again frustrated.

12. *Because*, in those cases where this Statute appears to be founded upon just principles, it would seem that timidity or irresolution prevented their full enforcement. When it is considered that one of the advocates of the Bill has admitted that all the best and most useful measures of Lord William Bentinck met with the opposition of the Home Government, and were made matters of censure where they merited praise, and when another supporter of the present Bill has stated that in proportion as a province of India has been long under the jurisdiction of the Company, its condition is unimproved, and its inhabitants unprosperous, whilst it is in the provinces lately acquired that success and advancement are to be found, the enactments of the present Bill cannot but appear inadequate and incomplete in fulfilment of those duties which the Imperial Legislature of England owes to the inhabitants of India.

MONTEAGLE OF BRANDON.

HOUSE OF COMMONS,

Friday, August 12, 1853.

MINUTES.] PUBLIC BILLS.—2° Corrupt Practices at Elections; Registrar of the Privy Council; Liberated Africans (Sierra Leone); Passengers Act Amendment.

3° Evidence Amendment; Copies of Specifications Repeal; Chancery Suitors Further Relief; Transportation.

THE DANISH SUCCESSION.

MR. BLACKETT said, that subsequent to the conclusion of the Schleswig-Holstein war, a treaty was signed, to which this country was a party, fixing on the Prince of Glucksburgh as the future heir of the Danish Crown, failing issue of the reigning king and his immediate heir. That treaty was laid on the table of the House last year; but the House were not aware what were the views of those who represented this country in the matter, nor by what instruments the treaty was accompanied. He had information, on the one hand, that the Court of Russia had executed full renunciations of its rights of succession; while, on the other hand, it was remarkable that those renunciations were not included in the treaty of last year, as similar renunciations by the House of Bourbon were incorporated in the treaty of Utrecht. Still more recently the subject had been brought under the attention of the Government by the constitutional changes introduced by the Danish Government. He should simply ask the noble Lord the Secretary for the Home Department, whether there was any objection to laying before the House such portions of the correspondence which had passed on the subject as could be produced without detriment, to the public service, and especially the circular of the Danish Minister, dated in May in the present year? That document, and the reply of Lord Clarendon, had been printed and circulated in the German newspapers, though no documents connected with the subject had been laid before the British Parliament.

VISCOUNT PALMERSTON, in reply, said, that the correspondence to which the hon. Member referred was exceedingly voluminous, extending to, perhaps 6,000 pages of folio, and the expense of the printing such a mass of correspondence would be very great, and certainly would not be repaid by the interest which it would create. That the production of such a correspondence would lead to inconvenience he could assert, inasmuch as he had been the instrument through whom it had passed. Besides, it contained a great many details which, at the present moment, had lost all interest. As things stood, the succession to Denmark Proper went in the female line, the succession of Holstein went in the male line, the succession of Schleswig was disputed between two parties; and, therefore, on the death of the king and his uncle, who was the next heir, Denmark would have gone to the female heir, Holstein to the male, and Schleswig been divided between them. It was the business of the British Government to endeavour to prevent such a state of things; and it was thought an important object to keep together those three States which in common parlance were called the Danish Provinces. He was anxious to get renunciations also from that male branch which had claims on Holstein, and to combine the whole in some party who might equally claim all portions. That was accomplished by the treaty. If the hon. Gentleman named the renunciation of Russia, or if there were any particular documents as to which the hon. Gentleman would have the goodness to give him (Lord Palmerston) a memorandum, he would ascertain whether there was any objection to their production.

Mr. BLACKETT said, that the only document he would mention was the reply to the Danish Minister's circular of May last; but, if the noble Lord would permit him, he would communicate with the noble Lord privately on the subject.

EVIDENCE AMENDMENT BILL.

Order for Third Reading read,

Mr STUART WORTLEY said, if this Bill were passed, the law would be in an anomalous state, for a wife would be permitted in civil actions to give evidence for or against her husband, whilst in criminal proceedings she would not be permitted to give evidence against her husband. He mentioned this subject with the view of directing the attention of his hon. and learned Friend the Solicitor General to the Report of the Common Law Commissioners, with the hope that he would next Session introduce some measure to carry their recommendations into effect. He also wished to call the attention of his hon. and learned Friend to another subject. Early in the present Session, he (Mr. Wortley) called upon the Government to consider the propriety of making provision for permitting witnesses to make an affirmation instead of an oath, when they objected to taking an oath on religious grounds. Shortly after he made that suggestion, the Common Law Commission recommended that such permission should be given, and he understood that a Bill would be founded upon their Report; and his hon. and learned Friend the Attorney General promised that there should be inserted in the present Bill a clause which would give that permission to witnesses. A clause to that effect was inserted in the Bill, but afterwards withdrawn in consequence of the opposition of the hon. and learned Member for Stamford (Sir F. Thesiger).

The SOLICITOR GENERAL said, he was very well aware that the Bill, which he trusted was then about to pass, dealt in a very summary manner with a very difficult question; but he thought they were not prepared to go further upon the present occasion than the Bill professed to go. The Bill which would be introduced next Session by the Government, founded upon the Report of the Common Law Commissioners, would make a proper provision for witnesses who entertained religious scruples to the taking of an oath, and would, he hoped, amongst other things, amalgamate, or, as it was called, make a fusion of the functions which were at present exercised by the several Courts of Law and Equity in this country.

Bill read 3°, and *passed.*

THE TRANSPORTATION BILL.

Order for Third Reading read.

Mr. STUART WORTLEY said, that seeing convicts could not be transported, as they had hitherto been, or, at all events, to the extent to which they had hitherto been sent to the Colonies, it appeared to him that the provisions of this Bill might prove to be extremely beneficial. There was one special provision which he hoped would not be impaired by the executive administration of the law. There was nothing more embarrassing to Judges in the execution of their duty than the uncertainty under which they laboured as to what would be done with the convicts after they had received sentences of transportation. He (Mr. Wortley) had, for his own part, felt that embarrassment very considerably. When he first undertook the duties of his present office (Recorder of London), he applied to the Home Office in order to ascertain what the regulations on the subject were; but, though not from any want of courtesy certainly, but simply from the difficulty of supplying information, he was able to learn very little indeed as to the principle upon which convicts were disposed of after sentences were passed. It was notorious, however, that the sentences were not carried out in the terms in which they were passed; and the Judges were consequently left in ignorance as to what extent of punishment would be consequent upon any particular sentence. According to the terms of this new Act of Parliament, there seemed to be much greater certainty introduced with respect to the operation of sentences in future; and he would take the liberty of suggesting that, if it was intended to have a system or code of regulations according to which sentences would be carried out in a particular manner, which did not appear on the face of the sentences themselves, it would be extremely desirable that from time to time as alterations were made, those alterations should be communicated to the Judges who presided in the Criminal Courts, in order that they might have an opportunity of seeing what would be the effect of the sentences which they passed. There could be no doubt that considerable terror used to attend the passing of sentences of transportation; but this salutary effect had of late years been greatly impaired by the utter uncertainty which had prevailed as to what would be done with the convicts after they received sentences of transportation. An impression had latterly grown up that a sentence of transportation for any period short of twenty years or for life was mere sound, for in very few cases was it ever carried into effect; or, if carried into effect at all, that the result of it would be that they would be set at liberty in a country where labour was well paid for, and where, consequently, their circumstances would be improved rather than otherwise by the change. He did trust, therefore, that under the new system greater uniformity and certainty would be effected in the carrying out of sentences.

MR. KEATING said, there were several clauses in the Bill which deserved the careful consideration of the House. He would refer more particularly to those clauses by which it was provided that the Secretary of State should give tickets of leave to such criminals as should have a sentence of penal servitude at home substituted for a sentence of transportation. There could be no difference of opinion as to the propriety of doing every thing which could be done to effect the reformation of a criminal. At the same time they should bear in mind that that was not the only object for which punishment was awarded. One great object of punishment was to deter others from the commission of similar crimes. Now, in his opinion, those clauses, introducing as they did a novel system into the criminal procedure of this country, ought to be well considered by the House before they were enacted. In the first place, by means of this ticket-of-leave system, which he presumed would be granted on a large scale, a new class of persons would be introduced into society in this country—a class of persons, namely, who might be considered as *quasi* freemen—who would be entitled to go forth like other freemen, and contract obligations and enter into engagements such as freemen were expected to enter into, but who would be always in the position of being liable to have their liberty cut short, without any fresh commission of crime, at the mere will of the Secretary of State. He willingly admitted that the Secretary of State would of course exercise that power to the best of his judgment; but still the evidence upon which he must necessarily act was of a very questionable description. The great objection to the clauses, however, was, that they established a jurisdiction in the Secretary of State to

enable him to revise sentences pronounced by the Criminal Judges, who were the persons whom the constitution appointed to award the punishment due to crime. When a Judge passed sentence, he did so upon the supposition that the sentence would be carried out and endured; and if upon an *ex parte* statement, nobody knew whence derived or how obtained, the sentence was to be revised, then a new feature was introduced into our criminal procedure. He was quite aware that the Secretary of State at present possessed the power of granting a free pardon; but that was a very different thing from the power of setting criminals at large, liable to have their liberty subsequently restricted without the actual commission of any fresh crime. When a criminal received a free pardon, he went forth as if he had endured his punishment; but nothing could be more demoralising or less likely to deter others from the commission of crime than to have persons in society who, without having fulfilled the sentence passed upon them, should appear to enjoy all the rights and liberties of free men. Under these circumstances, he begged to suggest that these clauses should for the present be withdrawn from the Bill; and if upon further consideration the Government should still think it right to adopt the principle upon which they were founded, let them do so in a separate Bill next Session.

VISCOUNT PALMERSTON said, he was not surprised that the hon. and learned Gentleman, who had probably not attended to the discussions which had already taken place upon the Bill, should be struck with the novelty of the proposed arrangement. He could, however, assure the House that the subject had received the most deliberate consideration from persons much more competent to deal with it than he could profess to be, and it had been thought that the new system would be attended with considerable advantage to the country, as well as to the criminals themselves. The practice had hitherto been, after a certain period of preliminary imprisonment, and a certain period of employment upon public works, to send convicts to a penal colony under that system of qualified servitude which was called the ticket-of-leave system. The hope of obtaining that indulgence had been found to have a very powerful effect upon the mind of convicts confined in prisons, and employed upon public works, and had tended greatly to produce resignation to their condition, and a determination to merit that good conduct which would entitle them in course of time to participate in the same indulgence. Now, as the great object of punishment for offences not of the gravest character was the reformation of the criminal and the example of others, he thought it would be not only unwise but undesirable that, when transportation ceased, they should with it cease that element of hope which was so important a feature in prison discipline. There appeared to be no other mode of preserving that element of hope than by adopting that ticket-of-leave system which had proved so beneficial in our penal colonies. As far as example went, he thought that separate confinement in prison, forced labour upon public works, and subsequent liability to control, would be sufficient; while on the other hand, as far as security to the public went, he thought the proposed system was an additional guarantee for the good conduct of the criminal population. Under the present system periods of limited transportation, now converted into imprisonment, of course had an end. The convict must at some period or other lapse into the mass of the community. It was important that before that period arrived, he should have acquired habits of self-control, so that his conduct, when set free, should not be injurious to the interests of the community at large. Now, he thought the position of a man holding a ticket of leave, and liable to be called back to serve the rest of his period in confinement or on public works if he misbehaved, was exactly that condition which was calculated to operate upon his mind, to teach him habits of self-control, and to accustom him to harmless and laudable conduct. Here was a man a free agent for general purposes, but yet liable to be called back to work out the rest of his sentence if his conduct while in that condition should be such as to forfeit the indulgence which he had received. For his own part he had no hesitation in saying that if he was employing a man who had unfortunately been the subject of a criminal sentence, he would feel more confidence in such a man, and more disposed to repose trust in him if he knew that at any moment, upon his misconducting himself, he (Visct. Palmerston) could have him called upon to perform the rest of his sentence, rather than if he knew the man was entirely free to go where he pleased if he misbehaved in his service, unless he rendered himself liable by the commission of a fresh crime to a fresh sentence. The hon. and learned Gentleman was mistaken in supposing that the Bill gave to the Secretary of State a power which he did not at present possess. The Crown, acting through its responsible organ, the Secretary of State, had now the power, not only to remit sentences altogether, but to commute and qualify them as it might be advised. He was sure he would be corroborated by the right hon. Gentleman the late Home Secretary (Mr. Walpole) when he said that a very large, irksome, and painful part of the duties of the Secretary of State consisted in revising sentences upon those applications which were made in almost every case by the friends of the convict, or by persons who, from benevolent motives, might take an interest in his behalf. He therefore hoped that the House would adopt the Bill as it stood. The clauses referred to by the hon. and learned Gentleman had been suggested by persons conversant with the administration of the law; they had been deliberately considered by the highest legal authorities; and he was convinced himself, though his opinion might not be of much value in such a matter, that they would be advantageous, and, at all events, he hoped the House would be disposed to give the system a fair trial. If it should turn out that the plan would not produce the advantages which were expected from it, Parliament would always have it in its power to interfere, and at some future period to reconsider the whole question. With regard to the suggestions which had been made the other evening by the right hon. Member for Midhurst (Mr. Walpole) he had consulted high legal authority on the subject, and there appeared to be objections to them. With respect to an alteration in the periods of sentences, he hoped the right hon. and learned Gentleman would not press that change at present; and with respect to the question as to an increased sentence upon the second offence, he thought it would be found, upon referring to the 7 & 8 *Geo.* IV., c. 28, section 11, that provision was already made for that object, and that a second conviction for felony or for larceny did subject the person so convicted to an aggravated punishment, and to a severer sentence than that which was awarded for the first commission of a similar offence. He trusted, therefore, that the right hon. Gentleman would allow the Bill to pass in its present shape.

Mr. WALPOLE said, he had stated on a former occasion that the responsibility of a measure of this importance should rest solely with the Government, and, therefore, he should not press the Amendments of which he had given notice. He fully concurred in the principles which had been laid down by the noble Viscount, and he believed that the measure as a whole would be highly beneficial. With respect to what had fallen from his hon. and learned Friend (Mr. Keating), he begged that Gentleman to bear in mind, in addition to what had been said by the noble Lord, that the principle which was at present in operation, and which had been well considered and matured by successive Secretaries of State was this—that when sentences of transportation were awarded, they were, as a general rule, commuted to three periods—first, a probationary period of separate confinement; second, a further probationary period of employment on public works; and then a ticket of leave was given, when the convict went out to the colony, by which system the period of transportation to which the prisoner was originally sentenced was in every instance materially diminished. The system of separate confinement, of employment upon public works, and then of sending criminals to the Colonies with a ticket of leave, had been found to work extremely well. They could only reclaim offenders either by the influence of hope or fear—by punishment to deter others from the commission of similar offences; but they should never exclude hope, or they would leave the criminal in so desperate a condition that he could never become a reformed character. The only alteration made by this Bill was, that instead of a conditional pardon being given to the Colonies, it would be given in this country. If they looked to the opinions of prisoners, of chaplains of gaols, and of keepers of gaols, they would find that separate confinement was considered the most reformatory part of prison discipline. One prisoner said, "To a person who wishes to do well, this is the best mode;" and another said, "It drives a man to think over himself, and right through himself." But the last portion of this system could not be carried out, for the Colonies refused to take more than a certain number of convicts. The colonists objected to the reception of the convicts, and it, therefore, became important to consider how they were to be otherwise dealt with. It had been suggested that they ought to be transported to a very distant penal settlement. To this he objected. Transportation to populous colonies, where the great mass of the people were guided by a higher scale of morality, would tend, by example, to improve the character of the convicts; but transportation to a place no better than a mere lazar-house of moral pestilence must make the man worse instead of better. He, therefore, entreated the House, whatsoever step it took, not to sanction transportation to such places as Norfolk Island or Van Diemen's Land, where men's bodies and souls were placed in a state of the greatest degradation, and moral as well as physical punishment. If we could not transport to our Colonies abroad, they were driven back upon the system of employing the criminals at home. Could they do so with advantage to the criminals themselves, and without detriment to the mother country? It was his firm belief that they could do so, and, further, that it would be productive of immense advantage, not only to the mother country, but to the criminals themselves. From the visits he had paid to many of the prisons of this country, he believed there was generally a very anxious desire on the part of the convicts to be restored to the position in society from which they had been degraded by crime. Upon this point, as the subject was one of such vast importance, perhaps the House would forgive him if he pointed out a few facts with reference to the enormous expenses now incurred in the punishment of convicts and criminals, and the great saving that was effected in the expense of convicts by the proceeds of convict labour. It appeared from official returns that the expense incurred by the removal of 3,100 males and 800 females from Great Britain and Ireland to Australia, and of 800 to Bermuda and Gibraltar, was (as stated in the estimates for 1852–1853) 95,000*l.* The expense of transport for each convict was for the passage 24*l.*, and an outfit worth 1*l.*, making altogether 25*l.* The estimates for the convict expenses in the Australian Colonies were—for New South Wales, 7,600*l.*; Van Diemen's Land (4,762 convicts maintained by Government), 108,044*l.*; Western Australia, deducting 13,500*l.* for new buildings, and providing for 1,450 convicts, 73,100*l.*; making a total expense of 188,744*l.* The total number of convicts provided for in the estimates referred to was 21,932; the gross expenses 587,294*l.*, of which 283,744*l.* were—estimates for transport service to the Australian colonies, 95,000*l.*; estimates for the Australian colonies, 188,744*l.*, making together the sum above stated. The other items in this estimate were—for the convict prisons in Great Britain, 182,331*l.*; ditto Ireland, 53,912*l.*; for removal of prisoners, 12,424*l.*; gross estimates for convict service at Gibraltar and Bermuda, 48,842*l.*; and estimates for transport service to Bermuda and Gibraltar, 6,041*l.* Assuming, however, that the labour of the convicts was judiciously and profitably applied, the real cost to the country would be reduced by the value of their work at home, which might be thus stated. Deduct the earnings of 15,720 prisoners as follows:—7,824 in Great Britain, at 12*l.* per head, 93,888*l.*; 5,246 in Ireland, at 5*l.* per head, 26,230*l.*; 2,650 in Bermuda and Gibraltar, at 18*l.*, 47,744*l.*; making a total of 167,818*l.* The total estimated net cost to the country for the current year, deducting the prospective value of labour, was 419,476*l.* He had no doubt but that great advantages would be gained by the employment of convicts on public works in this country. Now, in the case of the works at Portland, where convicts were employed, the expense of the prison was defrayed by the labour of the convicts, while in other prisons the maintenance of the convicts cost from 20*l.* to 25*l.* a year each, and and the profit of their labour varied from 8*l.* to 12*l.* a head. He held in his hand a paper showing the expenses of three systems—namely, the present system; the modified system, which included imprisonment for a proportion of the convicts; and the system under a discontinuance of transportation. Now under the present system, the expense of 15,720 prisoners was 587,294*l.* in the gross; but the real cost to the country, after deducting the value of their labour, was 419,476*l.* The cost under the modified system—namely, imprisonment for a proportion—was for 16,070 prisoners, 507,284*l.*; and the real cost to the country, after deducting the value of their labour, was 337,336*l.* Under the discontinuance of the transportation system the gross estimate of the cost, on the assumed minimum of 15,050 male prisoners, and 1,200 females, including Ireland, was 324,050*l.*; and deducting the value of their labour, it was 175,400*l.* The gross estimate of the assumed maximum of 19,250 prisoners, under the discontinuance of the transportation system, was 431,800*l.*, and the real cost to the country, after deducting the value of their labour, was 232,750*l.* The assumed maximum number of prisoners was 19,250 males, and 1,200 females, including Ireland. It must be remembered that convicts could be employed with great utility to this country in the improvement of fortifications, the formations of harbours of refuge, and other public works; he felt convinced that a proper system of penal discipline could be enforced, and could be maintained and carried out, under the able superintendence of the gentleman who was now at the head of that department. If this principle were fully and fairly carried out, he, for his own part, could see no reason why the expenses of maintaining convicts could not be reduced to a comparatively trifling sum. He now came to another question, and one, he admitted, on which there was great difference of opinion—namely, whether such a system could be acted upon without danger to the public. He had shown the House why it was inexpedient and improper to transport to distant penal settlements. He had, upon a former occasion, stated that it was absolutely necessary to impose the check and control of terror of a greater punishment, if the convict, taking advantage of the Royal clemency committed a breach of the law. The noble Viscount (Viscount Palmerston), remarked truly enough that for such offences, as the law stood, there was a higher punishment than for the first offence. That was so; but yet he thought it was necessary to enforce severity, and put it beyond all question, that a severe punishment would be visited upon those who abused the conditional pardons granted to them. He wished to press these suggestions upon the Government, with a view to their considering whether or not they should adopt them. He addressed himself more especially to the Government, for, after all, it was a question for the responsible advisers of the Crown. He might also suggest to the Government that a penal settlement might be established, not very far from our own shores, where useful labour might be carried on, and where the convicts would be actuated by the hope of a mitigation of their punishment from good conduct, and by the certainty of an aggravation of that punishment if they abused the clemency of the Crown. He thought that the House and the public had been rather unnecessarily alarmed by the fear that under the discontinuance of the transportation system a vast number of convicts would be thrown back upon society. But the real facts seemed to be much exaggerated. In 1847 the number of convicts transported was, from—

	GREAT BRITAIN.		IRELAND.	
	Males.	Females.	Males.	Females.
1847	938	334	—	134
1848	817	490	599	515
1849	1,476	377	636	606
1850	1,808	360	575	200
1851	1,568	422	310	432
	6,607	1,983	2,120	1,887

The annual average for Great Britain might be taken at 1,300 males, and 450 females —together, 1,750; from Ireland, about 600 males and 400 females are also annually sent out, raising the average number who were so disposed of to 2,750, of which 1,900 were males, and 850 females, so that, after all, there was not much occasion for alarm. He felt, no doubt, after the statement of the noble Viscount, that the present system of punishment proposed by this Bill, if it were prudently and vigorously carried out, would be beneficial to the Colonies, by removing a great grievance of which they now bitterly complained; that it would benefit the mother country, by enabling her to obtain the execution of public works of great importance at the least possible expense; and that, if the convicts were vigilantly watched and kept under constant supervision and control, it would tend to the reformation of the criminals themselves. He hoped, at all events, the House would never forget that the reformation of offenders should always be their principal object when they were dealing with questions of this nature. Those unfortunate creatures partook of a common nature with ourselves—they were, from their condition, more liable to error—they had not the advantages of birth, fortune, education, or religious instruction; and it could hardly be estimated how much was due to those influences, and how little might be due to our own intrinsic merits—in many instances, the position of the convict might be the effect rather of misfortune than of wilful error. For these reasons he respectfully asked the House to consider the suggestions he had taken the liberty of throwing out, and ponder well upon a question which had so important a bearing upon our social condition.

Mr. SPOONER said, that having had considerable experience as a magistrate in a very densely populated district, he begged to say that he entirely concurred in the views that had been expressed by the hon. and learned Member for Reading (Mr. Keating) on this subject. The noble Lord the Secretary of State for the Home Department said, that there was nothing new in the principle of the measure under the consideration of the House. But he (Mr. Spooner) thought that there was something decidedly new in this, that a Home Secretary would have the power of reimposing a sentence whenever he might think fit to do so. The licence was to be granted to the criminal at the will of the Crown, and it was to rest with the absolute will and pleasure of the Crown whether or not the sentence should be reimposed. Now, that was a perfectly new principle. The convict with a ticket of leave would be placed by it in an anomalous position. He might enter into contracts with his fellow men, and mix with them, as though no stain rested on his character; he might even intermarry with a woman who was quite ignorant of his true position, and then suddenly his sentence might be reimposed and he be consigned to prison at the mere pleasure of the Crown. That would be a very anomalous position for the man himself, and would be highly dangerous to his fellow-subjects. He (Mr. Spooner), therefore, called upon hon. Members to be careful before they sent out convicts throughout the country upon tickets of leave which might be withdrawn at any moment. Such a system would be, in his opinion, pregnant with great danger; and when the public came to be fully informed on this question, he felt sure that remonstrances would be poured in upon them from all quarters. Already a very important petition had been sent up from Portsmouth, signed by the aldermen and common councillors, setting forth the danger of employing convicts in public works upon the same terms and with the same advantages enjoyed by men who had not infringed the law; and he thought the representations contained in that petition deserved the attention of the Government. He hoped the noble Home Secretary would take into his consideration the suggestions of the right hon. Member for Midhurst (Mr. Walpole).

Mr. J. G. PHILLIMORE said, he quite agreed in the observations which had fallen from the hon. Member who had just sat down. He believed that the clauses to which attention had been called were the most objectionable parts of the Bill, for they introduced a principle which was at present unknown to our law, and which was calculated to produce such dangerous consequences both to the person under punishment and to the public at large, that it was to be hoped the Government would reconsider the subject. He maintained that this was a principle wholly unknown to our constitution, and antagonistic to the feelings of the inhabitants of this country, that persons should be liable, without any assignable reason, to be seized, and have their sentence of punishment reimposed at the mere will of the Crown. He would be sorry to see any person in this country in a state—to use the expression of the noble Lord—of qualified servitude." That was an expression which he should regret to hear applied to persons who walked the soil of England. He hoped the noble Lord would take the scheme proposed by the right hon. Member for Midhurst into his serious consideration. If these clauses were to be retained in the Bill, he (Mr. Phillimore) doubted much whether they should have gained anything by the abolition of penal settlements.

Mr. BARROW said, he was not so surprised as some hon. Members appeared to be at the clauses under consideration. The principle of "qualified servitude" was not entirely a novel one, for persons very often entered into recognisances to appear and receive sentence at any time when called upon. This was quite analogous to the provisions of the clauses in question. But while he did not concur with those who found so much to complain of in this part of the Bill, there was a portion of the measure in which he should like to see the amendment, of which he had given notice, made. Most persons were aware that for the crime of felony a great variety of punishment might be inflicted, commencing with, he believed, a shilling fine, and increasing, under the existing system, up to transportation. But in addition to the punishment at the different ends of the scale being thus wide apart, there was also a great hiatus in the middle, for, as things stood, there was nothing between simple imprisonment for two years, and transportation for seven years. In the present measure as proposed by the Government the matter was in some degree remedied, the jump being only from two years' imprisonment to four years' penal servitude. He saw no reason why there should be any such gap at all; but, on the contrary, thought the measure would be more efficient if it provided that a short term of penal servitude might be inflicted. He would therefore propose in the 12th clause to leave out the word "four," and insert the word "two." By this alteration, from two to ten years of penal servitude might be inflicted, instead of the limits being four and ten years.

Mr. T. CHAMBERS said, that in adverting to the subject which had been discusssed in the earlier part of that portion of the debate, he thought that the objections against the ticket-of-leave clause of the Bill were reducible to two heads: first, that they introduced a new system; and, secondly, that the system so introduced was a vicious one, and would produce injurious results. Now, the early part of the speech of the hon. Gentleman who preceded him completely answered the first objection, that there existed at present an analogous power to that which it was proposed by this Bill to give to the Secretary of State; and he would therefore only address himself to the second. It should be borne in mind that the question was not whether convicts were to be allowed to return into society or not—that it was impossible to prevent—but the matter at issue was under what conditions should they return, and how should they be prepared for so doing in order that they might be benefited, and society suffer as little as possible? He thought human ingenuity could not devise a better scheme for doing this than was developed in the present Bill, which did not leave their return to the period when they had fully atoned for the crime which they had committed, and so could claim that return as a matter of right, but allowed them to come into the world with the sentence still hanging over their heads. Thus the convict returned into society with everything to hope if he behaved himself, and with certain punishment awaiting him if he did not do so. As regarded society, the result was equally beneficial. If a man were returned to the world determined and hardened in his wickedness, and the law had no control over him, he must proceed to commit fresh crimes before the hands of justice could overtake him. Under this Bill, if such an individual obtained a conditional pardon, he might, immediately on his disposition showing itself, be brought back to punishment. As to the possible evils in regard to a person in a state of qualified freedom entering into engagements or contracting marriage, that was undoubtedly a drawback in the scheme, but it was no greater than what attended all human efforts. The question was, how to effect the objects of the measure with the least possible drawback, and he believed that was done by the Bill before them.

MR. NEWDEGATE said, that he remembered the weight of the evidence against the abolition of transportation as a secondary punishment which was given in 1847, when fifteen Judges of England, the Scotch Judges, without exception, and the Irish Judges, excepting Judge Perrin, declared it as their opinion that few greater mistakes could be made in the government of this country than the abolition of transportation. He, therefore, could not help looking with diffidence on any measure that contravened such a decision. For some 200 years this country had been relieved of the worst part of its criminal population by means of transportation, which accounted, in great measure, for the fact of our having a more moral population than any of those countries which did not possess the same outlet for criminals. The history of the troubles of France proved that its demoralisation had been aggravated, if not caused, by the absence of all opportunity, such as this country possessed, to get rid of its criminal population. When he (Mr. Newdegate) was in the United States, he frequently heard Americans complain of the great difficulty they had to contend with in establishing a good system of secondary punishments, inasmuch as, being on a great Continent, and having no colonies, they were without the means of transportation. He (Mr. Newdegate) admitted that difficulties at present existed in continuing transportation, because the sphere of the penal colonies had been contracted most unwisely by successive Governments. In 1839 (the noble Lord (Lord J. Russell) unconditionally promised that no more convicts should be sent to New South Wales; that rendered the number sent to Van Diemen's Land, Norfolk Island, and the other penal colonies, too large for the means of accommodation, employment, and subsequent absorption of convicts into the general population at the expiration of their terms of primary and ultimate punishments, and created disorders, of which the colonists of Van Diemen's Land complained justly; but those evils might have been avoided by providing a wider sphere for the reception of our convicts. This was not done, and now transportation to Van Diemen's Land was to cease. That was the result of maladministration, of neglecting to provide new penal settlements; not of any fault in the system of transportation itself. He wished to know if Her Majesty's Ministers had ever contemplated the plan of Lord Derby for founding a penal colony in North Australia, which plan had been sanctioned by the present Chancellor of the Exchequer, then a Member of Sir Robert Peel's Government, as well as by the entire Cabinet of that period. Banishment was a most salutary punishment. It was not alone feared, but it had also the advantage of breaking up evil associations, on which many a man's reformation altogether depended; and, therefore, he should be sorry to see that punishment parted with. There was much difficulty in securing the reception of a convict, however repentant and reformed, back into the society which he had once outraged, and by the laws of which he had once been formally and publicly condemned. The best qualities of English society—morality, the love and guardianship of the family—revolted against this reception of convicts on terms of equality with those who had never been convicted. This was the natural and just, though severe, consequence of crime. Society in this country revolted at the idea of receiving any man tainted with crime, and, therefore, the best chance for the ultimate moral recovery of such persons was in a foreign country. This feeling of distrust of those who had once been convicted of grave crime, rested on melancholy experience, and extended throughout all classes in this country. Chartism, for instance, extended chiefly among the lower orders of society, and the Chartists had given curious and positive, though indirect, evidence of their opinion on this subject. One of the points claimed by the Chartists, with whom he did not at all agree, was, that there should be manhood suffrage possessed by all males of full age who were citizens of this country; but, let the House mark the exception conveyed by the condition, "and who were untainted by crime," which showed how strong the feeling was in the mind of the lower orders of society against convicts. The right hon. Baronet (Sir J. Graham) in 1847, immediately after having for five years filled the office of Home Secretary, cautioned the House how they proceeded in this matter, and spoke of the pressure that was certain to be brought to bear upon the Home Secretary by the friends of those criminals who might be retained at home. There could be no doubt of the truth of the right hon. Baronet's statement. So long as the duties of the Secretary for the Home Department continued to be connected with an office which changed hands with the changes of the Administration of the day, on political grounds, there was always danger that the administration of justice might be tainted by party feelings in the remission or extension of punishments, especially for political offences or breaches of the peace connected with political excitement. He felt great confidence that no such feeling would bias the conduct of the noble Lord who now held the Home Office. But every measure which exposed the person who held that office to pressure, which might bias his discharge of the grave duty of dispensing justice, on the score of party or political bias, or excite suspicion on that score, was on that account alone liable to the gravest objections. For if once the belief grew up and became general, that the administration of justice in this country was tainted by party feeling, by the influence of political connexion, the respect for the law, which was the great bond of society in this country, the great ground of our superiority as a free, yet orderly, community would be lost. On this ground he objected to the retention of convicts in this country who had hitherto been transported for grave crimes. He feared this measure was the forerunner of a total abolition of transportation. For a time the public works might, as at Portland, afford employment for convicts with advantage to the State; but the supply of convict labour would overbear that demand, and then no resource would remain but the formation of penal colonies within England, instead of beyond the sea, without the advantages either to the convicts themselves or to the community, which the removal of such persons from the scene of their guilt had hitherto secured. In the foundation and extension of colonies, criminal labour could always be employed in the formation of roads, bridges, quays, &c., as the pioneer of civilisation, without being suffered to taint society, and without completely depriving the reformed criminal of the hope that he might again be received into an honest community. He (Mr. Newdegate) should conclude by stating that, in the event of their adopting this measure, they would be deliberately abandoning one of the great advantages which the insular position of this country afforded. The experience of the United States, of Australia, and Van Diemen's Land, proved that if we did not overcrowd our penal colonies, instead of sending our criminal population to abodes of corruption and decay, we were sending them to found new colonies, from which one day might arise great and mighty empires. He believed, the like of what had been done in this respect might be repeated, and, therefore, deprecated the present measure.

Mr. EWART said, he thought that all experience led them to believe that they were to hope for the amendment of criminals, not from their congregation, but from their dispersion. The right course, in his view, would be to make transportation not a part but a supplement of the punishment, and to put the convict in such a position that he might have every inducement to form for himself a new character, and create for himself a new career, which could never be done in the country that had been the scene of his crime. He hoped the result would be, that, when criminals had been reformed as far as possible in this country, the colonists would no longer feel that extreme repugnance to receiving them, and the Colonies being open, a process of natural dispersion would take place.

Mr. HUME said, he had a strong opinion that the attempt to reform criminals never had, and never would, succeed. He admitted the force of the arguments used by the hon. Member for North Warwickshire (Mr. Newdegate); but in this case the Government were helpless, and were driven to the measure by the refusal of the colonists to receive convicts. This was to be regarded as an experiment, and it was not their part to throw difficulties in the way. Seeing the dangers arising from an immense accumulation of convicts, he thought Government was perfectly justified in trying the experiment.

Sir JOHN PAKINGTON said, he must express his regret on learning from the noble Lord (Viscount Palmerston) that he had not thought it desirable to adopt the suggestion he ventured to offer on a former evening with respect to extending the periods for which the punishment of penal servitude was to be inflicted. He confessed he thought the maximum of eight years' as the substitute for fifteen years' transportation, and the minimum of ten years where the existing Acts contemplated the duration of penal servitude for life, were periods too short. But his chief object in rising was, to express his regret at the explanation which he understood the noble Lord to give regarding that portion of transportation which was still to be retained. He was not disposed to recede from the general approbation of the measure he formerly expressed, but the idea of the late Government on this subject was, that transportation, so far as it was still retained, should be regarded as an intermediate sentence between penal servitude for the lighter class of crimes, and capital punishment for the worst. If he rightly understood the noble Lord, transportation was not to be reserved for the graver class of offences, as he had supposed, and, therefore, the public would not know which class of offenders was to be transported, and which was not. The discretion, it appeared, was to rest with the Executive Government, and not with the Court which passed the sentence. One of two things must follow: either the sentence of transportation must be abandoned, or the Court must pass sentence without knowing whether it would be carried into effect or not. This would throw an uncertainty around the administration of the law which he had never contemplated, and which he regarded as extremely objectionable.

Bill read 3°, and *passed.*

CORRUPT PRACTICES AT ELECTIONS BILL.

Order for Second Reading read.

MR. WALPOLE, in moving the Second Reading of this Bill, said, he did so with the purpose rather of engaging the attention of the House and getting the principle confirmed, than with any expectation of passing the Bill at this period of the Session. The object of the Bill was best explained by the title of it. It was to consolidate and amend the law for the prevention of corrupt practices at elections; to consolidate the law, and, therefore, to simplify it; to amend the law, and, therefore, to improve it; by preventing, as far as might be, all those corrupt and dishonourable practices which at all interfered with the free exercise of the franchise. The law, as it at present stood, was somewhat anomalous and contradictory. The Statutes at present relating to it were the 6 & 7 *Will.* III., chap. 4; the 2 *Geo.* II., chap. 24; the 47 *Geo.* III., chap. 118; the 4 & 5 *Vict.*, chap. 27; and the 5 & 6 *Vict.*, chap. 103. These Acts related to bribery and treating, but they were entirely silent as to the other, and, to his mind, greater offence, intimidation and undue influence. With regard to bribery, the 2 *Geo.* II., chap. 24, applied to the voter. The 47 *Geo.* III., chap. 118, extended it to the other persons engaged in bribery, and made it apply to head money and money paid in consideration of usage as well as direct bribery. With regard to treating there were some anomalies in the Statutes, and he might also say some contradictions. By the Statute of *Will.* III., the treating prohibited was the treating which took place between the issue of the writ and the time of the election. By the Statute of *Victoria*, the treating that was prohibited was not merely that which took place between the periods to which he had referred, but which took place at any time before, during, or after the election. By the former of these Statutes the treating which was prohibited was treating provided by the candidate or on his behalf, though it was not provided at his charge. By the subsequent Statutes it was somewhat extraordinary that the treating prohibited was not treating paid for wholly or partly by the candidate. The consequence of treating by the Statute of *Will.* III., was to "void such election," and there was great ambiguity and uncertainty at this moment as to what these words meant. He proposed to repeal all these Statutes that he had mentioned, to re-enact some of their provisions, and to lay down in definite terms that which he thought ought to be the foundation of any law on this subject, and the exact meaning and full extent of the offences which they desired to prevent. He had framed this Bill with this view. He defined bribery under three heads: first, any person who agreed to give any sum of money, office, place, or employment, or any person who lent or agreed to lend any sum of money to any person to induce him to vote or refrain from voting; the second head was payment of money, whether as head money or in compliance with any practice or usage; and the third head related to persons receiving the bribe under the same circumstances as in the two former heads related to persons who gave or offered the bribe. Corrupt treating he defined under two heads: the first was, any person providing meat, drink, or provisions for the purpose of corruptly influencing the person to whom it was given to vote; the second head was receiving this meat, drink, or provision. With regard to intimidation and undue influence, the Bill provided that any person who shall by any kind of intimidation, threat, abduction, violence, fraud, concealment, or other device, impede, prevent, or otherwise interfere with the free exercise of the franchise of any voter who shall thereby be induced to give his vote, or refrain from giving his vote, shall be deemed guilty of having exercised intimidation and undue influence within the meaning of the Act. And he proposed to inflict the penalty of 50*l.* upon the conviction of any of these offences, to be recovered by any person who sued for the penalty. The law at present was partly preventive and partly punitive; it was preventive by requiring the voter to declare, if required, at the time of the election, that he had not been bribed; it was punitive by imposing a pecuniary fine on the party bribing or bribed, and by incapacitating the person from sitting; and in the case of bribery during the whole of that Parliament. These modes of dealing with the offence were insufficient, first by putting the candidate upon a better footing than the voter, the more guilty being on a more favourable footing than the less guilty; in the second place, Committees had not the power of fully investigating the offence; and in the third place, the mode of punishment was not suited to the character of the offence. He, therefore, proposed to remedy these three objections. If they required from the elector a declaration that he had not been bribed, it was right that they should require the candidate to make a similar declaration that he had not committed any of these offences. And here he might be allowed to say that this mode of dealing with the matter was pointed out by Judge Blackstone, in his *Commentaries.* Mr. Justice Coleridge, in a note, expressed the same opinion; and Lord Brougham, two years ago, expressed a similar opinion. He proposed that every Member should be required to make a declaration at the election, that he had not been in any way guilty of bribery, or treating, or undue influence, or any other offence defined in this Act of Parliament; and at the table of that House he would be required to declare that he had not sanctioned or authorised any one to commit any of these offences on his behalf; that he had not paid, and did not intend to pay, any sum in respect thereof. He believed that if they intended to put down these three offences, they could only do so by some such method as he had proposed. The second difficulty which he proposed to remedy was with regard to the Election Committees. At present, when a Committee was struck, no list was required in the first instance, and the sitting Member therefore was uncertain as to what might be the course of the inquiry. No doubt the Committee required it; but the law did not require it, and the sitting Member, until the time the Committee met, was ignorant of the nature of the charge against him. The second difficulty with regard to Committees was, that in cases of bribery they must prove agency in the first instance. Then, as regarded the Committee's Report, at present the Committee simply made such a Report as would void the election, and they seldom pointed out the guilty party. He therefore proposed, in the first place, before the Committee met, to require that any person who petitioned against another for any of these offences, should give in a list of the names to the parties; that the Committee should be allowed to go into the investigation of the charges of bribery before agency was established; and by a third clause he proposed that the Committees should report specifically to the House on every case submitted to them, whether the offences were committed with the knowledge or consent of the sitting Member; and when bribery was brought home to the sitting Member himself, as having been practised by him, or with his knowledge or consent, that he should be incapacitated from sitting again during that Parliament. He proposed to repeal the penalties of 500*l.* and 1,000*l.*, as experience showed no one sued for them, and he substituted a penalty of 50*l.*, and he hoped that when a Committee reported that the offences had been committed, the House would act on its Sessional Orders, and direct a prosecution of the offenders. The Bill would deprive the party taking or offering a bribe of the advantages he proposed to himself, and the means of perpetrating the offence again. The object of the elector was his vote, and the object of the candidate was the honour he sought; but where the party had abused the privilege and right confided in him, he should be no longer entrusted with it. In case of conviction, he proposed that the offender should be deprived of his vote, or the party seeking the honour of a seat in that House of the right of sitting in it for a period of seven years. The mere dread of such a punishment would, he thought, prevent the commission of the offence. He believed that the result of the recent proceedings before that House had been that bribery was greatly diminished, while treating and intimidation had been increased. That was undoubtedly owing to the fact that Committees of that House had done their duty firmly and impartially. Many persons were, he believed, deterred from the commission of these offences more from the fear of exposure than from any other punishment. He thought the sense of shame and fear of public exposure would operate more beneficially in these cases than in any other. He proposed that when judgment was obtained against any person for these offences, the Judge should be required to send a certified copy to Mr. Speaker, to be kept by an officer of that House in a book containing a registry of election disqualifications. That could also be entered in the list of voters for the borough or county to which the party belonged, and the offence would, therefore, be known in the place where it would produce the greatest effect. He did not propose to deal with the Bills of the noble Lord the Member for the City of London, one of which enabled Committees of that House to prosecute their inquiries still further, on making application to the House; and the other, which enabled the Crown to send a Commission to inquire into the corrupt practices prevailing in any particular locality. He had now pointed out the chief provisions of his measure, which, he believed, if fully carried out, would tend very much to promote purity of election, and the independence and character of that House. As he had already said, he did not intend to press the Bill further during the present Session; but he thought it desirable that it should be in the hands of hon. Members during the recess, so that it might receive ample consideration.

Mr. HUME, in seconding the Motion, said, that he hoped the right hon. Gentleman would allow this Bill to go to a Committee upstairs, by whom its details might be considered, and by whom amendments might be introduced. Agreeing as he did with the right hon. Gentleman in general, he nevertheless differed with him on some points which he would mention. He would inflict no money penalty whatever in cases of bribery, but would simply deprive individuals found guilty of the offence of giving or taking a bribe of the franchise for a period of ten years. No doubt, there would be great difficulty in the definition of bribery and treating (which he would punish with the same penalties), and that would be matter for the consideration of the Select Committee. When the agent who gave the bribe or carried on the treating was not a voter, it would of course be necessary to punish him by some other penalty. Then, as the offences of bribery and treating were clearly offences against the nation and against Parliament, whose purity they tended to impair, he thought that the duty of prosecuting the guilty persons should not devolve upon individuals, but should be undertaken by Parliament itself, the cost being defrayed by the national funds; and in order to prevent delay and diminish the costs, he would have the cases tried before a County or other local Court. He believed that these measures would be more effectual for the prevention of bribery and treating than any that had yet been adopted. He must express his thanks to the right hon. Gentleman for his labours on this subject, which he believed would lay the foundation of an inquiry that must lead to a beneficial change in the law of elections. He would only in conclusion suggest, that it would be necessary to devise means for preventing a person labouring under a temporary sentence of disfranchisement for offences committed in one county or borough from voting in another.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

Colonel SIBTHORP said, that he had seen many measures of various descriptions brought into that House, with the pretended object of attaining what was called purity of election; but he had never seen one which was founded on the sound principle of uniting purity of election with a proper consideration for all classes of the people. His family had represented Lincoln since 1714; and as during that time none of them had ever sought either place or pension, in either Church or State, from the Ministry of the day, he at any rate could not fairly be charged with being implicated in corrupt practices. The present Bill seemed to him to be wholly unintelligible, and to be so drawn as to involve innocent persons within the scope of its penalties. It might do very well as applied to a person who came down to a borough from the clouds, never having seen it before; but persons who like him were closely connected with the place they represented, might, under its provisions, be involved in great difficulty by merely attending, as they ought to do, to the local claims upon them, and to their local duties. He must protest against bringing forward a Bill introducing such extensive changes into our representative system at this late period of the Session; it was neither fair to that House nor to the people, and, even had he stood alone, he would have divided against the present Bill, had it been intended to carry it further than the second reading during the present Session. With regard to treating, as he understood this Bill, if a gentleman to whom the refreshment could be no matter of object, dropped into his (Colonel Sibthorp's) electioneering quarters, and he asked him to take a bowl of soup, or a glass of wine, or a cup of tea, or of coffee, that was to be considered bribery in that pure House of Commons. [An Hon. MEMBER: And so it is.] Well, I shall do it. According to this Bill, you were to be watched by your opponents for a year after your election, and if during that time you gave a poor woman a shilling while she was lying on a bed of sickness, you were to lose your seat for it. If this was the "liberal" mode of proceeding, he should say "Away with such measures!" Talk of purity of election, indeed! How many Members of that House who talked very earnestly about purity of election were looking for places for themselves or their relatives? Thank God he did not. He believed that this Bill was not only unintelligible on many points, but that it was also delusive and dangerous. He would take care that it, with some other measures, should be laid before the constituency which he had the honour to represent, and that the House should know their opinions upon it. He believed that they would feel, as he felt, that all these trumpery measures, instead of promoting the honour and dignity of that House, or the welfare and prosperity of the people, were unworthy of a legislative assembly, and were only low dirty manœuvres which pretended to secure purity of election, while the real object was nothing of the kind.

Bill read 2°, and *committed* for *Friday* 26th August.

The House adjourned at a quarter after Nine o'clock.

HOUSE OF COMMONS,

Saturday, August 13, 1853.

MINUTES.] PUBLIC BILLS. — 1° Land Tax Redemption Act Amendment; Highways (Ireland).

2° Land Tax Redemption Act Amendment.

Reported. — Registrar of the Privy Council; Liberated Africans (Sierra Leone); Passengers Act Amendment; Land Tax Redemption Act Amendment.

3° Consolidated Fund (Appropriation); Militia Pay; Vaccination Extension; Land Tax Redemption Act Amendment.

PASSENGERS ACT AMENDMENT BILL.

Order for Committee read.

House in Committee.

In reply to Sir HENRY WILLOUGHBY,

Mr. FREDERICK PEEL said, that the object of the Bill was to correct some anomalies in the present law, and to facilitate emigration from China to the West Indies. The West India Colonies and Guiana desired to have labour imported from China. Not only had there been great mortality in vessels which had gone from Amoy to British Guiana and other Colonies, but speculators had employed Chinese crimps, who had practised every species of deception on their fellow-countrymen. If the emigration were to continue, it was indispensable that it should continue under Government control, with a Government agent, and from a Government port. No Native should be allowed to embark on any vessel without its being ascertained where he was going to, and without his entering into a contract. But, unfortunately, the Passengers Act, though it applied to Hong Kong, did not apply to other ports in China, as no others were in British possession. The Passengers Act required that fifteen superficial feet should be allowed in vessels which crossed the tropic for each emigrant; and the object of the present Bill was to empower the governors of British Colonial possessions to reduce that allowance to twelve feet, which it was thought might safely be done in the case of Asiatics. There was every reason to believe that the reduction might be made without injury. There had long existed an extensive emigration to the Mauritius from the East Indies. In 1850 and the three seasons which had since elapsed, no fewer than 8,000 Coolies had been sent to the Mauritius. The Passengers Act did not apply to that emigration, which was regulated by enactments of the Indian Government. The allowance for each passenger was twelve feet, and there was no reason to believe that Asiatics from China would require more space than those from India. The Passengers Act was intended to apply to the emigration of Europeans to Australia and New Zealand. The expense of transport was greatly increased by granting a space of fifteen superficial feet to Chinese passing to the West Indies; and he apprehended that if the power were not given to reduce the space, the emigration would go from Chinese ports without the Government having that control which it was desirable they should have.

Bill passed through Committee.

House resumed; Bill *reported*, without Amendment.

LAND TAX REDEMPTION ACT AMENDMENT BILL.

The CHANCELLOR OF THE EXCHEQUER said, he had now to move for leave to introduce a Bill to supply an omission in the Bill which had passed through both Houses of Parliament, and which he believed had received the Royal Assent, with respect to the redemption of the land tax. There had been a certain preference for a limited time given to parties interested in the lands on which the tax was to be so redeemed for the purpose of that redemption. That, he repeated, was for a limited time; and since then the redemption of land tax had been open to all the world. Various inconveniences had attended the present state of the law. The minute charge to which the land tax commonly amounted, was unnecessarily kept alive. Independent and separate parties had been introduced in an anomalous relation between the owners of the soil on the one hand, and the Government on the other. The Government still remained subject to the responsibility of collecting the land tax, even when they had no interest in it; and, in consequence of the redeemed land tax standing in the nature of personalty, the Government had been often required to institute difficult and laborious investigations to ascertain the ownership, after it had been lost sight of for a period of time. Up to the present time the redemption of the land tax was offered on terms less favourable than the purchase of stock. By the Act of the present year it was proposed to give it on terms materially more favourable; but the intention of that Act was to improve the condition of those interested in land, with respect to the land tax, and not to offer an inducement to persons not interested in the land to come in as intermediate purchasers. The measure with respect to the redemption of land tax was introduced with views of getting rid of it as a distinct charge. It had been found, however, that the Bill he had previously introduced did not give effect to those views. He did not propose to deal retrospectively with the anomalous cases which had arisen. It would be better in a future Session to consider whether an arrangement might not be made which might be conducive to the convenience of the parties and the advantage of the Government, for merging the land tax and getting rid of it—for disposing of the land tax where redemption had been effected under former Statutes. He proposed to enact by the Bill which he now wished to introduce, that redemption under the Act which had just passed should be confined to persons having interest in the land; and, not only so, but that when the redemption was effected by those parties, the land tax should merge absolutely; that no fee, farm, or rent charge of any kind should be substituted for it; and, in fact, that it must cease to exist, and be as if it had never existed at all. It would be necessary that the Bill should pass through all its stages at once, and go without delay to the other House. He begged, therefore, to move for leave to introduce a Bill further to amend the Laws relating to the Redemption and Purchase of the Land Tax in Great Britain.

MR. WODEHOUSE said, that though the question of the land tax was of trifling importance in the more opulent parts of the country, it was felt in other districts to operate like a property tax; and he was, therefore, glad to learn that in another Session the subject would, probably, be dealt with in a more general and comprehensive form.

MR. FITZSTEPHEN FRENCH said, he complained that the redemption of the land tax in Ireland, which was at one time sixteen years' purchase, had been raised by order of the Treasury to twenty-five years' purchase; and that during the proceedings under the Incumbered Estates Commissioners, the Government had insisted on having that twenty-five years' purchase, though the property brought only ten years' purchase.

Leave given.

Bill read 1°, 2°, and *committed; considered* in Committee, and *reported*, without Amendment; read 3°, and *passed*.

The House adjourned at a quarter before Two o'clock.

HOUSE OF LORDS,

Monday, August 15, 1853.

MINUTES.] PUBLIC BILLS.—1^a Consolidated Fund Appropriation; Militia; Land Tax Redemption Act Amendment.

2^a East Indian Railway Company; South Sea Company's Arrangement and Trusts; Land Tax Commissioners Names; Defacing the Coin; Linen, &c. Manufacturers (Ireland); Militia Ballots Suspension and Militia Law Amendment; Smoke Nuisance Abatement (Metropolis); Stock in Trade Exemption; Customs Tariff Act; Customs Consolidation.

Reported.— Burials (beyond the Metropolis); Employment of Children in Factories; Public Works Acts Amendment (Ireland).

3^a Thames Embankment; Duties on Horses let for Hire; Dublin Carriage; Courts of Common Law (Ireland); Assessed Taxes; Insurance on Lives; Sheriffs (Scotland).

Royal Assent.—Public Houses (Scotland); Parish Vestries (No. 2); Highway Rates; Elections; Entry of Seamen; Lunacy Regulation; Incumbered Estates (Ireland) Act Continuance; Newspaper Stamp Duties; Crime and Outrage (Ireland); Registrar of Meetings; Municipal Corporations Act Amendment; Sheriffs Courts (Scotland); Oaths in Chancery, &c.; Naval Coast Volunteers; Land Tax Redemption; Consolidated Annuities (Ireland); Turnpike Acts Continuance (Ireland); Poor Relief Act Continuance.

GOVERNMENT OF INDIA BILL—EXPLANATION.

Earl GRANVILLE wished to correct a misapprehension which had arisen from some remarks which had fallen from him a few days ago when the Government of India Bill was under discussion. He had been understood to express himself adversely to the introduction of free trade into India. Now he believed the principles of free trade to be applicable to every community and every nation, and calculated to confer advantages on every community and nation. All he meant to say was this—that in India certain religious observances and habits had created such a monopoly of labour in certain parts that it had increased the difficulty of the Governors in dealing with the matter, and that even in the introduction of the beneficial principles of free trade, hardships, both to persons and places, had been inflicted, which would not have been the result of its adoption in any other country. So far from expressing any adverse opinion as to the expediency of carrying out the principles of free trade, he was favourable to the extension of those principles.

CHARITABLE TRUSTS BILL.

Commons Amendments *considered* (according to order).

The LORD CHANCELLOR said, the first Amendment of any importance was that which provided that the trustees appointed under the Act should be members of the Church of England, which was calculated to throw some difficulties in the way of Dissenters. The second was, the exemption of Roman Catholic charities for two years, in order that some measure might be introduced to settle the whole question of superstitious uses. To these Amendments he did not propose to disagree. But an Amendment had been introduced into the 19th clause which was contrary to the spirit of the Bill—into that clause words had been introduced, subjecting proceedings in the case of small charities to the control of the Attorney General. Such a course of proceeding would create so much expense as to render the operation of the Bill nugatory, and he therefore proposed that their Lordships should disagree to that Amendment, and communicate their reasons to the House of Commons.

Motion *agreed to;* and a Committee *appointed* to prepare reasons to be offered to the Commons for the Lords disagreeing to certain of the said Amendments; the Committee to meet immediately; the Committee *reported* a Reason prepared by them; the same was read and *agreed to;* and a Message was Ordered to be sent to the Commons to return the said Bill, with the Amendments and Reason.

PILOTAGE BILL.

House in Committee according to Order.

Clauses 1 to 9 *agreed to.*

On Clause 10 (Providing in case of the pilotage authorities of any place refusing to examine masters applying for licences to pilot their own vessels, that the Board of Trade should have power to examine and licence),

The Earl of HARDWICKE proposed to add words to the clause to delay its operation in respect to Liverpool for a year. He believed that if their Lordships passed the clause as it stood, the result would be the loss of many lives before the next meeting of Parliament. The river Mersey had peculiarities such as belonged to no other river in the kingdom, its navigation being rendered extremely difficult by the shifting of the sands, and therefore the safe pilotage of vessels required the aid of men constantly attending to the state of the river and the changes which continually occurred. Nevertheless, the clause under consideration would enable large steamers trading to Ireland and other ports of the United Kingdom, also ships in the foreign trade, foreign vessels, and vessels in the American trade, to be piloted in the Mersey by their own masters on taking out licences. This would not only be the cause of great danger, but it struck a fatal blow at the pilotage system and the pilots in the port of Liverpool. It might be well to have such a provision for vessels always running up and down the Mersey; but when vessels were absent for two or three months together, a heavy gale of wind might in the meantime have totally changed the position of the sands. All the authorities of the port of Liverpool were against the clause as it stood, and he trusted the Government would not persist in it as regarded Liverpool, as they had already expressed an intention to appoint a Committee to inquire into all matters connected with the pilotage of the United Kingdom.

LORD STANLEY OF ALDERLEY said, that the necessity for introducing this clause had arisen from the determination of the Liverpool pilotage authorities not to conform to regulations passed by Act of Parliament, and not to afford those facilites for examination in reference to pilotage certificates which had been conceded by every other port. It was contended that danger would arise from masters, long absent from the Mersey, navigating their own vessels in that river; but, upon this point, the Liverpool authorities had conceded the whole principle, for they had expressed their readiness to allow vessels trading with Scotland, Ireland, and London to have masters' licences; and a steamer might go to London one day, and might afterwards go to Boulogne or Bordeaux. It was not likely that owners of valuable ships would consent to trust them to incompetent persons, and he hoped their Lordships would not agree to the Amendment. The noble Earl was mistaken in supposing that a Committee was to be appointed to inquire into all matters relating to pilotage, for the Government thought that the present Bill would provide all the means necessary to enable them to propose whatever legislation might be required to amend the laws relating to pilotage.

LORD COLCHESTER supported the Amendment.

LORD STANLEY OF ALDERLEY said, the examination would be conducted by persons belonging to the port, and fully acquainted with all the intricacies of the navigation.

The EARL of HARDWICKE said, the masters of vessels never could be competent pilots for the Mersey, because when they returned from a sea voyage all the features of the river would probably have changed.

LORD STANLEY OF ALDERLEY said, that the objection would hold good against any harbour where there were shifting sands at the mouth.

Their Lordships *divided* :—Content 6; Not Content 14: Majority 8.

The Earl of Hardwicke

Amendment *negatived.*

The Report of the Amendment to be received *To-morrow.*

UNIVERSITIES (SCOTLAND) BILL.

Order of the Day for the House to be put into a Committee read.

The EARL of ABERDEEN, in moving that the House do go into Committee, said he was aware that a portion—a considerable portion—of the Church of Scotland was hostile to this measure. This was a quarter from which, undoubtedly, he regretted that any such feeling with respect to the Bill should come; and he would at once say, that if he thought it would in any way interfere with the just rights and privileges of the Church of Scotland, he would be no party to it. But, believing that nothing of this kind could take place, he confidently recommended the Bill to their Lordships' favour. He confessed that he considered valueless all tests of this description. With regard to tests which were imposed on the conscience, he thought every day afforded evidence of their being either valueless or pernicious. The test, however, by which it was proposed to regulate the future admission of lay professors to the Universities of Scotland did not establish any abstract principle; it was not brought forward with any such view, however wise and expedient such a proceeding might be; but it was to remove a great practical evil—an evil that was felt at this moment, and which would be greatly increased hereafter unless some such remedy as this was adopted, for wherever the present test was not altogether disregarded, it was accompanied with great inconvenience and hardship. The truth was, that it was now only effectual in cases in which the framers of the test themselves would most anxiously have avoided imposing it, for it was applied to those very persons whom the framers of the test would have most desired to admit into the Universities of Scotland. This was no doubt singular; but before he proceeded to that point he wished to observe that the Universities of Scotland were not ecclesiastical institutions, nor under the control of the Church. The Church was generally incompetent to impose any tests whatever on any persons; and not only could the Church impose no such test as this, but the students admitted to the Universities were of all sorts and of all persuasions, without any question whatever as to their religious belief. Then, the professors had no authority over the students without the lecture-room in which they discharged their duties; the students were there perfectly independent of the University authorities; and, as he had observed, these institutions were entirely open to the whole world, being in that respect essentially different from the constitution of the Universities of Oxford and Cambridge. The Church, which was always in connexion with the Universities and the theological chairs, which would, by the present Bill, be under the necessity of taking the test now required of them, would remain connected with these chairs, as at this moment. It was not intended, however, to apply the test to professors occupying chairs of literature and science, which required no such theological test as was now asked of the theological professors. It was true that a Commission, of which he had the honour to be a member, something more than ten years ago, made a report, in which, seeing the diversity which prevailed in the different Universities, they recommended that the practice should be uniform, and that the test should be administered in all the Universities of Scotland. But a great change had taken place since that time. One half of the kingdom had now rendered itself unable conscientiously to take that test. At that time no Free Church existed, and it was against the members of the Free Church that the test now operated, and they alone were exposed to the hardship which it created. The test itself, as at present existing, was framed in 1707, just before or at the point of the discussion on the subject of the Union between the kingdoms, when an Act of Security was passed which was embodied in the Treaty of Union. The object to which the Act was directed was against the admission of episcopal professors, and the test was framed against episcopacy and against that alone. Great apprehensions were felt, and among others equally groundless, much alarm prevailed at the notion of a Parliament of which bishops were members interfering with matters affecting the Presbyterian Church of Scotland; and this was a species of Scottish test directed against Episcopalians, like the English test which at that time existed with respect to Dissenters. This test against Dissenters had been done away with, and he thought that would have been the proper time to get rid of the Scottish test, also directed against Episcopalians. That this test was framed exclusively against Episcopalians was shown by its being required not only that persons taking it should declare their adherence to the Westminster *Confession of Faith*, but that they should also declare their adherence to it as the confession of their own faith, and also declare their adherence to the worship and their obedience to the discipline of the Church of Scotland. Now, the members of the Free Church, who were the very persons who suffered under the test, were perfectly ready to take it on all matters connected with the doctrine and faith of the Church, but they now could not conscientiously declare their adherence to the discipline and government of the Church of Scotland. It was the fact, however, that some Episcopalians were willing to take this test. They thought, he supposed, that they might conscientiously take it in a general sense; but, however that might be, some of the most eminent professors who were Episcopalians, had taken it as it existed. Others, however, found an insuperable difficulty in doing so; but, nevertheless, many of the most eminent professors were now Episcopalians, because in the University of Edinburgh they had had the good sense never to attempt to impose the test. Such was the state of matters, however, at which they had now arrived, that whether from a feeling of hostility, or from whatever other motive, persons were required to take this test, not only prospectively, but retrospectively. Thus any professor might be compelled now to take that test in the University of Edinburgh, though twenty years ago, perhaps, he might have entered it without being required to do so. This appeared to be such a hardship, and so unreasonable, and so much opposed to the uniform practice of the University of Edinburgh especially, that there seemed to be no cause why it should not be changed. Circumstances that had recently occurred had tended to bring this more prominently forward at the present moment—he alluded to the election of a member of the Free Church to the professorship of Moral Philosophy, in connexion with which a difficulty had occurred which it seemed but reasonable to correct. The members of the Free Church were not only ready and able to take the test as it existed with regard to doctrine and faith, quite as much as the members of the Established Church, but, perhaps, still more, because since the framing of the test a change had taken place in the circumstances of the Church, which was against and in opposition to the tenets and opinions of the persons who framed the test, and entirely in accordance with the opinions of the members of the Free Church—he alluded to the law affecting church patronage, which had been changed, and changed in a sense which the members of the Free Church could not but object to—therefore they were, in fact, more in conformity with the feelings and opinions of the persons who framed the test, than those who belonged to the Church which now insisted on retaining it. As he had before stated, it was not proposed to make any change as to the professors of the theological chairs; but with regard to the lay professors an alteration was loudly called for, and the declaration which it was proposed to substitute in the case of lay professors would be quite sufficient to secure all the rights which the Church could possibly claim in regard to them. There seemed to be no reason why the Professor of Latin, for example, should believe all the points of the Westminster *Confession of Faith* still less that he should be subject to the discipline and government of the Church of Scotland. He felt satisfied that, by making such a relaxation as was now proposed, they would most materially promote the efficiency of those institutions that had hitherto proved so beneficial to the country by extending the admission to their chairs to all persons most competent to fill them, without distinction of religious opinions. He had said that there was a recommendation from a Commission some ten or twenty years ago on this subject; but that was before the existence of the secession in the Church of Scotland, which had created the necessity for a change on this question. This was a crying grievance, so far as it applied to that body, and he was convinced that if not remedied it would be a great misfortune to the Universities, and injurious to the respect which they had hitherto enjoyed, and which, he believed, the passing of this Bill would still preserve. He knew it was said that the Act of Security and the imposition of this test on all professors, were embodied in the Act of Union with a solemnity and stringency which rendered it undesirable for Parliament to interfere. He admitted that a case of actual necessity should be established to warrant interference with any Act of that solemn description; but that Act, like all other Acts, had been modified; and, in this instance, it was urgently called for as a remedy for an existing grievance. He thought, therefore, that, with all due respect to an Act of that description, it ought not to stand in the way of adapting this question to the generality of the people of Scotland. He regretted to think that a considerable portion of the clergy of the Established Church were opposed to the Bill. At the same time he was satisfied that the great mass of the enlightened community of Scotland were in favour of a measure of this description. It was of essential importance that the Bill should pass, and he was satisfied that it would not interfere with the due authority and influence of the Church. He sincerely hoped, after the many attempts which had been made in the House of Commons to carry a Bill, but which had always been rejected by small majorities, that at last, when, by means of an understanding arrived at by the different parties, it had been carried by a majority of five to one, and when he believed only one Scottish Member had voted against the second reading, the measure would receive the assent of their Lordships—that they would take advantage of the progress which had been made in public opinion on this subject, and put an end to a state of things which if not changed now would be a source of endless vexations and mischief.

Moved—"That the House do now resolve itself into a Committee."

LORD REDESDALE said, this was a question on which the people of Scotland felt very strongly, and it was one which they considered involved an alteration of the Act of Union between the two countries. He thought it was exceedingly undesirable that a measure of such a character should be brought before their Lordships at this period of the Session, and especially when there was hardly a Peer connected with the northern part of the kingdom in the House. He hoped, therefore, the noble Earl would consent to withdraw the Bill for the present Session.

The EARL of HADDINGTON would agree to postpone the Bill until another Session, if he thought it probable that he would get anything as good in the next Session. He was by no means satisfied with the Bill, but he looked upon it as a progressive measure, which afforded some security for the establishment of a more perfect religious test hereafter. The negative test comprised in the declaration in the present Bill was a better practical security to the Church of Scotland, than any general religious test would be without the declaration; and he believed if that result was not provided by legislation, it was the intention of the clergy of the Established Church of Scotland to establish a college of their own, which should be presided over only by members of that Church, and where the students might be educated in its doctrines and discipline. The noble Earl said he should propose some Amendments in Committee.

The **Duke** of **ARGYLL** said, that he had been intrusted with a petition against the Bill emnanating from the General Assembly of the Church of Scotland; but he was bound to inform their Lordships, that he did not concur in the prayer of the petition; and he would state some of the grounds on which he so differed. It was gratifying to find that the noble Earl who spoke last, although not approving altogether of the Bill, admitted the necessity of legislation on the subject, and this was a preliminary objection he made to the prayer of the petition. The petition with which he had been intrusted, was recommended by a statement carefully drawn up by a Committee of the General Assembly, to which he must request their Lordships' attention. The first paragraph of the document contained a statement to this effect:—

> "The tests may be said to consist generally in the necessity under which every professor elect is laid, by the existing law, of making, before his admission to office, a solemn declaration of belief in the truth of Scripture."

Now, in reality, the test went much further, and therefore it must be taken as evidence of the weakness of their case, that the General Assembly should give this imperfect description of it. The last paragraph of the statement contained, he was sorry to find, a declaration of uncompromising hostility to the Bill. It was as follows:—

> "With reference to certain Amendments that were proposed in the Bill in the House of Commons, the Committee have to state that they were not suggested by them, nor can they reconcile it to their duty, and to the terms of their appointment by the General Assembly, to take up any ground but that of uncompromising opposition to any Bill which infringes to any extent the guaranteed rights and privileges of the Church."

The present test required from the person taking it a declaration of belief, not only in the Scriptures, but in the Westminster *Confession of Faith*, and, further, a pledge of conformity to the worship and discipline of the Established Church of Scotland. No one could read the words of the test, without seeing that it was the intention of those who drew it up, that every professor should be a *bonâ fide* member of the Established Church. His noble Friend at the head of the Government referred to the large secession which had recently taken place from the Church of Scotland as a reason for not retaining the test. It, however, had been found impossible to enforce the test even before the secession referred to had taken place. His noble Friend had also correctly stated that, as regarded the University of Edinburgh, the test had for some time been in abeyance. It was, indeed, notorious that Episcopalians had constantly taken the test in a general sense, and without the slightest notion of precisely conforming to it. Let their Lordships observe the existing state of the University of Edinburgh, and consider how a strict adherence to the test would affect them. The chair of Natural Philosophy, from which the institution had derived the greatest renown, was filled by Professor James Forbes, a man whose advanced knowledge in many departments of science had acquired for him a European reputation. Professor Forbes was a member of the Episcopalian Church—that very Church against which the test was specially directed. The Professor of Metaphysics was Sir William Hamilton—a worthy successor of the great men who spread the fame of the University towards the close of the last and at the beginning of the present century. Sir William Hamilton was also an Episcopalian. The Professor of Medicine was Mr. Simpson, a man also of European reputation, whose talents added fresh lustre to a school already famous. Professor Simpson was a member of the Free Church. All these eminent men would be shut out from the University, if the test was rigidly enforced. The main ground taken by the General Assembly in support of the tests was, that they were the guarantees of an ecclesiastical right appertaining to them as a Church. This ground, however, was untenable. The question had recently come before the courts of law in Scotland. The town-council of Edinburgh, being the patrons of a professorship in the University, appointed a member of the Free Church. The Presbytery opposed the nomination, and brought an action in the Court of Session to inhibit his induction, on the ground that he had not taken the test. Although the fact of the refusal to take the test was clearly established, the Court refused the application, being unanimously of opinion that the law which imposed the test did not confer a right on the Church as a Church, but as a civil institution. The University of Glasgow had expressed their dissatisfaction at the declaration proposed by the Bill, on the ground of its not being of a sufficiently positive character. It should, however, be borne in mind that the declaration was not proposed in the nature of a test. What he understood by a test was something put to a man in order to ascertain what he was and what he believed. Now, all that the declaration proposed in the Bill did was simply this:—it bound the person taking it not to inculcate certain opinions or do certain things. If the Government had undertaken to devise a new test of a positive character, the measure would never have obtained the concurrence of the House of Commons. The Government had thought that the best plan which could be adopted, considering the impossibility of imposing any new test, was to require a declaration to be made by every person admitted to the lay chairs in the Scotch Universities, that he would not attempt to exercise any influence in his professorial capacity contrary to, or in derogation of, the rights and privileges of the Established Church of Scotland. He had heard with great regret the intimation which had fallen from his noble Friend, that much irritation had been produced in the minds of the clergy of the Established Church by the present measure, and that it was proposed by them to erect a new college, in which they could educate youth according to their own system. He felt convinced that no course could be adopted which would prove more detrimental to the interests of the Church, and the interests of the Church were identified with the interests of the community at large. He felt satisfied that the declaration required under the new Act would secure the professorial chairs being occupied by men of moral and religious character, and he should much regret to see the foundation of any separate establishment. He felt deep interest in the welfare of the Universities of Scotland, and he had viewed with a feeling almost akin to jealousy the large number of natives of Scotland educated in the Universities in this country, and he should be most happy to see a larger proportion of the youth of the high and middle classes of Scotland entering the Universities of their own country. The present system was of that nature that a first-rate man might very possibly be deterred from accepting the position of a professor, and that circumstance could not tend to elevate the character of the Universities of Scotland. With regard to the technical objection which had been taken to the measure, that it was a violation of the Treaty of Union, he could see no force in that argument; for, if it was to be maintained, it must also be maintained that no change of any description whatever ought to be made, but that rather an attempt should be made to oust from their professorial chairs those eminent and distinguished men to whom he had alluded. His noble and learned Friend on the woolsack had pointed out that by an especial clause in the Act of Union, it was provided for the continuance of heritable and legal jurisdiction; but it had been found necessary subsequently to abolish that system. He rejoiced to say that the measure had received the full consideration of the other House of Parliament; and, although he regretted that the Bill should be introduced so late in the Session, the delay had arisen from the efforts which had been made by the Government to procure the assent of the Members from Scotland. It was well known that Scotch affairs were generally settled in a Scotch Parliament, and that was perhaps the reason that they were not heard so much of as the affairs of the sister kingdom; and he was glad to be able to say that the present measure had received, with, he believed, one exception, the assent of the Scotch Members. Under these circumstances, and with the utmost respect for the General Assembly of the Church of Scotland, he hoped that their Lordships would agree with him that the time had arrived to remove the existing tests, and to require nothing more than a declaration from those persons appointed to fill the lay chairs in the Scotch Universities.

On Question, *agreed to;* House in Committee accordingly: Amendments *moved* and *negatived:* and Bill to be read 3^a *To-morrow.*

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, August 15, 1853.

MINUTES.] NEW WRITS.—For Stamford, *v.* Right Hon. John Charles Herries, Manor of Northstead; Dungarvon, *v.* John Francis Maguire, Esq. Chiltern Hundreds; Clitheroe, *v.* John Thomas Walshman Aspinal, Esq., void Election.

NEW MEMBER SWORN.—For Peterborough, Thomson Hankey, Jun., Esq.

PUBLIC BILLS.—1° Friendly Societies (No. 2).

3° Registrar of the Privy Council; Liberated Africans (Sierra Leone); Passengers Act Amendment.

METEOROLOGICAL OBSERVATIONS AT SEA.

MR. G. A. HAMILTON, in rising to ask the right hon. Baronet the First Lord of the Admiralty, in reference to Parliamentary Paper, No. 115, of Session 1853, and to the communication made by Lieutenant Maury to the Secretary of the United States Navy, and of the conference suggested in the letter of the Secretary of the Treasury, of December 16, and of Mr. Ingersoll, of March 7, whether any such conference had yet been held, and whether any steps had been taken with a view to establish a uniform and accurate system of recording meteorological and other observations at sea, said, that as the subject was one of great importance, he hoped he might be permitted to make a short explanatory statement. A most interesting series of papers had been presented, by command of Her Majesty, in March last, respecting a proposed plan for making meteorological and hydrographical observations at sea, and respecting which the Government of the United States had evinced a great interest. It appeared, as far as regarded the United States, to have originated in the presenting by Her Majesty's Government to the Government of the United States, in November, 1851, of a volume containing Sir John Burgoyne's instructions for taking meteorological observations at the principal foreign stations of the Royal Engineers. This had elicited a letter from Mr. Lawrence, the Ambassador from the United States, to Earl Granville, dated February 17, 1852, calling attention to a plan of Lieutenant Maury, of the National Observatory, Washington, for establishing a universal system of meteorological observations, and enclosing a letter from Mr. Webster, requesting the co-operation of the British Government. It was impossible to read the able letters of Lieutenant Maury without being deeply impressed with the importance of the subject. That officer stated, truly, that all the great interests of States and the well-being of the whole human family were to be advanced by increase of knowledge touching the dynamical laws of the atmosphere, and the distribution through it over the surface of our planet of electricity, heat, and moisture. For the fruits of his labour the husbandman was dependent upon atmospherical conditions. The subject, therefore, he would point out to the House, was one of high scientific interest, and also of the greatest national, industrial, and practical import. At the present time more than 1,000 vessels connected with the United States had made and recorded observations according to a prescribed form. After various communications during the last year between the Foreign Office, the American Minister, the Admiralty, the Board of Trade, and the Royal Society, it had been suggested by Mr. Ingersoll that a conference should be held with Lieutenant Maury, in conformity with the authority given him by the Secretary of the Navy of the United States, in order that some arrangement might be made that the Governments of the principal maritime nations should undertake, conjointly, and in co-operation, a system of meteorological observations, to be made at sea in all ships in the naval service of these several nations, to be participated in by the merchant service. He would take that opportunity of stating that Lieutenant Maury was now in this country. He (Mr. Hamilton) had to ask, therefore, whether any such conference had been held, and whether any steps had been taken, arising out of these papers, to establish a uniform and accurate system of making and recording meteorological and other observations at sea?

Mr. CARDWELL said, that that question had been brought under the attention of his right hon. Friend at the head of the Board of Admiralty, and also of the mercantile marine department of the Board of Trade, and would certainly receive all the attention it deserved. He believed he was to have the honour of receiving Mr. Ingersoll upon the subject; and, with regard to the conference to which the hon. Gentleman had alluded, he had to state that that conference was appointed to be held at Brussels, in the present month, and that Captain Beechy, of the Board of Trade, was to attend it on behalf of Her Majesty's Government.

THE ROMAN CATHOLIC RELIGION IN INDIA.

Mr. LUCAS said, he rose to ask a question of the right hon. President of the Board of Control as to the Provision made for the exercise of the Catholic religion in India, in pursuance of the compact of 1833, and also to the provision hereafter to be made for the same purpose. He would request permission to refer to the promises of the Government on the subject in 1833. Mr. Grant (now Lord Glenelg), speaking of the Roman Catholic community in India, said—

> "That they deserved the particular regard and consideration of the Government,"

And that—

> "he should be happy to communicate with the hon. and learned Member for Dublin on the sub-

ject, or with any other persons who took an interest in it."

Mr. Grant, in the course of the debate, proposed the following proviso:—

> "Provided always, that nothing herein contained shall be so construed as to prevent the Governor General in Council from granting from time to time, with the sanction of the Court of Directors, and of the Commissioners of the Affairs of India, to any sect, persuasion, or community of Christians, not being of the United Church of England and Ireland, or of the Church of Scotland, such sums of money as may be expedient for the purposes of instruction, or for the maintenance of places of worship."

The question of which he had given notice referred to the manner in which that arrangement and the provision of the Act of 1833 had been carried out. Without going into the discussion of the subject, he wished merely to state that there was no doubt, with respect to certain material points, that the agreement had not been fulfilled. He wished, therefore, to put his question with reference to these points, and to inquire whether it was the intention of the Government to take immediate steps towards fulfilling the agreement of 1833, and carrying out the spirit of that agreement in future?

Sir CHARLES WOOD would not enter on what took place twenty years ago, but quite agreed with the principle then laid down, that adequate provision ought to be made for the spiritual instruction of Roman Catholic servants of the East India Company, as provision was made for the Protestant servants of the Company. The Company did not profess to do more than provide for the spiritual instruction of its servants, or in any way whatever to provide for the religious instruction of the community. Several witnesses had been examined before the Committee on the Indian Territories with respect to points referred to in the hon. Gentleman's questions. Some of those points were of considerable difficulty. He (Sir C. Wood) was quite prepared to admit that the provision at present made for the Roman Catholic servants of the Company was far from being adequate, and that the Indian Government were perfectly alive to the spiritual wants of their servants, and that they were prepared to meet the wants of those servants.

GOVERNMENT OF INDIA BILL.

On the consideration of the Lords' Amendments to this Bill,

Sir CHARLES WOOD moved that the House agree to various Amendments in the clauses up to Clause 43.

Amendments *agreed to.*

On the Motion that the Lords' Amendment leaving out Clause 44 (relating to the salt duty) should be *agreed to,*

Sir JOHN FITZGERALD said, that the experience which he had had convinced him of the great necessity there was for the insertion of this clause in the Bill. The simple food of the natives of India absolutely required salt in order to make it palatable, while at the same time the wages of the people were so low that it was difficult to obtain this or any other necessary of life. If the House should agree to the Lords' Amendment, and exclude this clause, he hoped something would at least be done in order to provide the natives of India with unadulterated salt at a cheaper rate than the present price.

Mr. GREGSON said, he objected most decidedly, on behalf of the poor natives of India, to the excessive duty which was at present imposed on salt in that country. He would remind the House that salt shipped here at 10*s.* a ton had a duty of 7*l.* 10*s.* imposed on it in India, where the wholesale price was generally ten guineas a ton, and what the retail price might be it was impossible to calculate. He could refer to a case in which he had made a shipment of salt to India, and after much delay and difficulty was permitted to take the salt into India, where it was found so superior to the salt manufactured by the Company that, notwithstanding the enormous duty, a considerable profit was made. He trusted that, if that monopoly were to be continued, and if Clause 44 were to be struck out of the Bill, the Company would, at all events, reduce very considerably the amount of this duty. He believed that under such a reduction the Company would derive from the tax a larger revenue than that which they received from it at present.

Sir CHARLES WOOD believed that the case to which the hon. Gentleman referred occurred before 1832—that it took place when the Company had a monopoly, which they had not now. He (Sir C. Wood) should be the last person to maintain a high duty on salt, and was perfectly ready to concur in any reduction of the duty on salt which could be assented to with common prudence and discretion by the Government of India. It was contrary to all sound principle that this House should take on itself to legislate in detail for India. There was one large branch of the revenue—that arising from opium—which was in a most critical condition; and if, owing to the revolution in China or other causes, that branch of the revenue should fall off, great difficulty might be the result. The Indian Government had shown no indisposition to reduce the duty on salt; and there had been three reductions within a limited period, which amounted on the whole to 25 per cent. Reductions had been made as the state of the finances allowed. The last reduction produced no effect for several years. No resuscitation of the revenue took place till three years after the reduction. The clause proposed to be left out did not affect the rate of duty. It did not propose a reduction of duty, but only that the process of collecting the duty which was now practised should no longer exist, and that an excise duty, to be collected by excise officers, must be the rule. If that were the ground on which the clause was supported and carried, the House of Commons were doing for the Indian Government what the House of Commons did not do for the Government at home. In the omission of the clause the other House had, he thought, acted very wisely.

SIR DE LACY EVANS said, he was glad to learn that it was not on principle, but rather on technical grounds, that the right hon. Gentleman concurred in the omission of this clause; that the right hon. Gentleman was rather in favour of the clause, but that he thought the House ought not to interfere with the actual administration of India. Though obliged to acquiesce in the Amendment of the other House, in consequence of the delays which might otherwise arise, it was impossible that the House of Commons could express itself too strongly in favour of an alteration of the duty on salt. The opinion of the hon. Member for Lancaster (Mr. Gregson), who was well acquainted with the subject, was entitled to much weight. Having been in various parts of India, he (Sir De L. Evans) could corroborate the statements of the hon. Member for the county of Clare (Sir J. D. Fitzgerald), and he hoped the President of the Board of Control would not content himself with a statement of his readiness to concur in acts of the Indian Government on the subject, but that he would take steps to have the salt duty put on a different footing. It would be quite inconsistent with the free-trade principles of the present Government to allow the existence of this tax, or to prevent the free introduction of salt into India from this country. The right hon. Gentleman had justified the tax on the ground of the necessities of the Indian Government. He (Sir De L. Evans) confessed that this was not a very satisfactory way of viewing the question; because, if the reform of the system was to depend upon the state of the finances of the Indian Government, which the right hon. Gentleman had not intimated were at all improving, he was afraid that that reform loomed rather far in the future. He would suggest to the right hon. Gentleman that a better mode of equalising the revenue and expenditure of the Indian Government would be to abstain from those wars in which they so frequently indulged. If they would avoid entering upon wars upon such futile grounds as those which had led to the war in Burmah, for example, this tax might soon be got rid of. He did hope, therefore, that the right hon. Gentleman would not merely content himself with expressing his readiness to concur with the Government of India in any proposal for altering the tax, but would also strongly recommend the Government to adopt some proposal.

MR. HADFIELD said, he could not allow this discussion to end without entering his protest against the omission of the clause relating to the salt tax. He looked upon the salt duty as one of the most objectionable taxes which could be imposed upon the people of India, and would therefore move that the House should disagree with the Amendment of the Lords by which the clause had been struck out.

MR. SPEAKER said, the hon. Gentleman could not move a substantive proposition. The Motion before the House was, that the House should agree to the Amendments of the Lords. The hon. Gentleman could move a negative to that Motion.

Lords' Amendments *agreed to.*

PETERBOROUGH ELECTION.

MR. MILNES GASKELL appeared at the bar and reported that the Peterborough Election Committee had determined—

> "That George Hammond Whalley, Esq., is not duly elected a citizen to serve in this present Parliament for the city of Peterborough.
>
> "That Thomas Hankey, jun., Esq., is duly elected, and ought to have been returned a citizen to serve in this present Parliament for the city of Peterborough."

CANTERBURY ELECTION.

MR. CRAUFURD said, he rose to move, according to notice, an Address to Her Majesty for the production of the papers referred to in the Minutes of Evidence taken by the Commissioners appointed to inquire into the existence of corrupt practices in the City of Canterbury. He must entirely disclaim being actuated by any party motive, or any desire to throw an imputation on the Commissioners, in moving for these papers. He would assume that the Commissioners were correct in their decision that it would be exceeding their powers to lay them before the House; but, whether that were so or not, he thought he could make out a strong *primâ facie* case to show that the House ought to interfere te procure their production. [The hon. Member then read several extracts from the evidence taken by the Commissioners bearing on this subject.] He contended that the papers for which he moved would show that there had been attempts at the subornation of witnesses. He was well aware that the Act of Parliament would protect Mr. Kingsford against any penal consequences for the disclosures he had made; but as they could not punish him legally, he thought if hon. Gentlemen were honestly desirous to purify the constituencies, it was their duty to hold up such an offender to condign moral punishment.

Mr. W. WILLIAMS seconded the Motion.

Motion made, and Question proposed—

> "That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions that there be laid before this House a Paper referred to in the Minutes of Evidence taken by the Commissioners appointed to inquire into the existence of corrupt practices in the City of Canterbury, described by them (Question 11,212), to be 'a Paper consisting of extracts from Papers which Mr. Henry Coare Kingsford handed in,' but not printed with their Report; and also for the production of certain other Papers, severally described by them as 'Paper B,' 'Draft Minutes of Evidence,' 'Minutes of Evidence,' '11th January 1853 Minutes,' and 'Unindorsed paper,' or 'Leaf of proof,' and referred to respectively in Questions 10,288, 10,292, 10,297, 10,302, 10,303, 10,306, 10,307, and 10,308, but not printed with their Report."

Mr. LOWE said, that until the hon. and learned Gentleman (Mr. Craufurd) had uttered his last sentence he was at a loss to understand the object of his Motion. He (Mr. Lowe) understood the case of the hon. and learned Gentleman to be, that a portion of the papers given in evidence before the Canterbury Election Commissioners had not been produced by them; that some attorney in the city of Canterbury was alleged to have been guilty of subornation of perjury; and the hon. and learned Member asked the House to require that the papers which the Commissioners, in the exercise of their discretion, had not thought it right to publish, should be produced. Now, the Act of Parliament under which these Commissioners sat, armed them with very high and searching jurisdiction—with a power of inquisition, indeed, which was entirely unknown to any other court of justice in this kingdom. In its zeal to put down bribery and corruption, Parliament had thought fit to give these Commissioners most paramount and transcendent authority with regard to their inquiries; but the exercise of that authority had been left to the discretion of the Commissioners. The Commissioners, in the exercise of their authority, had thought fit, in the course of the Canterbury inquiry, to require that certain papers should be produced to them for the information of their own minds, and for their guidance in the investigation; but they did not think it right, in the exercise of their discretion, to print these papers, or to submit them to the public eye. Now, he (Mr. Lowe) would ask the House whether, under such circumstances, they thought it would be wise to interfere with this exercise of discretion on the part of the Commissioners? Was it wise or right, in a case where a power had been exercised which he believed was possessed by no other court of justice in this country, with regard to the production of documents, and when the production of papers had been compelled, that the House should take from the Commissioners the discretion which had been allowed them, and drag before the eye of the public papers which the Commissioners had thought it fitting to withhold? No one could deny that the investigation in the case of Canterbury had been very full and complete, and had led to very decisive results. He (Mr. Lowe) apprehended that, so far as the results of that inquiry were concerned, the production of these documents could be of no public service. The hon. and learned Gentleman who had brought forward the Motion had admitted that any person producing documents before a Commission possessing the extraordinary powers confided to these Election Commissions, was protected from any penal consequences. The production of these documents could not, therefore, be necessary for the purpose of bringing an offender to justice; but the only object for which they were required must be to expose the practices and vilify the character of a country attorney. Now, was this a contest in which that House would think it fitting to engage? Parliament would never have been acquainted with many of the offences which were alleged to have been committed in Canterbury had it not been for the powers possessed by the Commissioners. The law sheltered offenders who were required to give information to the Commissioners from any penal consequences; and he thought it would ill become the House of Commons to say that they would drag into the light of day information which the Commissioners did not think it right to publish. In this view of the case, he (Mr. Lowe) had the honour of expressing the decided opinions of the Attorney General and the Solicitor General, both of whom were unavoidably absent, but who had desired him to tender their advice to the House, that it would not act prudently in consenting to this Motion.

Mr. W. WILLIAMS said, he must express his regret that the hon. Member for Kidderminster had, on the part of the Government, objected to the production of these papers. If the doctrine of that hon. Gentlemen was correct, it appeared that Election Commissioners had the power of suppressing or withholding any portion of the evidence given before them. His own opinion was that the House ought to be put in possession of the fullest information that was obtained with reference to corrupt practices at elections; but if they allowed the Commissioners to exercise their discretion as to the publication of evidence, they might as well at once put an end to the large expenditure which was incurred for these inquiries.

Mr. I. BUTT said, as he understood the facts of the case, they were these:—The solicitor of Mr. Butler Johnstone, when preparing to defend that Gentleman's seat for Canterbury, took down the evidence of witnesses and made marginal notes for his own private use and for the information of Mr. Butler Johnstone's counsel. The Commissioners exercising their jurisdiction, required that these papers should be produced before them. The solicitor refused compliance with their request, on the ground that it would involve a violation of professional confidence, and the Commissioners gave him two days to consider the matter and to obtain counsel's advice. After obtaining such advice, the solicitor produced the papers in question before the Commissioners, who used them for their guidance in the examination and cross-examination of every witness produced. The Commissioners, however, determined that they would not make these confidential notes of the solicitor evidence to be submitted to that House; and he (Mr. Butt) must deny the right of the House to interfere with or control in the slightest degree this exercise of discretion on the part of the Commissioners. He did not even believe that the Crown had any power to call for these documents. Even, however, if the House could compel their production, they would be exceeding their proper functions, he thought, if they insisted upon it. The Commissioners had gone quite far enough in extracting private memoranda; and if the hon. Gentleman persisted in his Motion for making those public to all the world, he certainly would be going much further than any private Member had a right to do without abusing his position, especially when his sole purpose—as he himself had stated—was to hold up to public obloquy a solicitor who went the same circuit with the hon. and learned Member himself, and who was in every respect—as the hon. and learned Member allowed—a highly respectable person. He had been in communication with Mr. Butler Johnstone, and that Gentleman felt that a very serious injustice would be done to him by compelling the production of private documents which had been used for the preparation of his case.

Lord JOHN RUSSELL said, there was no doubt that the House, in inquiring into the existence of corrupt practices at any particular place, had a perfect right to examine an attorney as to any communications which had taken place between himself and his client, for he himself had asked such questions of an attorney under examination at the bar, and the House had decided that he was perfectly competent to do so. In this case, however, they had not exercised the jurisdiction themselves, but under an Act of Parliament they had delegated their power for inquiry into the existence of corrupt practices in the borough of Canterbury to Commissioners appointed under that Act. Having, therefore, transferred their powers, he thought they were *primâ facie* bound to suppose that the Commissioners had rightly exercised their jurisdiction; and it would not be justifiable in the House to suppose that the Commissioners had withheld from it any information which was necessary to enable it to come to a decision as to whether or not corrupt practices had prevailed in the borough of Canterbury. That, it must be remembered, was the point to which the inquiries of the Commission were directed; and if the information which the hon. and learned Gentleman (Mr. Craufurd) wished to be produced referred to other subjects, he did not think that they would be justified in calling for it on such grounds as he had stated, however important in itself it might be. He should say, therefore, that the House would not do wisely in asking for the production of these papers. If, however, the House should think it advisable to call for them, the proper course would not be to address the Crown, because he did not think the Crown could properly exercise the power of calling on the Commissioners to do that which it had not required them to do when they were constituted. The proper course could be to send for these persons, and either to examine them before a Select Committee, or to compel them by the inherent authority of the House to produce the papers. He said this with reference to the general authority which they gave to Commissioners of this kind; but he could not say, with regard to these Commissioners, that he was much impressed with the discretion which they had shown in the exercise of their functions. Their great departure from the general rules of evidence which usually governed our English Courts of Law, and the great quantity of hearsay evidence which they had taken, did not strengthen the proofs so much as if they had adhered to the rules which usually obtained. There was no doubt that they were right in using the very great powers entrusted to them for the extraction of information; but he believed, if they had kept more closely to the general rules of evidence, the value and efficacy of that information would have been much stronger.

Mr. FITZ-STEPHEN FRENCH said, he should support the Motion. It would be a dangerous president to allow the Commissioners to suppress documents. The House would afterwards have to act on this Report, and they ought to have the whole of the evidence before them.

Mr. CRAUFURD, in reply, said, the noble Lord (Lord John Russell) was in error in stating that the papers were still in possession of the parties; they were in point of fact in the custody of Her Majesty, having been impounded by the Commissioners.

Lord John Russell

Mr. HUME said, he would appeal to his hon. and learned Friend, not to press the Motion to a division, as there appeared to be great doubt as to the right to order the production of these papers.

Motion, by leave, *withdrawn.*

CRIMINAL CODE—MALTA.

Mr. KINNAIRD said, that he regretted to be obliged to trespass on the House at that late period of the Session; but before Parliament separated he was desirous of calling the attention of the House to an amended code of laws proposed in Malta, and sent to this country for the sanction of Her Majesty. Some months ago his attention had been called to the proposed alterations in the Malta criminal code; and he applied to the Government for a copy, but was informed it had not yet arrived. He afterwards learned it was lying in the Colonial Office. On this he moved for the production of such portions of it as related to offences against religion; but the papers had only been delivered that morning. This code gave great and just offence to the Protestant inhabitants of that island, and he understood that the law advisers of the Crown in Malta, prepared an amendment, which the present Governor refused to entertain. In the second book of this amended code there were seven separate articles relating to offences against the respect due to religion, of which he would only at present say that the punishment therein awarded reminded one more of the intolerant enactments of despotic Governments, than that of the enlightened legislation of a free country, whose boast it was to have taken the lead in the assertion of the principles of civil and religious liberty. They were also, he would add, unprecedented in the laws of Malta itself. The only argument that he had heard adduced in their favour was, that they were the necessary result of our guarantee to the Maltese of the continued free exercise of their religion. He asked, then, when such a guarantee was given as to warrant the passing of such a code, for he was at a loss to discover it? When Sir Thomas Maitland, the Governor, issued a proclamation at Valetta, dated October 5, 1813, on taking possession of the island in the name of the Crown, he promised to secure to the Maltese, in the fullest manner, the free exercise of their religion, and to retain their ecclesiastical establishment. Recognising this promise in its fullest extent, it could not be fairly interpreted to mean more than to accord to the Maltese the same protection in the exercise of their religion which we ourselves enjoyed. But in this code protection bid fair to become persecution. In 1837, in the amended code of laws which was then passed, in the 83rd article, the penalty of forced labour and imprisonment was awarded to

> "whoever shall disturb with violence, or with intent to profane, the sacred functions or ceremonies, whether of the Roman Catholic or of the Anglican religion during the celebration thereof."

This enactment evidently contemplated overt acts during public worship, and was not intended to interfere with the full right of discussion. The Ordinance which was passed with reference to the press forbade the publication of any writing reviling, ridiculing, or otherwise insulting any fundamental doctrine of the Christian religion, or any doctrine of the Roman Catholic Church, the Established Church of England, or of any society of Christians other than these Churches; or the government, rites, and discipline of these several Churches. If they turned to the proposed amended code, they would find that the Roman Catholic Church was designated for the first time the Roman Catholic Apostolic Church, while the Established Church of England was entirely omitted by name, and only included under the general term "dissentient" from the Roman Catholic Church, so that it was proposed that the religion of the Sovereign herself should henceforth in Malta only be recognised as a dissentient worship from the Church of Rome! They would also find that the functions of the Roman Catholic Church were alone termed sacred; that term was not, in the proposed code, applied to the Protestant worship. This was another innovation. The proposed penalties applied to offences against the Roman Catholic religion without as well as within the places of public worship, but not so in the case of other religions; and the same observation applied to the so-called insults offered to the ministers of the Roman Catholic Church, and to thefts committed in their private houses, which were invariably annexed to their churches. The term "blasphemy" was applied to offences against the Virgin Mary and the Saints, as though they were entitled to divine honours, so that our Sovereign, who had already declared her conviction that it was blasphemy so to honour her, was, by assenting to this code, to declare an opposite doctrine. Forced labour from four to six years was awarded to those who stole the eucharist, even from a priest's house; to which might be added solitary confinement for six terms, or sixty days; and al might be increased by one degree, whic might mean adding any or all of the aggravations of punishment instituted by the prison regulations. A more monstrous law he had never heard of. There were hundreds of sailors and soldiers in Malta. If one of them, in a moment of inadvertence, insulted a priest, he might be imprisoned for six years. He could not conceive how any Catholic Government even could have the audacity to propose such a law. Another clause distinguished between offences with intent and those without intent to profane, and punished both, so that if a gentleman in the street omitted to take off his hat to a procession, he might be punished under this clause. If such a law were really carried out, it would necessitate a Motion in that House similar to that made with reference to the Madiai—with this difference, that we should have to lay our petition at the feet of a Sovereign who, in the person of Her Ministers, had protested against similar enactments. In conclusion, he could not believe that the noble Lord the leader of that House, who so recently had written that admirable letter to the Grand Duke of Tuscany with reference to the Madiai, and that the noble Lord the Secretary for the Home Department, who had ever been the zealous defender of civil and religious liberty at home and abroad, would allow a Government with which they were connected to advise the Crown to give its sanction to such a monstrous code, which, under the pretence of protection to religion, enacted a series of persecuting laws, more worthy of the Grand Duke of Tuscany and the Emperor of Austria, than of the Sovereign of a free and enlightened people. The hon. Gentleman concluded by moving an humble address to Her Majesty, praying that She would withhold Her sanction from the said amended code until the subject should have received the mature consideration of Parliament.

Mr. J. T. CHAMBERS, in seconding the Motion, said, that if these amended laws of Malta received the sanction of the British Parliament, they would become British law, involving an alteration in the criminal code of a portion of the Empire. There was nothing in legislation more important to guard against than sudden alterations of the criminal code of any country. The civil law might be altered, but alterations in the criminal code might involve mischief which it would be impossible to repair. Now these alterations of the penal code of Malta would destroy religious liberty at a blow. They altered, and altered materially, the position of every religious community in Malta; that of the Roman Catholic was raised, but every other sect was degraded. The former code forbade any writing insulting or reviling any fundamental doctrine of the Roman Catholic, Anglican, or other Christian Church—here the word "Church" was applied in reference to every class; in the new code it was used only in reference to the Roman Catholics. In the old code, the words used were "revile, ridicule, or insult;" in the new the word "insult" only was used. It was a word capable of any interpretation, and it was impossible to say what would be the construction put on it by a Roman Catholic magistrate. The new code would stifle all free discussion: the Roman Catholics required that their religion should be protected even against argument. In the 2nd Article, the offence was supposed to be committed without violence, or intent to profane, and in such case a slighter punishment was inflicted. But where there was no intent there could be no crime. By this code any of their soldiers or sailors might at any moment be dragged before a magistrate. He believed that the effect of the altered law would be to stop free discussion upon what Protestants regarded as the improper and unscriptural practices of the Roman Catholic religion; and he felt assured that if the noble Lord the Member for the City of London were to make as bold a statement of his views on this question as he had done in respect to the Irish Church, this amended code would never pass. By it the legal status of British subjects would be imperilled, and, looking to the provisions of the former code, he did not think the old law required any alteration whatsoever.

Motion made, and Question proposed—

"That the proposed Amended Maltese Code of Laws is opposed to the constitutional rights and liberties of Her Majesty's subjects, and is an innovation on Maltese Law:—That an humble Address be presented to Her Majesty, setting forth the above facts, and humbly praying that Her Majesty may be most graciously pleased to take the said facts into Her Royal consideration, and to withhold Her sanction to the said Amended Code, until the subject shall have received the mature consideration of Parliament."

Mr. J. T. Chambers

MR. FREDERICK PEEL said, he was not sorry that his hon. Friend had stated his objections to this criminal code in a clear and substantive form. In one respect, indeed, he must qualify the satisfaction with which he had listened to his speech, because he must say that he thought it to a certain extent an injudicious one, calculated to keep alive the animosity between different sections of the community at Malta, which it was their object, if possible, to allay. He thought, also, that it was not so accurate as it might have been, if the hon. Gentleman had chosen to refer to the facts upon record, which were as accessible to his hon. Friend as to himself. He understood his hon. Friend to take general exception to this code, upon the ground that Malta formed part of the dominions of the Crown, and that that Crown being a Protestant one, the Government could not properly assent to a law which established the Church of Rome—

MR. KINNAIRD: No; I objected to the application of the term "blasphemy" in the code.

MR. FREDERICK PEEL: His hon. Friend, at all events, referred to the law of Tuscany and to the case of the Madiai, leaving the impression that the amended code of Malta would render persons liable to punishment who should act as the Madiai had done. Those persons had been punished for reading a Protestant Bible; but there was no provision under this code by which any Maltese, whether Protestant or Roman Catholic, could be punished for such an act. The House must bear in mind that Malta was a Roman Catholic country, placed under a Legislative Council which was now elective; that Roman Catholics had been returned to that Council; and that this was a law which, after a great deal of consideration, that Council had thought fit to adopt. His hon. Friend considered that this was an unnecessary alteration of the code of 1837; but he had fallen into some inaccuracy with respect to that code. His hon. Friend had eulogised the code of 1837 as impartial; but the House would probably be surprised to learn that that code was only one draughted by the Commissioners: it had never been brought into operation—had never for a single day been enacted as the law of Malta. In fact, it was merely a code prepared by the Malta commissioners, and sent to England for confirmation, and had never been adopted. He was surprised, however, that the hon. Gentleman should eulogise that code, for it was marked by much more illiberality than the present code; it protected only two religions—the Church of Rome and the Church of England, which were placed on an equality; but offences against the Church of Scotland, for example, might be committed without transgressing that code. The hon. Gentleman had referred to the extreme severity with which stealing the host was punished in the present code. By the 56th section it was provided that the punishment should be hard labour from four to six years. But the argument was a strange one from an hon. Gentleman who praised the code of 1837, by which the offence was punishable by a penalty of fifteen years' imprisonment. What were the circumstances under which this chapter of crimes against religion was brought before the House? For many years the necessity of consolidating the criminal law of Malta was found to be urgent. That law consisted of a variety of enactments, dating from an early period, many centuries back, and marked with all the inconsistency and severity which characterised the contemporaneous legislation of the age, not even excepting the legislation of this country. The case of Malta was, perhaps, the worse, because the legislation was that of a single individual, and that individual the head of a religious order. Therefore it was found necessary to codify this law, to endeavour to bring it into closer assimilation and harmony with the law of England, and with that milder spirit which had latterly prevailed with respect to criminal punishments. Under such circumstances was this Ordinance passed. It passed not without great preparation. For the last twenty years Commissioners had been appointed to consider the subject; and a code was submitted to the elective Council of Malta in 1850, and passed by that body. When the code came to this country it was objected to by Lord Grey on account of the designation given therein to the Catholic religion, which was called the "dominant Church" of Malta. Objection was taken to the Church of Rome being called so in any country belonging to the Crown of England, or being assumed to have the predominance over any other religion. The Council reluctantly consented to withdraw that objectionable expression, substituting the expression of "the Church of the country," it being notorious that the Roman Catholic religion was the religion of the country. He had hoped that this concession on the part of the Council would have satisfied the members of the other Churches in Malta. It was, however, contended that the Church of England ought to be particularised as one of the Protestant Churches in the Island, and that these latter were improperly described as "dissenting" from the Church of Rome. He (Mr. Peel) would have been better pleased had the Church of England been mentioned by name; but the word which in the Italian was thought to imply "dissenting" from the worship of the Roman Catholic Church was translated in the Parliamentary paper sent round that morning "differing;" and he was told the meaning of the Italian word was "differing from," or not "agreeing with." The title of this chapter of the criminal code was "Of crimes against the respect due to religion." He was sure the hon. Gentleman could not object to that. Every one would admit that there was criminality in acts which outraged religion, which went to offend the most deeply seated and acute feelings of the human breast, and which, of course, in a corresponding degree, tended to endanger the tranquillity and peace of the island. Therefore, on principle, there could be no objection to including a chapter designed to secure the respect which was due to religion. The only question was, whether the code was open to the comments made upon it by the hon. Gentleman. He (Mr. Peel) asserted that the distinguishing characteristic of the code was, not merely toleration, but perfect impartiality between all religions. The hon. Gentleman, he observed, objected to this statement. He (Mr. Peel) certainly was not aware in what way the code deviated from this description. The hon. Gentleman had referred to the 51st section, inasmuch as it appeared to him that the code protected the religion of the Church of Rome from offences, whether committed within or without places of worship; whereas by this section other religions differing from that of the Roman Catholic Church were protected only from offences committed within places devoted to worship. Now he was able to state that this was a misapprehension on the part of the hon. Member. He had looked at the proceedings of the Elective Council of Malta, and he had found that while that body was in Committee on the 51st clause, a Roman Catholic Gentleman did propose the insertion of words which would have had that effect;

but the Amendment was objected to on the ground that it would have exposed the funeral ceremonies of the Church of England, which were not performed within places appointed for public worship, to insult, and that it was desirable that that Church should have the same protection as the Roman Catholic Church. For that reason the Amendment was withdrawn, and the Crown Advocate had stated that all Churches would enjoy the same protection in this respect. There was, indeed, one section, which at first sight, appeared to be an exception to this statement—he alluded to the 55th section which declared that—

> "Whoever shall outrage the objects of worship of the Catholic Church, whether within or without the places appointed for public worship, shall be punished," &c.

While there was no similar provision with regard to other Churches differing from the Roman Catholic Church. But in this particular case the omission was of no importance whatever, inasmuch as in the Protestant religion there were no objects of worship which it was desirable to protect; and, therefore, the limitation in the clause was really of no importance. He thought, therefore, he might state, without the fear of contradiction, that the code did recognise the principle of equality among all religious communities in Malta; and certainly in this respect it possessed a great advantage over the code of 1827, which had been so strangely eulogised by the hon. Member. He admitted, indeed, that the code was a severe one, and he should have been very glad if the penalties had undergone still greater modification. He admitted that some acts were there characterised as criminal acts, which, perhaps, wonld not have been so regarded in this or in any other country—as, for example, blaspheming the saints; he should have been glad if it had not been included. At the same time, the hon. Gentleman had considerably exaggerated the effect of the code in that respect. For instance, the hon. Gentleman had endeavoured to show that under this code, if a person omitted to take off his hat when a procession was passing along, he might be subjected to imprisonment or fine. Now, he would undertake to say that that would not be the case, and that the hon. Gentleman would not find any provision in the code for punishing a mere act of omission at all; and it was understood to be the opinion of the law adviser of the Crown in Malta that a person might safely omit to lift his hat when a procession was passing without subjecting himself to a penalty. So, also, with regard to what fell from the hon. Gentleman with respect to acts being punished by the code where there was no intention to commit a crime. Every one would agree that the essence of a criminal act was its intent. The hon. Gentleman had endeavoured to prove his case by adverting to the distinction which was drawn in the code between acts "with intent" and acts "without intent" to profane. But it was possible to conceive a case of malicious intent without being accompanied by any open act of outrage, involving an intention to profane; and he apprehended that that was the reason why such a distinction had been drawn in the code. He believed there was no intention to punish where there was an entire absence of criminal intent. Then, again, the hon. Gentleman had entirely misunderstood the last section of the code, which said that—

> "Whenever the acts contemplated in this title shall be accompanied by circumstances rendering them liable to more serious punishments, such punishments shall be 'awarded, increased in one degree.'"

The meaning of that section was this—that where an offence analogous to any of the offences described in the preceding sections was committed, which, under the general law of Malta, was subject to more severe punishment than that which was awarded in the preceding sections, and where such offence was also an offence against the respect due to religion, the punishment should be increased by one degree. Take, by way of example, the act of stealing the eucharist. That by the general law might be an act of burglary, which would, perhaps, be punished by imprisonment for five or six years. But if, in addition to its being burglary, it was also an outrage against the Christian religion, then in that case there should be an accumulated penalty, in addition to that awarded by the general law, of one degree. He could not agree to the Motion of the hon. Member to postpone the ratification of the criminal code of Malta till next Session of Parliament. He asked the House to remember that Malta was a Roman Catholic country; that since 1850 its business had been administered by the Elective Members of a Council of Legislation; that, of course, these gentleman were members of the Roman Catholic Church; that this criminal code had not been passed without great preparation; and that considerable concessions had been made in the course of the discussions upon it in Committee. A concession had been made, for instance, with respect to the title of the Roman Catholic Church as a dominant Church, and he had been in hopes that that concession would have conciliated the members of the Church of England in Malta. On the subject of this criminal code there had been a considerable degree of religious excitement, which, he was happy to say, was gradually being allayed, and he considered that the most desirable course for the Government to pursue was to allow the criminal code to come at once into operation. He, therefore, hoped that the hon. Gentleman would not be disposed to press his Motion to a division.

MR. I. BUTT said, that he wished he could agree with the hon. Gentleman who had just sat down, that this code dealt impartially with all religious persuasions. On the contrary, he still believed that the effect of it would be to make the Roman Catholic Church the dominant religion in Malta. He did not now allude to the language in which the Roman Catholic religion was spoken of, while every other persuasion was studiously disparaged. Not that he believed even this a matter of light importance, but he alluded to the enactments of practical effect and importance. In the first place, he could not agree that the clauses which prohibited any disturbance to the Protestant and Roman Catholic worship were in effect the same; the clause relating to Roman Catholic worship contained the words "within or without a place of worship;" but these words were omitted in that protecting Protestant worship. He did not know how a Maltese Court of Law would interpret such a clause; but if it were an Act passed by that House, and interpreted in a British Court of Law, he had no difficulty in saying that the Judges would decide that the omission of these words in the second clause was a plain intimation that it was designed to make a difference between the Protestant and Roman Catholic ceremonies —to protect the latter out of doors, and to confine the former to their places of worship. He believed this to be the meaning of the framers of the code. What else could possibly have caused the omission of the words in the paragraph protecting Protestant worship—in every other respect a *verbatim* repetition of that relating to Roman Catholics? This might be reasonable, or it might not; but certainly it was not legislating alike for Protestants and Roman Catholics. But surely, if the hon. Gentleman would look at the 54th clause, he would find the difference between the Church of Rome and other persuasions made openly and in express terms. That clause made it penal to revile or ridicule any article of the Church of Rome, or any doctrine held by the generality of Christians—that is, it protected the peculiar doctrines of the Church of Rome; it also protected those great doctrines which the Church of Rome held with other Christians; but it gave no protection against ridicule or reviling to any peculiar doctrines, either of the Church of England or of any other Protestant body. Surely, after this, it was impossible to say that it extended the same protection to all Churches alike. This was the only clause prohibiting assaults by way of ridicule, or reviling upon doctrines. It ran thus:—

> "Whoever shall publicly blaspheme, or impiously execrate the name of God, or of any of the persons of the Most Holy Trinity, or of the Blessed Virgin, or of the saints; or shall revile, or otherwise insult, or ridicule by words, gestures, or exhibitions, any article of the Roman Catholic Church, or an essential article of the Christian religion as received by the generality of Christians, shall be punished with imprisonment."

Right or wrong, no one could deny that this was a special protection to the Church of Rome. The hon. Gentleman appeared not to know of the existence of this clause. Was there not in this mistake of the hon. Gentleman the very strongest argument for asking Ministers not to give their assent at present to this code? If the hon. Gentleman, with all that ability to which he (Mr. Butt) would always bear willing testimony —if he, the Minister responsible for this code, could yet make a statement to the House plainly founded on an obvious mistake as to its provisions, might he not fairly say that Ministers were about to assent to a code of which, in fact, they knew very little? But he must earnestly ask the attention of the House and the Ministry to a much more important matter than even this. It was very difficult to believe that the 50th clause had not been framed —he did not wish to say insidiously or Jesuitically—but if a Jesuit had framed this clause to entrap the Sovereign into a recognition of undue pretensions, and to a guarantee for groundless claims, it could not have been more dexterously framed:—

> "Whosoever during the performance of the

sacred functions or ceremonies of the Church of the country, the Roman Catholic Apostolic Church, the maintenance and protection of which in its present position are secured by law and guaranteed by the British Crown, shall disturb the same with violence or with intent to profane, whether within or without places appointed for public worship, shall be punished with imprisonment from seven months to two years."

Now, he asked, what honest object could there be in placing this description of the Roman Catholic Church, and this assertion of its rights, in the middle of a police regulation? Not one word of it was necessary to define the crime. For what object was it introduced, except for the insidious purpose of obtaining the Royal assent to statements that were unfounded in fact? He did not quarrel with the expression "Church of the country;" neither did he dwell upon the designation of the Roman Catholic Church as "the Apostolic Church," although he did think the phrase a very objectionable one in an ordinance to be assented to by a Sovereign who had sworn that it was not so; but he asked their earnest attention to the statement that the present position of the Church in Malta was guaranteed by the British Crown—that is, whatever position that Church now holds *de facto*, the British Crown is pledged to uphold. What is that position? They had the evidence of the hon. Under Secretary for the Colonies that those who framed this Ordinance considered it a dominant one. Well, then, the moment the Queen signed this Ordinance, Her Royal faith was pledged to maintain the Roman Catholic Church in its present position—not the one the law would give it, but the one it may have usurped. He should sincerely regret being obliged to support the Motion if the question went to a division, because he agreed with the hon. Gentleman (Mr. Peel) that the sooner the matter was settled the better; but he could not consent to purchase even peace by allowing his Sovereign to be insidiously brought into a position of guaranteeing that which it was never intended that the Crown of England should guarantee. There was one way, however, of escaping from the difficulty. Let the Government consent to postpone the ratification of the Ordinance till next Session. An adverse division would, he knew, have an evil effect with the Roman Catholic population of Malta. He therefore earnestly begged of Ministers to avoid this by postponing the assent to this Ordinance. He felt what had been urged by the hon. Gentleman upon this point; but not even for the sake of peace would he sacrifice such principles as, he believed, were involved in this question; and if the noble Lord (Lord J. Russell) would not give them the assurance that was asked for, he must, although with reluctance, vote for the proposed Address to the Crown.

MR. APSLEY PELLATT said, he was of opinion that the code contained a vast amount of objectionable matter, and that it was alike hostile to civil and religious liberty. He saw no reason why any class of religionists, whether dominant in the State, or established by law, should have any advantage in point of criminal law over any other religion. The speech of the hon. Under Secretary for the Colonies was not at all satisfactory on this subject. He had admitted that the code awarded one degree more punishment for offences against the Roman Catholic clergy and ceremonies than for any other; and it was just that one degree that he (Mr. Pellatt) objected to. He thought the country was greatly indebted to the hon. Gentleman (Mr. Kinnaird) for having brought the subject forward.

MR. NEWDEGATE said, he must point out the wide construction which the words of the code relating to insults offered to Roman Catholic ceremonies, functions, and articles, might be made to bear. It was a rule with the Roman Catholic Church, that whatever was once made an article of the faith never ceased to be such, though some articles might be suspended for a time, or in their application to certain persons or localities. The doctrine against which the oath of abjuration taken by Members of Parliament was aimed, namely, the "impious," "heretical," and "damnable doctrine and position, that princes excommunicated by the Pope might be deposed and murdered by their subjects," as recited in the oath taken by every Protestant Member at the table of the House, though some Roman Catholics said it was suspended, was still an article of the Church of Rome, which it would be punishable in Malta to revile, or ridicule, or speak in the terms of the Protestant oath, if the criminal code passed in the form in which it was submitted to the House, and had been sanctioned by the Maltese Legislature. This code condemned, in fact, the oath which had been taken by every Member of that House. It might be well to tolerate the Roman Catholic religion; but he hoped the House would not assent to laws which would render it penal on the part of any of Her Majesty's subjects to except publicly to doctrines which had been abjured by the Parliament of this country. The 51st Article provided that, "if the crime be committed without violence, and without intent to profane," a certain punishment should be inflicted. Now, the basis of British law was, that criminality consisted in the intent; but this code of laws would create criminality without intent. Surely the Government would not sanction such a principle. He did not know what might be the idea of criminality in the minds of the Maltese lawyers, but he objected to this innovation. He objected to the code on all the grounds that had been stated, and because it created offences which Protestant Englishmen could not be expected to avoid; for acts which were laudable in England, would become criminal in Malta. All he asked was, that the Government would reconsider this Maltese code before it received Her Majesty's approval.

Mr. HUME said, the observations of the hon. Gentleman who had just resumed his seat, arose from applying principles to Malta which ought only to regulate this country. He had visited Malta in 1809, shortly after it had fallen into our hands. When the French garrison was in possession of the forts, all efforts of the blockading fleet to dispossess them were vain till the inhabitants united with it. When possession was taken, the inhabitants were guaranteed in the free exercise of all the rites and ceremonies of their Church, and protection for the Roman Catholic as the dominant religion. They had an elective assembly in Malta which had altered the laws. Hon. Gentlemen disapproved of those alterations, and they called on that House to interfere, as if those laws were to be applied to Protestants in a Protestant country. They complained of the Roman Catholics for seeking to make their religion dominant, but he feared they were following their example. Many countries were subject to this. The same rules could not be applied to all. In Lower Canada, as in Malta, the Catholics were most numerous, and should be treated as the dominant party.

Mr. J. D. FITZGERALD said, the hon. Member for North Warwickshire (Mr. Newdegate) had called attention to the 54th Article of this code, which imposed certain punishments for reviling or otherwise insulting or ridiculing any article of the Roman Catholic Church, and that hon. Gentleman had gravely told the House, that it was a doctrine or article of the Roman Catholic Church, that princes excommunicated by the Pope might be deposed and murdered by their subjects. Did not the hon. Gentleman know that that charge had always been denounced as a calumny and a libel by Roman Catholics, who denied that they had ever entertained such an infamous doctrine? Why, Roman Catholics were themselves willing to take the declaration solemnly abjuring any such doctrine for themselves and for their Church. As a Roman Catholic, he protested for himself, and for all his co-religionists whom he knew, that this was not, and, as far as he was aware, never had been, a doctrine of the Roman Catholic Church. The hon. Member for North Warwickshire had also said, that in the case of some of the criminal acts dealt with by this code, intent was excluded from consideration. Well, according to the law of England, there were many crimes of which intent formed no part. If the hon. Member for North Warwickshire assaulted any man, the law would punish him, whatever his intent might have been. If the hon. Gentleman libelled any man, whatever his intent might be, the law would punish him. With regard to the allusion of the hon. and learned Member for Youghal (Mr. I. Butt) to the 50th Article, which he said might have been prepared by a Jesuit, he (Mr. Fitzgerald) might observe, that the words to which the hon. and learned Gentleman objected were words of limitation, which restrained the operation of the article to rights secured by law or guaranteed by the British Crown. He (Mr. Fitzgerald) would never maintain that the Roman Catholic Church anywhere should be a dominant Church; all he asked was, religious equality for himself and the professors of his faith with those of other persuasions. It must be remembered, however, that in this case they were not dealing with England, but with a colony which had been annexed to the British Crown under peculiar circumstances, and where the maintenance of the Roman Catholic religion—the dominant religion of the Colony—had been guaranteed, in the manner just stated by the hon. Member for Montrose (Mr. Hume).

Mr. WARNER was afraid that by the proposed code a Protestant would be liable to imprisonment if he should remain covered whilst a procession of what was called "the host" passed by him in the streets of Malta. By the 51st Article, any one would be liable to imprisonment who should blaspheme the name of the Holy Trinity, or of the Blessed Virgin Mary, &c. Now, he should like to know, whether, under that article, a Protestant minister in Malta would not be liable to imprisonment if he should venture to speak in his pulpit against the doctrines of the Church of Rome? There was a very valuable institution at Malta, called the Malta Protestant College, and it seemed to him that the 51st Clause would altogether prevent the Professors of that College from lecturing on controversial questions. He concurred with hon. Gentlemen who had preceded him, in thinking that there were good reasons why the Government should not agree to such of the articles in the proposed code as concerned divine worship.

Lord JOHN RUSSELL said, that in dealing with this question they must consider the position in which they found the Roman Catholic Church in Malta, what was due to the subjects of Her Majesty who were residing in that island, and also what was due to civil and religious liberty on the part of the Government of Her Britannic Majesty. Now, with regard to the first of these points, no one would deny that when we took possession of Malta the great majority of the inhabitants of that island were Roman Catholics, and it was promised and proclaimed to the people of Malta that we would respect and protect their religion. In one of the proclamations of General Pigot, that officer declared that it was his duty as well as his inclination to insure to the Maltese people full protection for their religion and their property. Indeed, in every declaration on the part of the Crown of England with reference to the island of Malta, there was an open and solemn declaration that the religion of the Maltese should be confirmed, maintained, and respected. Now, the religion alluded to in these declarations must be admitted by every one to have been the Roman Catholic religion. It must be recollected that at the period when we took possession of Malta the question was not so much as it now was between the Roman Catholic religion and various denominations of Protestants, but between the Christian religion and those who opposed it. When, however, the English took possession of that island they engaged to protect persons of all religious opinions. Such being the case, we were bound to respect the worship, practice, and faith of the Roman Catholic Church; and in order to do that it was included in that profession that some punishment should be awarded to those who openly reviled and insulted that faith. It was only that which we exacted here—that persons not belonging to a particular faith should not be allowed to disturb or insult the practice of that faith. In the same way in the island at the present time the code of the 4th of March, 1838, prohibited the publication of any writing reviling, ridiculing, or otherwise insulting any doctrine of the Roman Catholic Church. This showed what the present law was, which the hon. Member for Perth said was to be altered if this criminal code was adopted by Her Majesty's Government. According to our original declaration, and according to the law at present existing in Malta, the exercise of the Roman Catholic religion was to be protected and maintained, and any open insult against it was punishable. The punishment decreed for the offence he had just mentioned was from one to twelve months' imprisonment. Coming next to the proposed alterations of the existing code, he was bound to say that, with regard to the first class of objections which had been made against them, he did not think that they were such as ought to prevent the advisers of the Crown giving their assent to the altered code. With regard to the objection that the Church of England was not to be specially recognised, or put as it were in any way in the position of honour in which it formerly stood, he could only say that he thought that, if the popular Council elected by the people of Malta chose to specify the Roman Catholic religion, or chose to specify any other branch of the Christian religion, they were fully authorised to do so, and we were not entitled to object to it. He thought, likewise, that there was no foundation for the objection made by the hon. Gentleman the Member for North Warwickshire (Mr. Newdegate), that under the term "any article of the Roman Catholic Church" might be included that which Roman Catholic Members often said in that House was no part of their religion—that Princes excommunicated by the Pope of Rome might be deposed or murdered by their subjects. Whatever might have been the case with regard to Popes in bygone times, he did not believe that any Roman Catholic would now allow that it was an article of his creed. Therefore, as this code protected articles of the Roman Catholic Church which seemed hardly to differ from those doctrines already protected by the existing law—though, perhaps, the present code was rather more specific in its language, the objections which had been made on this ground could not be well-founded. Still, observations had been made in the course of the debate which required further consideration. He would not say that they were conclusive against the particular terms which were used, but he certainly felt that they deserved serious and deliberate consideration, not only by Her Majesty's Government, but by those legal Gentlemen whom the Government would wish to consult. He was speaking, of course, of the law officers of the Crown in this country. He agreed with the hon. and learned Gentleman the Member for Youghal (Mr. I. Butt), that the words used in a parenthesis with respect to the Roman Catholic religion, "the maintenance and protection of which in its present position are secured by law," were quite unnecessary; and he thought further that the words "in its present position" might be interpreted in a manner which at the present time the House would not be prepared to adopt. The hon. and learned Member for Ennis (Mr. J. Fitzgerald) said, that if the words were left out, the article would be still more extensive. That might be the case, but all he could say was, that the matter was well worthy of further consideration. For his own part, he did not see the necessity of specifying or defining the civil rights of the Roman Catholic Church in a criminal code, when they were only fixing a punishment for an offence. There were some words in other articles of the code which he thought were also liable to exception; the crime of disturbing the ceremonies of the Church of the country or any other worship, if committed without violence or without intention to profane, was to be punished by imprisonment from one to three months. He could easily believe that it might not always be necessary to show that there was violence or intent to profane; but in many of these cases he should have thought that two or three days' imprisonment, or a small fine, would have been quite sufficient. He disagreed from the hon. Member for Perth (Mr. Kinnaird), if he meant to say that we should not protect the Roman Catholic Church against any person blaspheming the name of the Blessed Virgin; if we protected the Roman Catholic Church at all, we must take its opinions as we found them, and not select any particular one, and declare that we would not protect that. He owned, however, that he thought the words "insulting or ridiculing by words or gestures" were liable to very wide interpretation. He perfectly well remembered—for the matter gave rise to a very lamentable occurrence—a young Englishman at Macao, where the Roman Catholic religion was dominant, being put into prison by the governor because he did not, whether by design or accident, pull off his hat as a religious procession was passing by. Throughout the whole off these articles there was an absence of that which he thought ought to be examined into—that the offence should be wilful, and with the view of insulting religious worship. The most trifling gesture, if done with the view of insulting the religion of the country, was certainly an offence; but it was one of which the police might take cognisance with the simple purpose of preventing a disturbance. He would not enter further into a description of the code, but he must say that it certainly required further consideration. If upon sending back to Malta the observations which might occur to the persons who could judge of the right value of words far better than he could, the Council there should receive them favourably, and remodel the code in such a manner that Her Majesty's Government could assent to it without objection, he thought they would be right in doing so, as a criminal code was a matter of considerable importance. The Government would then have full power and discretion to assent to the code, and they would be bound to produce all the correspondence on the subject at the beginning of the next Session. All he could say now was, that reference should be made to the law officers of the Crown as to the penal effects of the articles, and that the matter should be considered with a view to secure every respect to the Roman Catholic religion in Malta, and at the same time full civil and religious liberty to all Her Majesty's subjects.

Mr. SPOONER thought what had fallen from the noble Lord must be perfectly satisfactory to the House, as he had stated that he would give his best attention to the suggestions that had been thrown out during the discussion, with regard to modifications that ought to be introduced. There was one point in the very first Article which provided for the commission of any offence "within or without any place of worship." Now, that applied only to the Roman Catholic religion; the words "within and without" were not applied to any other form of worship, and he could not understand why there should be that exception. Again, there were the words "insult and outrage," which were very indefinite words, and which were to be judged of by persons whose feelings were likely to be highly excited on the subject. These words required some further definition and explanation. Another objection he must suggest was the introduction of the word "intention." Now, he did not think that where there was no intention to insult, there could be any offence against religion. However, after the intimation of the noble Lord, he would not detain the House further, but hoped those objections would receive their due consideration.

MR. HADFIELD said, he must express his thanks to the hon. Member (Mr. Kinnaird) for bringing the subject forward, and also to the noble Lord (Lord J. Russel) for the latter part of his speech. The discussion was sure to do good. The time was come when in the eye of the law all religious persuasions must be equal. It was the boast of this country that a slave could not put his foot on any British territory; but the best and the sweetest of all liberties, and the brightest gem of the Crown, was religious liberty, which would enable a man to worship his Maker according to the dictates of his own conscience. He respected the rights of the Roman Catholics equally with his own; he asked nothing for himself that he would not concede to them. Having these sentiments he hoped they would use no weapons but those of reason, scripture, and truth.

MR. KINNAIRD said, he must beg to tender his thanks to the noble Lord for the remarks he made on this subject, more particularly as they formed a complete justification to him for bringing it forward. He thought the noble Lord had answered the observations of the hon. Gentleman the Secretary for the Colonies with entire impartiality. The hon. Gentleman had accused him of showing bitterness in his speech; but if the hon. Gentleman would read that speech in the newspapers to-morrow, he would not find a word in it calculated to wound the feelings of any one. After what had been said by the noble Lord, he would not press the Motion.

Motion, by leave, *withdrawn.*

The House adjourned at Six o'clock.

HOUSE OF LORDS,

Tuesday, August 16, 1853.

MINUTES.] PUBLIC BILLS.—2^a Consolidated Fund Appropriation; Militia Tax; Land Tax Redemption Act Amendment; South Sea and other Annuities, Provision for Payment, &c.; Apprehension of Offenders Act Amendment; Betting Houses; Commons Inclosure (No. 3); Female Convicts; Loan Societies; Marriages, Holy Trinity Church, Hulme, Validity; Friendly Societies; Copyhold, &c. Commission Continuance; Metropolitan Sewers Acts Continuance; Ecclesiastical Jurisdiction.

Reported.—Land Tax Commissioners Names; Defacing the Coin; Linen, &c. Manufactures (Ireland); Militia Ballots Suspension and Militia Law Amendment; Smoke Nuisance Abatement (Metropolis); Stock in Trade Exemption; Customs Tariff Act; Customs Consolidation Act.

3^a South Sea Company's Arrangement and Trusts; Merchant Shipping; Drainage of Lands (Ireland) Act Amendment; Universities (Scotland); Employment of Children in Factories; Public Works Acts Amendment (Ireland).

CASE OF VICAJEE MERJEE AND PESTONJEE MERJEE—EXPLANATION.

EARL GRANVILLE rose to offer an explanation with reference to some observations which had fallen from him and another noble Earl (the Earl of Ellenborough), with respect to a gentleman whose name had been mentioned in the course of the debate on the case of the Parsee Merchants. He (Earl Granville), upon the occasion to which he referred, had stated the fact that the Military Secretary at Hyderabad, Major Moore, had warned the petitioners whose case they had been discussing against lending money to the Nizam, and had told them that ruin would be the consequence of their pursuing such a course. The noble Earl opposite afterwards, in referring to that statement, had asked the House if Major Moore was not in the receipt of a pension from the Nizam, and had proceeded to make certain strictures upon the conduct of that officer. Now, he (Earl Granville), had since received a letter and documents from Major Moore, from which it appeared that the Court of Directors had in 1839 sanctioned the acceptance by Major Moore of the pension offered him by the Nizam, under very special circumstances.

SMOKE NUISANCE ABATEMENT (METROPOLIS) BILL.

The MARQUESS of LANSDOWNE, in moving that the House go into Committee on the Smoke Nuisance Abatement (Metropolis) Bill, observed that it was a measure of considerable importance, because it affected the comfort not only of their Lordships, but of every one in the metropolis, and every class of society. He believed that their Lordships were all aware, though they might not be aware of the whole extent to which it had taken place, that they had been for years past subject to the gradual encroachment, not of an invisible enemy, but of an enemy who was perfectly obvious to any one, but whose approaches were so gradual that the whole extent could hardly be appreciated; and that at this moment, and for years past, they had been living, not under the canopy of heaven, but under one of their own creation. He need hardly tell their Lordships how injurious the smoke which now covered the metropolis was to works of art, and how much the evil called for some distinct interference of the Legislature, provided their legislation could be carried out without undue interference with the rights of parties. The experiments of the last seven years had abundantly proved that their Lordships could with perfect safety, without imposing any burdens upon individuals beyond some amount of attention and trouble, require the extinction and consumption of all smoke generated by manufacturing establishments. It was proposed by this Bill, that after the 1st of August next year all furnaces should be compelled to consume their own smoke, with the exception of glass works and potteries, throughout the metropolitan districts, and the Bill included the steam-boats on the river. There was an impression that this was a sort of *dilettante* measure, only sought for the benefit of the rich, and the preservation of works of art. He should be the last to say that works of art should not be protected, and that it was a wise policy to amass in the metropolis collections of the most valuable description. He thought that object alone was deserving the protecting hand of their Lordships. But so far from its being only for the interest of the richer classes, only affecting the feelings of amateurs and preservation of works of art—it affected every class of the community and the general cleanliness of the metropolis, for there was no housekeeper who was not able to vouch for the increased difficulty in maintaining the commonest cleanliness in consequence of the nuisance which this Bill would abate. The smoke so affected the clothing of the working classes that it was computed every mechanic paid at least five times the amount of the original cost of his shirt for the number of washings rendered necessary. Therefore, in proposing this Bill, he was assuming the functions of the Chancellor of the Exchequer, as it would make a considerable reduction of a duty levied upon the whole community not the less rigorously because they were hardly aware of it. The Bill, while affording that relief did so with singular care—he might also say more care than was necessary for the interests of the parties upon whom it would operate, because although six months was first proposed to be allowed for every manufacturer to provide himself with this machinery, that period had been extended to the 1st of August next. The provisions of the Bill were the same as had been adopted in various local Acts of Parliament. There were five or six places, including a part of the metropolis, Whitechapel, in which provisions for this purpose were enforced; and in many instances in which persons had been compelled to adopt the new machinery they had found themselves benefited in point of economy by the change. He thought it unnecessary to say more upon a matter so obviously for the public advantage.

House in Committee.

Bill *reported* without Amendment.

Lord REDESDALE congratulated the House and the country upon the introduction of this Bill, and expressed his obligations to the Government for having undertaken to pass so necessary a measure. He had himself carried two Bills for the same purpose through their Lordships' House; but not receiving the support of the Government, it had proved impossible to carry them through the other House of Parliament. If this Bill did not do all he desired, it was still a great improvement. He regretted that the operation of the Bill was postponed, as it created unnecessary delay; but since that was an agreement come to for the withdrawal of certain opposition, he should not interfere with it. He regretted also that glass works and potteries were excepted. A Bill had passed that very year for the improvement of Newcastle-on-Tyne, where more glass was made than in any other place in England, and no such exemption had been required in that instance. He considered that a great blot upon the measure; but he should not propose any alteration. He should, however, move amendments to make the words of the enacting clause the same as the preamble, with respect to steam vessels between London-bridge and Richmond-bridge, and to modify the third clause, which provided that no penalty should attach where only coke or other fuel, not emitting smoke, was used. With respect to that proviso it would enable parties to evade the operation of the Act; and it was only necessary to observe a railway train to see that coke put on rudely did emit smoke; and he, therefore, should propose to limit the exemption to cases in which no smoke was caused, He thought no one could object to those amendments; but if they endangered the passing of the Bill, he trusted the Government would at once give them up.

The MARQUESS of LANSDOWNE approved of the amendments, and had no objection to their introduction, upon the understanding that, if objected to elsewhere, they should be given up. He reminded the noble Lord that, with respect to glass works and potteries, the Bill would apply to those parts of the works which created the most noxious smoke.

Amendments made; and Bill to be read 3ª on *Thursday* next.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, August 16, 1853.

MINUTES.] PUBLIC BILL.—1° Hackney Carriage Duties (No. 2).
2° Hackney Carriage Duties (No. 2).
Reported.—Hackney Carriage Duties (No. 2).
3° Hackney Carriage Duties (No. 2).

THE SALT TAX—INDIA.

SIR JOHN PAKINGTON said, that before he put the question which stood on the Votes in his name, he wished to offer a brief explanation of the circumstances under which he had been absent from the House on the preceding day, when the question of agreeing to the Lords' Amendments in the India Bill had been discussed. He had on that day received the Votes in the usual way; but on finding that they contained on the first page no intimation that there was to have been a morning sitting, he had taken it for granted that they were not to have met until four o'clock. It was true that in another portion of the paper he might have found the information to which he alluded; but as he had at the moment to meet a pressure of business, he had not thought it necessary to look beyond the first page, which would have removed his erroneous impression. He had thus been accidentally and most unwillingly absent from the discussion of the preceding day, and if he had been present he should certainly have felt it his duty to have addressed the House upon the subject. But he should add, that he should not have put the House to the trouble of dividing against the proposal that they should assent to the omission of the 44th clause of the Bill; because at the present period of the Session he could not have thought that the result of any such division would have been a fair test of the sense of the House. But he should certainly have made some remarks on the somewhat peculiar circumstances in which the subject had been placed, and he should have called on Her Majesty's Government to state what were their future intentions with respect to it. Under the present circumstances he was obliged to confine himself to the more concise form of a question. He wished to know what degree of respect Her Majesty's Government meant to pay to a deliberate decision of that House: and he therefore begged leave to ask the right hon. President of the Board of Control whether it was the intention of Her Majesty's Government to effect any change in the mode of levying a duty upon salt manufactured in India, and whether they intended to make any reduction in the amount of duty now paid by salt in India, whether imported or manufactured in that country?

SIR CHARLES WOOD trusted, that the explanation which the right hon. Gentleman had thought it necessary for his own character to give, would be satisfactory to those persons who might feel disappointed at what had occurred. Of course, the right hon. Gentleman could hardly expect him to say that he regretted very much his absence upon that occasion. Certainly every pains had been taken with regard to the notice paper to provide against such an accident as had happened. There had been a special order that the House should meet at One o'clock. Notice had been given of it; and the India Bill stood first upon the Orders, so that the right hon. Gentleman had had every opportunity afforded him of ascertaining what was the fact. With regard to the question itself, he could add very little to what he had already said. He was as anxious as the right hon. Gentleman himself could be to see a reduction of the duty upon salt in India. It was, unquestionably, the first that ought to be reduced, because it was the only existing duty which pressed upon the people of India. He was not prepared, however, to direct an immediate reduction of that duty, because that must be left to the discretion of the Government of India, and must be regarded as a matter of finance. A considerable portion of the revenue of India—upwards of 3,000,000*l.* was derived from opium. That could not be considered a very certain source of revenue, and he was not, therefore, prepared to direct that, under all circumstances, a duty should be reduced, the effect of which might be to create a deficit in India. An event which had recently occurred, and which he was happy to state to the House—the conclusion of hostilities in Burmah, and the proclamation of peace, would probably enable the Governor General to reduce considerably the expenditure of India; and he hoped that that would enable him to effect a reduction in the duty upon salt. It had been the practice of the Indian Government to reduce that duty whenever they could. Within the last six years it had been reduced 25 per cent, and he had no doubt that the Government of India, as soon as they felt that they could safely do it, would be well disposed to continue the same system of reduction. With regard to the mode of collecting the duty, that was a question with which he should be sorry to interfere, because it was one which entirely belonged to the Indian Government. He should be glad, however, to see the system of Excise introduced there, if it could be done with safety to the revenue, and without imposing hardship upon the people.

Sir JOHN PAKINGTON said, that as far as the answer of the right hon. Gentleman went, he must regard it as satisfactory. But as the question was one which affected the interests of 150,000,000 of people, and was one which could not be allowed to remain in its present position after what had occurred, he begged to give notice that unless the conduct of the Government of India and of the Board of Control should appear to him to be satistory upon that subject, it was his intention to revive the question in the next Session of Parliament.

THE COLONY OF VICTORIA.

Sir JOHN PAKINGTON said, he would now beg to ask the hon. Under Secretary for the Colonies whether it was the intention of Her Majesty's Government to propose any alteration in the Order of Council under which the tenants of pastoral runs in the Colony of Victoria were entitled to claim leases, or to send any new instructions to the Governor on the subject of those leases; and whether he would lay on the table of the House all correspondence which had taken place between the Colonial Office and the Governor of Victoria with respect to the rights and claims of the holders of licences for the occupation of such lands? It was only necessary to explain, that when the late Government conceded to the Legislature of the Australian Colonies the management of their waste lands, they had no intention thereby to interfere with or to prejudice any existing rights or claims.

Mr. FREDERICK PEEL said, that the question of his right hon. Friend was not only one of very great interest, but was perhaps the most important and the most difficult of any at present under the consideration of the Colonial Office. There was a great and serious difficulty felt by the Government of Victoria, and also, although to a lesser degree, by the Government of New South Wales, in putting up to sale by auction land in sufficient quantity, and in localities to which the preference was given so as to meet the wants of those persons who, having acquired wealth in consequence of the gold discoveries, were desirous of investing their gains in the purchase of land. Those difficulties arose out of an Order in Council issued in the year 1847, which had been based on an Act of Parliament of the preceding year. That Act and that Order in Council gave to the holders of pastoral runs certain rights to leases, rights to the renewal of leases, and rights of pre-emption, which, if the Government were to concede to the full extent contemplated at the time the Order in Council had been issued, would give rise to very serious embarrassments. He was not then able to say what course the Government might ultimately take upon the subject. He was not able to say whether they would feel it necessary to amend the Order in Council, or whether they would feel that they had sufficient powers reserved to them under that Order in Council to meet the difficulty. The right hon. Gentleman was, perhaps, aware that under that Order in Council they could make public reserves for the settlement and improvement of the Colony, and that they could also, by extending the settled districts, extinguish the right of pre-emption over certain portions of the soil. But the question was still under the consideration of the Colonial Office. It was their intention, however, to dispose of the subject before the control over the waste lands should have been handed over to the local Legislature; and as soon as their decision should have been come to, they would be prepared to present to Parliament all the papers relating to the question.

THE COINAGE.

Mr. THORNELY said, he wished to put a question to the hon. Gentleman the Secretary to the Treasury upon a subject of considerable public importance. Universal complaints were at present made in the metropolis and throughout the country of a scarcity of silver coin. He wished to know whether any measures hed recently been taken at the Mint to remove that great inconvenience? Complaints were made, too, of the scarcity of copper coin; and he begged to ask his hon. Friend whether the authorities at the Mint were taking any steps to remedy that inconvenience also?

Mr. J. WILSON said, he was glad to have that opportunity of explaining what was the position of the Mint with regard to the coinage of this country, which had recently been the subject of so much complaint. With regard to the copper coin, the House would recollect that he had stated some time ago that a contract had been entered into with a house in Birmingham for a supply of 500 tons of that coin. The delivery of that supply had been commenced on last Saturday. The first portion of it was required for the Ionian Islands, Ceylon, and other Colonies. He believed that the remaining portion of the supply would be speedily delivered, and that all parts of the Empire would soon be provided with a sufficient amount of copper coin. With regard to the silver coin, he had to state, that in the eight weeks terminating on last Saturday, 244,800*l.* of that coin—a quantity perfectly unparalleled in the annals of this country—had been manufactured at the Mint, and that silver coinage would be immediately succeeded by the manufacture of 1,000,000 of half-sovereigns, to assist the silver coinage in the way of change. As complaints had been directed against the Mint upon that subject, he hoped he should be allowed to state what the Mint had done during the period which had intervened between the 1st of January in the present year and Saturday last, as compared with the corresponding period of preceding years. He found from a return which he had received from the Master of the Mint, that the quantity of gold coined in that period had been as follows:—In 1850, 66,000*l.*; in 1851, 4,195,000*l.*; in 1852, 4,453,000*l.*; and in the present year, 9,099,000*l.*—or more than double the quantity in the two preceding years. He found that the quantity of silver coined in the same period had been as follows:—In 1850, 129,000*l.*; in 1851, 19,000*l.*; in 1852, 32,000*l.*; and in the present year, 416,000*l.* He hoped that statement would show that, if any inconvenience had been felt from the deficiency of coin, that inconvenience had not arisen from any fault on the part of the authorities at the Mint.

RUSSIA AND THE PORTE.

Lord JOHN RUSSELL: Sir, I now rise to propose that this House at its rising do adjourn till Friday next. I have already stated that before the prorogation of Parliament I would endeavour to make some explanation to the House of the relations at present existing between Russia and Turkey. I certainly have to thank the House for its forbearance on this subject during the present Session; and, in anything that I may have to say I shall not enter into anything which might be considered to be a defence of Her Majesty's Government, because Her Majesty's Government has not been attacked in this House. On the contrary, I think every disposition has been shown to leave in the hands of Her Majesty's Executive Government the conduct of the negotiations in this important case. I have, however, a few words to say as to the production of the papers which some Members of this House think ought to have been laid on the table. Upon that subject I will say that, on reverting to what has been done on previous occasions, even in circumstances exceedingly critical, I have not found that it has been usual to lay on the table of the Houses of Parliament papers relating to the negotiations in a state similar to the negotiations which have been lately carried on, and which are now being carried on among the Powers of Europe. I find that in the year 1840, when a convention had been signed amongst various Powers of Europe, with respect to the relations of Turkey and Egypt, my hon. Friend the Member for Montrose (Mr. Hume) asked my noble Friend the Member for Tiverton (Viscount Palmerston) then Secretary of State for Foreign Affairs to produce the convention, and lay it on the table of this House. That happened on the 6th of August, and the prorogation of Parliament took place on the 11th of the same month. My noble Friend declined to lay that convention on the table, as it was not then ratified; but he entered into some explanations at that time, and he stated that the whole of the papers relating to the negotiations would be laid before the two Houses of Parliament at a later period. In the year 1844, again, some discussions took place between this country and France, with respect to an occurrence at Tahiti; but Sir Robert Peel, who was then First Minister of the Crown, beyond informing the House at its last meeting, which was held in September, that an amicable adjustment of those differences had been effected, did not make any communication to the House, nor lay on the table any papers. In fact, I think that, according to all practical sense with regard to these matters, the period for laying papers before Parliament is when negotiations, whether they end amicably or otherwise, have been brought to some conclusion which would enable the Government to say that they were in a state to be communicated to Parliament. It has been alleged that on a late occasion I departed from this practice by laying on the table of the House papers relating to transactions which took place at Florence in the case of the Madiais. But I beg to observe that that was a negotiation which, on the part of Her Majesty's Government, had been entirely concluded. I had thought it necessary to make representations in strong language to the Tuscan Government. I received a communication in answer to those representations, and it had not been my intention to proceed with any further representations or negotiations. I had wished rather to appeal to the public opinion of this country and of Europe on that subject; and I had no intention of entering into any further negotiations with regard to it. Therefore, the House will see that the papers in that case were in a fit state to be laid before Parliament. Now, with regard to what took place in the differences which have arisen between Russia and Turkey, all I propose to do at present is to give an outline to the House of the transactions as they occurred, and to state what is the present position of the negotiations. I do not propose to refer—it would not be fair or right in me to refer—to any papers that are in the nature of secret papers, and which have not been laid before Parliament. I will only refer to those transactions which I believe must have become known to this House and to the country by the publication of different State Papers, and by the course which events have taken. When the present Government entered upon office, my attention was immediately called to the question of the Holy Places at Jerusalem, by the Russian Minister at this Court; and I was told that that question was one of a very important nature, and would probably give rise to some difficulty. I immediately turned my attention to that subject; and I think on the very day on which I took the seals of the Foreign Office, I wrote a private letter to Lord Cowley, Her Majesty's Ambassador in Paris, requesting, as my predecessor had done, his earnest attention to that subject. At a later period I was informed by the Russian Minister that it was the determination of the Emperor of Russia to despatch a special embassy to Constantinople, with a view to put an end to the differences and complaints that had existed upon this subject. The Emperor of Russia complained that certain privileges which had been enjoyed by those professing the Greek religion at Jerusalem had been withheld, and that certain concessions which had been made on this subject by the Sultan had been withdrawn. It was, therefore, a legitimate object on his part to seek to obtain a settlement of those questions; and the Russian Minister stated that, as concessions which had been made at one time had been withdrawn at another, it was the object of the Russian Government, in some form or another, by some act of a solemn nature, to obtain a settlement of these differences which would not be liable to perpetual disturbance hereafter. Of course I could not object to the special embassy from Russia to the Sultan on the subject; but I expressed my hope that the mission would be of a conciliatory nature, and that nothing would happen which would disturb the pacific relations existing between Russia and Turkey and the other Powers of Europe. Prince Menschikoff, who was entrusted with that mission, arrived at Constantinople, and had, I think, an audience with the Sultan on the 2nd of March. An incident then occurred which created a good deal of alarm. Fuad Effendi, the then Turkish Minister for Foreign Affairs, was pointedly slighted by the Russian Ambassador, and he immediately gave in his resignation. Other circumstances tended to excite alarm; and Colonel Rose, then *Chargé d'Affaires* on the part of Her Majesty at Constantinople, at the request of the Grand Vizier, wrote to say that it might be desirable that the Admiral, who was then contemplating a cruize, should hasten his departure from Malta, and approach nearer to the entrance to the Dardanelles. However, about a week afterwards these apprehensions were a good deal allayed—some of the reports which had been prevalent were found to be erroneous; and Colonel Rose wrote a second time to say that the Grand Vizier no longer persisted in his wish, and, therefore, he would withdraw the request he had made for the presence of Admiral Dundas's fleet. At a later period—in the beginning of the following month, namely, April—Lord Stratford, who was then at Constantinople, was informed by the Turkish Minister that certain propositions had been made to the Turkish Government to which they were unwilling to accede. I should say that up this time the Government of Her Majesty at home, and Her Majesty's Minister at St. Petersburg, had always understood that the demands to be made by Russia had reference to the Holy Places, and were all comprised, in one form or another, in a desire to render certain and permanent the advantages to which Russia thought herself entitled in favour of the professors of the Greek religion. Lord Stratford understood from the Turkish Minister that it had been much desired by the Russian Ambassador that the request which was made on the part of Russia should be withheld from the knowledge of the representatives of the other Powers of Europe. I believe that these demands were as new to the Government of France as they were to the Government of England, and that they were as new to the Government of Austria as they were to the Government of France. After a considerable time these propositions were changed in their aspect; and the House has heard, and hon. Members will, doubtless, recollect reading in the papers, that there was first a convention proposed in one form, and afterwards a convention proposed in another form, and that, finally, Prince Menschikoff presented a note to the Turkish Government, which note was to be signed by the Turkish Minister of Foreign Affairs, and which he stated was the least concession which he could make, and that, unless that note was signed by the Turkish Minister for Foreign Affairs, Prince Menschikoff and his mission would be obliged to leave Constantinople, adding, that Russia would not be responsible for the very grave evils which might ensue. Language at least to this effect was contained in the note of the Russian Ambassador. However, the Turkish Government did not consider that the signature of such a note would be compatible with the independence and the dignity of the Sultan, and they declined to affix the signature of their Minister for Foreign Affairs to the note proposed to them. At the same time the Turkish Minister, instead of a direct and simple negative, wrote a note on his part, which he said that he was quite ready to transmit to the Russian Ambassador, if it would be taken as satisfactory, and thus to close all disputes between the two Governments. I should mention here that the question with regard to the Holy Places, and all the particulars and various details which related to the Greek and Latin Churches, had been previously arranged in a manner that was satisfactory to Prince Menschikoff and the Russian Government. Prince Menschikoff, however, instead of accepting this note, or considering it as a basis for future negotiation, immediately withdrew his mission from Constantinople, and retired to the Russian frontier. Sir, I regard this circumstance as one that was very greatly to be lamented. It has always appeared to me that on the one side and on the other there were statements which could be admitted, while there were others which might have been the subject of compromise and arrangement. The Russian Minister maintained that Russia had by certain treaties, especially by those of Kainardji and of Adrianople, the right to expect that the Christians in the Turkish territory would be protected, and he declared at the same time that Russia did not wish in any manner to injure the independence or the integrity of the Turkish empire. The Sultan's Ministers, on their part, maintained that it was their duty above all things to maintain the independence of the Sultan—that nothing should be acceded to which would be injurious to his dignity, or would derogate from his rights; but at the same time they declared that it was the intention of the Sultan to protect his Christian subjects, and to maintain them in the rights and privileges which they enjoyed by concessions and edicts that had been issued by himself and his predecessors. Such being the statements on the two sides, I own it appears to me that the withdrawal of the Russian mission from Constantinople, aided at the same time as it was—aided, I mean, as a means of compulsion by the preparation of a large Russian force, both military and naval, on the frontier of Turkey—was a most unfortunate step, and has been one which has given, naturally, very great alarm to Europe, while it has imposed great sacrifices both upon Turkey and the Turkish provinces adjoining Russia. Her Majesty's Government, when these appearances became so serious, thought it necessary to give directions that Her Majesty's fleet should leave Malta and approach the neighbourhood of the Dardanelles. The French fleet had a short time before been sent to the Bay of Salamis; but there was a perfect concert between the two Governments upon this subject. It was alleged by the French Government, and truly alleged, that while their fleet remained in the harbour of Toulon it was not so much within reach of any demand from Constantinople as the British fleet would be at Malta, and that it was desirable that the two fleets should be ready to act together if such a step should be unfortunately necessary. That allegation had been perfectly borne out by the facts, because, when the orders were ultimately given to the two fleets to proceed to Besika Bay, it was found to be not only as easy but more easy to give directions at Malta to have the English fleet sent to Besika Bay, than it was to order the French fleet from the Bay of Salamis to Besika Bay. Therefore, the two Governments upon this occasion, and throughout the whole negotiations, have acted entirely in concert, and have endeavoured in a similar spirit, by daily and constant communication, to obtain a solution of this question, which would be compatible with the independence and the dignity of the Porte, and which at the same time might not lead to any interruption of the peace of Europe. Sir, the next step that was taken by the Russian Government was, a direction to the army of Russia to occupy the Principalities, there being at the same time a declaration put forth on the part of the Russian Government that this act was not to be considered as a hostile invasion of the Principalities, or as an act of war, but that it was intended to occupy the Principalities as an imperial guarantee for peace, and as a means of pressure upon the Turkish Government, in order to obtain those moral securities for peace which the Russian Government had hitherto sought by negotiation. It was considered by the English and French Governments, as well as by the Turkish Government, even before they had any communication either with Great Britain or France, that it would be desirable, seeing what great interests were at stake, to forego the clear and undoubted right of Turkey to consider this proceeding as a *casus belli*, and that it would be desirable to enter into further negotiations, by which the ends sought for might be attained. No actual hostilities, therefore, further than the occupation of those provinces by the Russian forces, have hitherto taken place. Sir, it was the opinion of Her Majesty's Government that, whilst they placed the fleet of Great Britain in conjunction with the fleet of France at the disposal of the Ambassadors of the two Powers in Constantinople, to be called up to Constantinople in case of emergency, it was at the same time desirable to gather up the broken threads of the negotiations, and to attempt to arrive at some arrangement by which the question might be settled, and the peace of Europe maintained. The different Powers considered of various means for this purpose; but more especially the Minister for Foreign Affairs of France —a gentleman whose talents, moderation, and judgment, it is impossible not to estimate highly—drew up a note, which we considered omitted the objectionable part of the demands of Prince Menschikoff, and those parts of the Turkish note which the Russian Government might think inadmissible, and endeavoured to frame a note to which the two parties might agree. About this time the Austrian Government had, as I have stated on a former occasion to this House, declined the proposal—previously to this time, I should say, it had declined the proposal of Her Majesty's Government to enter into any conference on these important circumstances. But when the Russian Government had occupied the Principalities, Austria changed her views of the subject; and she declared that, in conformity with the spirit of the treaty of 1841, it was absolutely necessary for the representatives of the various Powers to meet in conference, and to endeavour to obtain some amicable solution of differences which might otherwise imperil the peace of Europe. The Minister of Foreign Affairs of Austria took the proposition of the French Government as the groundwork of the proposition which he made to the conference. I have already stated, on a former occasion, that it was an Austrian proposition, but it came originally from France. That proposition was submitted for consideration about the 24th July, and no doubt information was immediately conveyed to St. Petersburg of the intentions of the Austrian Government. Her Majesty's Government requested to see the note as it was proposed, with such modifications as the Austrian Government might think it necessary to introduce. That, of course, led to explanations and further communications; and it was not till the 31st—that is, a week after the first conference—that the final conference was held, in which the form of the note was completely arranged and settled to the satisfaction of the representatives of the four Powers and their respective Governments. The House has already heard—and that intelligence has been confirmed by subsequent information—that the Emperor of Russia has given his adhesion to the note of the four Powers: therefore, so far as that original cause of dissension is concerned, and so far as the Emperor of Russia has a demand to make, in that respect the Emperor of Russia no longer insists upon the exact form of Prince Menschikoff's note, which, according to some of the State papers that have been published, would appear to have been the case, but considers that his objects will be attained and that his honour will be saved, if the note as thus prepared by the four Powers be agreed to by the Turkish Government. I have stated already that it was upon the 2nd August that this note was sent to Constantinople. There has not been hitherto any communication from Constantinople with respect to the reception of that note; but this I can state, that upon the 23rd of last month the Turkish Ministers were prepared to send to Vienna, and subsequently to St. Petersburg, a communication based upon the former note in its mode of meeting the demands of Russia, and in respect to which I think that, having agreed to the former note, they would bind themselves to agree to the note which has met the assent of the four Powers. Sir, supposing, what, however, is quite unsettled—supposing that note to be finally agreed upon as the communication which shall be made by Turkey, and which will be satisfactory to Russia, there will still remain the evacuation of the Principalities. Sir, it is quite evident that no settlement can be satisfactory which does not include, or immediately lead to, the evacuation of those Principalities. According to the declarations which have been made by the general commanding the Russian forces—Prince Gortschakoff—that evacuation ought immediately to follow upon satisfaction being given to the Emperor of Russia. I will only say further, that it is an object which Her Majesty's Government consider essential; but with respect to the mode in which that object is to be attained, I must ask permission of Parliament to say nothing further upon that head, but to leave the means of attaining the end in the hands of the Executive Government. With respect to the question which has been raised regarding the fleets of England and France at Besika Bay, that, of course, cannot be made any condition, because we ought to have it in our power at all times, supposing Turkey to be in any danger, to send our fleet to the neighbourhood of the Dardanelles, in order to be ready to assist Turkey in case she should be attacked. Therefore we cannot consent to any arrangement by which it may be stipulated that the advance of the fleets to the neighbourhood of the Dardanelles shall be considered equivalent to the actual invasion of the Turkish provinces. With respect to anything further, if these questions shall have been settled, if peace is secured, Besika Bay is not a station which would be of any advantage to the Government either of England or of France. I can only add that, whilst I regret not to be able to state that the whole of these transactions are terminated, yet I do think that there is now a fair prospect that, without involving Europe in hostilities, the independence and integrity of Turkey, which from the beginning of the Session I have always stated to be the main object of the policy of Her Majesty's Government in reference to the affairs of the East, will be secured, and that in no very long period. I am sure this House will feel—I know that this country feels—that, if that object can be secured by negotiation, without involving Europe in the calamities of war, it will be a result which the whole world will value, and upon which we shall have reason to congratulate ourselves. I am quite sure that my noble Friend at the head of the Government may well console himself for any attacks that may have been made upon him in contemplating such a result, and that we have cause to appreciate highly the mixture of firmness and judgment by which he has been enabled to attain the end that is before us. Sir, I will only further say that this question of the maintenance of Turkey is one that must always require the attention—the vigilant attention—of any person entrusted with the conduct of the foreign affairs of this country; and further, that I think it can only be secured by a constant union subsisting between England and France, and by a thorough concert and cordial communication between those two Powers. I have now stated, Sir, the general outline of the negotiations that have already taken place, and the present position of the question. I have not entered into any arguments on this subject—I do not think this is the proper occasion to do so. If hereafter, on the papers being produced, any party in this House, or any Member of this House, shall think that the conduct which has been pursued and the policy which has been adopted require censure or observation, then I shall be ready to meet those observations and to defend the course which we have pursued; but all I thought necessary on the present occasion was to make to the House such a statement as would enable it to comprehend the present state of these transactions.

Mr. LAYARD: Sir, I hope that the House will grant me that indulgence which it usually grants to Members who address it for the first time, and will permit me to say a few words on a subject which, as the House may be aware, has long and deeply interested me. My noble Friend the Member for the City of London has commenced by stating that he is not going to defend the policy of the Government, as that policy has never been attacked—and for a very good reason—the noble Lord has never given me or any other hon. Member an opportunity of making any comments whatever, either favourable or unfavourable, upon the policy of Her Majesty's Government. My noble Friend will, therefore, I trust, admit that I have in this Motion shown no factious desire to impede the policy of the Government, or to throw any difficulties in their way, or to induce Her Majesty's Ministers to make disclosures which might prove injurious or inconvenient to the public service. I hope my noble Friend will believe, and that the House will believe, that I should not have been so presumptuous as to put myself forward in a matter of such vast importance and of so eminently delicate a nature had I not been conscientiously convinced that I had an act of duty to perform, and that I might, however humbly, throw some light upon the question at issue. Indeed, in the first instance I was of opinion that discussion in this House, and a public statement of the true facts of the case, which had been greatly misunderstood and distorted, would have much contributed towards strengthening Her Majesty's Government in pursuing a firm and wise policy. But I have in this respect also shown, I trust, a due deference to the opinion of Her Majesty's Government, and remained silent, although, by so doing, I have exposed myself to considerable misapprehension and even animadversion. Some persons, and those for whose opinions I have great respect, have been led to believe that I, and those friends who share in my sentiments, have wished to urge this country on to a war. A war, Sir! Is there any man so reckless, so insensible to the inestimable blessings of peace, who would in these days urge this great country on to an unnecessary war? But, nevertheless, while professing these sentiments, I cannot but express the regret I have felt at hearing the language which has been on more than one occasion, and in more than one place, held by the noble Earl at the head of Her Majesty's Government, "that his policy is essentially based on peace." Such, in my humble opinion, should not be the language of a great statesman. The man to whom the interests of this great country are confided should have no other policy than that which is consistent with, and which best becomes those interests. If, unfortunately, the honour and interests of England can only be maintained by war, we should be ready to go to war; and I, Sir, for one, have no doubt that, when convinced of the necessity of war, every man in this country will heartily make any sacrifice to bring it to an honourable issue. But if we can maintain peace consistently with that honour and those interests, then no sacrifice too great can be made to preserve so great a blessing. Why have we heard on all sides during the recent alarm—in the lobby of this House, in private circles, amongst men of all opinions—"Had the noble Lord the Member for Tiverton been at the Foreign Office, we should not have been in these straits." Was it because the country wanted war? No, Sir; it was because the country was convinced that the best means of preserving peace was to assume at once a firm and dignified attitude; to let the world know that, however anxious England might be for peace, she was prepared for war if unfortunately she should be called upon to go to war in support of her own rights, or of those rights which she was bound by treaty to defend, or upon which depended the balance of power in Europe. No other attitude was worthy of this country; any other attitude was but an encouragement to such lawless Powers as Russia, and must ultimately and inevitably lead to war. The words spoken by the great Lord Chatham on an occasion very nearly similar to the present, were so apposite, almost indeed prophetical, that I trust the House will permit me to quote them:—

> "My Lords, I cannot agree with the noble Duke, that nothing less than an immediate attack upon the honour or interest of this nation can authorise us to interpose in defence of weaker States, and in stopping the enterprise of an ambitious neighbour. Whenever that narrow, selfish policy has prevailed in our Councils, we have constantly experienced the fatal effects of it. By suffering our natural enemies to oppress the Powers less able than we are to make a resistance, we have permitted them to increase their strength, we have lost the most favourable opportunities of opposing them with success, and found ourselves at last obliged to run every hazard in making that cause our own, in which we were not wise enough to take part while the expense and danger might have been supported by others. I fear, my Lords, it is too much the temper of this country to be insensible to the approach of danger until it comes with accumulated terror upon us."

With regard to the question at issue, the real point of difference between Her Majesty's Government and myself is, whether a great principle has been involved, and whether the conduct of Russia has been part and parcel of a great scheme of policy, or whether it has been a mere casual and temporary occurrence, which could be patched up without material injury or gain to any party concerned. I confess that in my humble opinion a great principle has been concerned in this question, and that it is but a part and parcel of a great and matured line of policy. Without troubling the House at this late period with a recital of all the circumstances connected with Prince Menschikoff's mission—a recital such as the noble Lord has made, and which I should almost blush to make, and which would afford examples of duplicity, falsehood, injustice, and insolence unequalled in diplomacy—I think I shall be able to show upon what grounds that opinion is founded. The whole question resolves itself simply into a question of independent nationalities. I have heard much of the concessions made by the Porte to France, and of the intrigues of M. de Lavalette. They might have formed a very good excuse for the conduct of Russia, and the mission of Prince Menschikoff; but I will venture to say that they had very little really to do with the matter. I know from undoubted authority—and I have no doubt that Her Majesty's Government is also aware of the fact—that M. Titoff, the Russian Minister, had had in his possession for days, if not for weeks, the draft of the firman afterwards granted to the French Government, and upon which the demands for redress of the Russian Government were founded, and that no objection whatever was made to that document. Moreover,

we have seen that the French Government at once disavowed M. de Lavalette, and renounced any extraordinary privileges inconsistent with the pretensions of Russia which that firman might have enforced upon her, wisely deeming it more becoming the true dignity of a great nation like France to make concession than to endanger the peace of Europe by insisting upon empty religious privileges, but little in accordance with the spirit of the age, but to which, it might not be difficult to prove, she had to a considerable extent an actual treaty right. But let us look to the conduct of Russia. Two or three acts of Prince Menschikoff will give the key to his whole policy, and they are those acts which, as usual, have been the least noticed and commented on. On his arrival at Constantinople, and immediately after his public entry, celebrated by every demonstration calculated to insult the Porte, and to encourage rebellion amongst its Christian subjects, Prince Menschikoff demanded the dismissal of M. Garaschinin, the popular First Minister of the Prince of Servia—a demand which was unfortunately conceded without any notice being taken of it in this country, but which called forth a firm and dignified remonstrance from the Servian Senate—a document so honourable to those who framed it, that I regret time will not permit me to read it to the House. This first step would have given the keynote to the whole of Prince Menschikoff's mission to any one acquainted with the usual course of Russian policy in the East. M. Garaschinin was the popular and national Minister. He was one of those men whom the events of 1843 had brought forth—events of which I may presume to speak with some confidence, as I was not altogether unconnected with them. The House might remember that at that period Prince Michael, the son of Milosh, was expelled by a popular movement from Servia, and the present Prince, Kara-George, elected in his stead. This was a purely national movement, made against foreign influence, especially against that of Russia, in whose hands Michael had become a mere tool. The Russian Government claimed a right of interference, which in my humble opinion was completely unauthorised by treaties, but in which unfortunately she was supported by the English Government. She compelled the Porte, under threats of invasion, to cancel the national act, and to expel all those who had been engaged in it from Servia. The noble Earl now at the head of Her Majesty's Government, but then Foreign Secretary, justified his policy by a declaration which has always appeared to me subversive of all public law, and as calculated to render the will of the strongest the law of Europe. He declared, "that Russia had the right to put her own construction on her own treaties." Shortly after, on the 15th of August, 1843, just ten years ago, my noble Friend the Member for Tiverton (Viscount Palmerston), with his usual ability, made a well-known speech on the policy of the noble Earl, in which he gave a masterly and lucid sketch of our true policy in the East. I refer to that speech more particularly because it enables me to contradict the assertion of the noble Lord (Lord J. Russell), that papers are never given whilst negotiations are pending. Why, the noble Lord the Member for Tiverton then moved for papers during negotiations, on the ground that part of the papers had already been given. He hoped his noble Friend would rise and utter similar sentiments to-day, for the facts of the two cases were strictly analogous. By her success in that transaction, Russia showed that she was mistress in Servia, and could check any rising independent nationality in that quarter. Since that time she has completely carried out her policy in the Danubian Principalities. Taking advantage of the national movement in 1848, she has compelled the Porte to expel from those provinces every man of liberal and independent opinions. They were now scattered as exiles over the face of Europe, and their return to their native land was in consequence of recent events rendered more hopeless than ever. By the convention of Balta Liman, forced upon the Porte, Russia has established her right to interfere in all the internal affairs of the Principalities; and her present occupation has proved that Wallachia and Moldavia are now, to all intents and purposes, Russian provinces. Independent nationality is very nearly crushed in them. There remain in Turkey the Greeks, and those professing the Greek religion, for there is a broad though not sufficiently understood distinction between them. A spirit of inquiry and independence has sprung up amongst the Greeks, which, with their increased commercial intercourse with the free States of Europe, has for some time past greatly alarmed the Russian Government. There is another cause for this alarm, and one perhaps little imagined in this country—the spread of the Protestant faith amongst the Christians of the East. It may be unknown to this House that, mainly through the influence and teaching of the American missionaries, scarcely a town of any importance exists in Turkey in which the nucleus of a Protestant community has not been formed. The new converts were at first, as was usual, subject to cruel persecution by the heads of the respective Churches which they had left—not, be it remembered, by the Turkish authorities. At length Lord Stratford and Lord Cowley obtained firmans of protection for the new sect, which was recognised by the Porte as one of the religious sects of the Empire, and received privileges accordingly. The spirit of religious inquiry has extended from the Armenians, amongst whom it first principally took root, to the Greeks, and in some instances whole villages have embraced the Reformed faith. The Greek clergy, backed by the Russian mission, have done all in their power to check this movement, and when persecution was no longer available, Prince Menschikoff appeared at Constantinople. I will not trouble the House with all the communications which have passed between the Russian Ambassador and the Turkish Ministers; but the note sent by him on the day of his departure, and which is far more important than it might at first sight appear, proves beyond a doubt or cavil the whole gist of the Emperor's policy and Menschikoff's mission. It will be observed that the distinction is drawn in this document between the purely spiritual rights of the orthodox Eastern Church, and the other rights, privileges, and immunities of the clergy. By the new system of administration introduced into Turkey, the power of the Greek clergy has been gradually curtailed, and the firmans lately issued for the protection of those who might embrace the Reformed faith have taken from them the power of persecution for religion's sake. The Russian Government has viewed with the greatest alarm and jealousy this interference with the temporal power of the clergy, who are nothing but the tools of Russia; hence the distinction drawn by Prince Menschikoff, and the resolution not to accept anything but the entire concession of both spiritual and temporal privileges, rights, and immunities. Whatever may be said to the contrary, Russia has succeeded. Her great object has been to crush the spirit of political and religious independence which has manifested itself of late years among the

Christian subjects of the Porte, and she will spare no effort to effect that end. And this fact leads me to say a few words upon a project with which certain parties in this country and elsewhere have endeavoured of late to familiarise the British public—the immediate establishment of a so-called independent Greek Empire at Constantinople. Now, I believe that this scheme, were there no political objections to it, is based upon a fallacy. I will remind the House that, in the first place, the true Greek population of Turkey in Europe is very small indeed when compared with the other Christian subjects of the Porte. It certainly does not amount to 2,000,000, if indeed it exceeds 1,750,000. The Greek population are confined chiefly to the province of Thessaly. Elsewhere they are merely scattered through the country in detached communities, living amidst the Sclavonians and Bulgarians, who form the real Christian population of Turkey in Europe. The language of these races is not Greek—they differ from the Greeks in blood—they look upon them with great jealousy, and for years they have been struggling to throw off all connexion with them by refusing to accept Greek priests for their clergy and bishops. The Servians, to whom I look as the nucleus of the great southern division of the Slavic race, have completely thrown off all dependence upon the Greek patriarch of Constantinople, and have elected a patriarch of their own. If we were to establish a Greek Empire, as it is called, that which occurred in the fifteenth century would inevitably occur again. The Byzantine Empire fell because it was made up of a variety of hostile and opposite races—Bulgarians, Bosnians, and Servians—in fact, the very races which still people Turkey in Europe—who became an easy prey to the Turkish hordes. The inevitable result of placing a Greek Government at Constantinople would be to throw the whole of Turkey into the hands of Russia, and to render impossible a future independence for any Christian race that might be destined to hold the Turkish provinces of Europe hereafter. Moreover, there is nothing very encouraging in the state of the modern kingdom of Greece; that experiment, at least, should warn us for the present. In my opinion, a Greek Government at Constantinople would at this time be more adverse to the spread of civilisation and of liberty than a Turkish Government. The Greek religion is essentially a persecuting religion. I need scarcely remind the House of the persecution of the Roman Catholics in Russian Poland, and of the Protestant missionaries and communities in Georgia—nor that the first article of the Greek so-called free constitution declares that proselytism is forbidden. The name of Don Pacifico is certainly not forgotten by this House, nor the annual persecution of the Jews by the Greeks. I am aware that there are some who go so far as to say that it would signify little whether Constantinople were in the hands of Russia or not. As there is no British statesman who would venture to coincide in such an opinion, it is scarcely necessary to meet it with any serious arguments; but I will only ask this question—Are we prepared to deal with all these great provinces which go to make up what is called the Turkish Empire? Remember that the moment the slender tie which binds them together—Constantinople—is broken, they must become the seat of anarchy and confusion. It is very well to talk of driving the Turks into Asia; but how are we to induce the native Mussulman population to consent to such an arrangement? It should be remembered that the Turks are merely a dominant tribe, and that the far greater part of the population of Asia are not Turks—it is made up of Syrians, Arabs, Jews, Armenians, Kurds, and a variety of other races, only held together by the moral and political prestige of the Turkish Government: destroy that prestige by subjecting the Sultan to the humiliation of being expelled from Europe, and you let loose those wild tribes, and the countries they inhabit would be the seats of anarchy and confusion. Are we prepared to take possession of Asia Minor, Mesopotamia, Syria, and Egypt, or can we allow them to pass into the hands of Russia and France? For we must do one or the other, as there is no dominant family in any of those countries except Egypt. We should not forget that although Egypt is a high road to India, Syria and the vallies of the Tigris and Euphrates form the high road, and any Power holding those countries would command India. Nor must it be forgotten, that the Power which holds Constantinople will ever be looked upon in the East as the dominant Power of the world, and with Russia at Constantinople our tenure of India would never be other than a purely military tenure. All those reforms which some of my hon. Friends who have been sitting on the benches near me have been advocating for the populations of those vast possessions—reforms in the value and importance of which I most heartily agree—will be utterly impossible. But I will not dwell upon this subject. Russia is well aware that no European statesman would permit her to take possession of Constantinople at this time. I will not say that she does not look forward to the possession of that great prize sooner or later; but her object now is to render all independent nationalities in Turkey impossible, to weaken the Turkish power gradually but surely, and to show all those who would oppose her designs that any such opposition is not only useless, but will entail upon them her vengeance; in fact, to render any other Government but her own ultimately impossible in Turkey. In this design she has entirely succeeded on this occasion, and it is on this account that I contend that a great principle is involved in the recent question, and that we ought to have dealt with it accordingly. We have committed, in my humble opinion, two grave diplomatic errors. In the first place, when Colonel Rose learnt that Prince Menschikoff was prepared with a secret treaty—a fact known to many persons at Constantinople, and that he had informed the Porte of his intention to force it upon her, forbidding it, under pain of the Emperor's high displeasure, to communicate it to the Ministers of either England or France, and when we learnt, not from mere report, but from positive and reliable information, that the Russian Government was engaged in preparing vast armaments on the frontiers of Turkey and at Odessa—we ought not to have been satisfied with such assurances as the noble Lord had stated were given to us in London and St. Petersburg; but we should at once have insisted on an immediate disarmament, or such satisfactory proofs of the pacific intentions of Russia as would have removed all doubts whatever upon the subject. Our neglecting to do so was a grave error. That error having been committed, the results were inevitable; but we had another opportunity, and committed a second error. The very moment we were informed by Russia that she intended to cross the Pruth, we ought to have said to her, "As soon as you enter the Turkish territory, we shall consider it a *casus belli*, and bring up our fleet to Constantinople." I do not mean to say that we should have gone to war; but this would have been the effect of our declaration: All the treaties of Russia with the Porte, upon which she founded her pretensions to protect and interfere with the Christian subjects of the Sultan, would have been, *ipso facto*, by the law of nations abrogated, and we should then have insisted that Turkey should enter into no new treaties with Russia, to which France and England were not privy, and of which they did not approve. Had we held such language with firmness, I, for one, believe that Russia would never have dared to cross the Pruth, and we should in the very beginning have brought this question to an issue. I have little doubt that the Russians will now evacuated the Principalities. It would not be worth the while of Russia to engage in a war with the great Powers of Europe on account of those provinces, which are, to all intents and purposes, her own. She has accustomed Europe to their occupation without a case of war, and she has shown that she may do with them as she pleases, and that any one of their inhabitants who may dare to oppose her, will be subjected to her heavy displeasure. We scarcely knew the importance of even her present power over the Principalities. I will put aside the consideration of our trade—no insignificant consideration, however—but I will observe that Russia, influencing those Principalities as she does, although not actually possessing them, has a complete command over the Danube, and can bring her intrigues to bear upon the whole Sclavonian population of Turkey. It should be borne in mind, also, that the Principalities united to Bessarabia—a province inhabited by a similar race—on one side, and Hungary on the other, would cut in two the great Slavic race. It would seem that Providence had thus placed this alien tribe in the midst of the Sclavonian races, that Russia might not, by uniting them under one sway, acquire a power fatal to civilisation and freedom. We have lost a golden opportunity of making these provinces the barriers against Russian ambition. To Wallachia and Moldavia, independent and united with Bessarabia—a province which, by one of those fatal errors we have so repeatedly committed, we have allowed to fall into the hands of Russia—we must ultimately look, I believe, for the only means of preserving Constantinople from Russia. We have, we are told, to congratulate ourselves upon having achieved a victory—a peaceful diplomatic victory—if we induce the Russians to leave the Principalities. I much doubt the victory. Russia has gained, without firing a shot, what would have been to her well worth purchasing by a bloody and expensive campaign. She has established her power in the East, she has humiliated Turkey, she has compelled her to submit to an invasion without resistance, she has exhausted her resources, and, what is more, she has humiliated this country and France in the eyes of her own subjects, and of the populations of the East. What have we done for Turkey, who opposed the demands of Russia with our sanction and support—demands which we had previously admitted to be outrageous and unjust? We have subjected her to humiliation, and to all the expenses of war; and we are now urging her to accept the very demands which we advised her, in the first instance, to reject. And how have those demands been now urged upon her, and what does their acceptance involve? Why, we have just learnt from the noble Lord (Lord John Russell) that the draught of the proposals to be agreed to by the representatives of the four Powers at Vienna was first communicated to St. Petersburg, and was, of course, eagerly accepted—the acceptance being sent back without delay, and before the proposal could have even reached the Porte. Now, what are the consequences—what if the Porte declines to adhere to this proposal, Russia will call upon us to support her in compelling the Turkish Government, who has the real voice in the matter, and can alone judge how far the proposal affects her rights and independence, to accept that which we have sanctioned and recommended. In fact, Russia has turned the tables completely upon us, and has made us her allies against Turkey, instead of our being supporters of Turkey in resisting an unjust and unrighteous demand. If Turkey accepts the proposal under this terrible pressure—for it is a terrible pressure—Russia now being united with the four great Powers of Europe against the Porte: if she accepts the proposed note, I say we shall have directly sanctioned the pretensions of Russia to protect and interfere on behalf of 12,000,000 of the Christian subjects of the Porte—a privilege which she might always have claimed, and, to a certain extent, exercised, but in which we have never acquiesced. Why, Sir, this is monstrous. Let this case be reversed. If Turkey had been in the place of Russia, what should we have done? Why, we should have compelled her to evacuate the Principalities at once, to have paid the whole expenses caused to Russia by an unrighteous and unwarrantable act; and, in addition, to have made a complete and ample apology. Nothing less than this will now satisfy the ends of justice. If we do not deal with this outrageous case after this fashion, we show to the world that we have one measure for the weak and another for the strong, and we forfeit our character and *prestige* in the East, rendering the position of our Ambassador at Constantinople utterly untenable. When once this great country has lent itself to a palpable act of injustice, as she has unfortunately done in this instance, she must descend in the scale of nations. Look at the question as we may, we have taken the place of a second-rate Power, and conceded that of a first-rate Power to Russia alone. It is said that the question is settled; but I contend that it is only a question deferred. Allied with France, supported by the public opinion of the whole of Europe, engaged in a just and righteous cause, we have lost an opportunity which may, perhaps, never occur again, of settling on a proper basis this great Eastern question, and those vast conflicting interests that yearly threaten the peace of the East, and of assigning to Russia that place to which, as a great Power, she is entitled, and which I should be the last person to refuse her; but beyond which the safety of Europe and the interests of civilisation and freedom forbid that she should go. Better would it have been to have induced Turkey at once to have accepted Prince Menschikoff's proposal, than to have abetted her in a resistance which has only ended in her humiliation and disgrace; and which has inflicted a blow upon her which must accelerate her ruin, and render utterly hopeless any attempt to preserve her as an independent Power. Russia has been enabled to strike a blow at Turkey which Turkey will never recover. But it is not only in Turkey and in the East in general that the effects of this fatal policy will be felt. Sweden, Denmark, Germany, and every weak State in Europe, which depends for support—aye, for its very existence—upon the high character of England, and our known respect for treaties, will look upon further opposition to the encroachments of Russia as hopeless. I have witnessed all these circumstances with extreme pain and regret. The day will probably come when we shall see the fatal error we have committed, and repent a policy against which, as a humble Member of this House, I can only record my solemn protest.

SIR JOHN PAKINGTON: I cannot, Sir, help thinking, that we have reason to complain of the shortness of the notice which the noble Lord (Lord J. Russell) has given of his intention to bring this subject before the House. We might fairly have expected that on Friday last, or at latest on Saturday, the noble Lord would have made known his intention to make the statement we have this day heard. I am quite sure that after the repeated postponement of this subject, that postponement having been repeated at the request of the noble Lord, the noble Lord must feel that my right hon. Friend the Member for Buckinghamshire (Mr. Disraeli) would have desired to hear any statement which the noble Lord might have to make, and to take part in any discussion that might arise. My right hon. Friend left London only yesterday morning; and he will read, I believe, with as much surprise as I learnt yesterday that it was the intention of the noble Lord to make the statement to the House which we have just heard. After having listened to that statement, and to the tone in which it was made by the noble Lord, I feel that it would be inexpedient now either to express any opinion on the policy which Her Majesty's Government have adopted on this question, or to follow the noble Lord through the various topics to which he has adverted, or to touch upon those details into which the hon. Gentleman who has just sat down entered in the course of his speech. But I cannot refrain from expressing my very deep regret that, before Parliament separates, it should not have been in the power of the noble Lord to make a statement more satisfactory to Parliament and to the country, than, I am sorry to say, we must regard the statement he has just made. In one respect, however, I heard what fell from the noble Lord with great pleasure. I was very glad to hear the noble Lord confirm what was stated in another place by a noble Colleague of his; namely, that Her Majesty's Government were determined to regard the evacuation of the Principalities as a *sine quâ non*. But I certainly heard, on the other hand, with great regret, the noble Lord's solution of that question on which I believe there has been an unusual amount of public anxiety lately; namely, whether the note agreed on by the Four Powers contained a provision for the evacuation of the Principalities. I should be very sorry at all to misunderstand what fell from the noble Lord on this important subject; but my impression, as I followed him in what he said, was, that he distinctly stated that the note agreed on by all the Four Powers, does not involve the evacuation of the Principalities, and that that important point remains as unsettled and as uncertain as heretofore. This is what I understood to fall from the noble Lord, and, if it be so, I am afraid the country cannot consider this question as being otherwise than in a very uncertain and unsettled state. We have, however, had the satisfaction of hearing from the noble Lord that Her Majesty's Government consider that evacuation indispensable before we can arrive at a satisfactory state of things. I have no hesitation in saying, that in this determination on the part of Her Majesty's Government they will be supported, not only by the opinion of this House, but I believe by the almost unanimous opinion of the people of this country. I believe that the people of this country are as united as they have ever been on any public question, on the necessity of making that evacuation an indispensable condition, and of preserving unimpaired the integrity of the Turkish Empire. The noble Lord said a good deal —and very justly and properly said a good deal—of the great importance of preserving to this country those blessings of peace which we have so long enjoyed. The noble Lord's Colleague, the noble Lord at the head of the Administration, said more, if possible, than the noble Lord opposite on that subject; and the hon. Gentleman who has just sat down may be thought to have said too much on the question. But so far we will agree with the noble Lord at the head of the Government and the noble Lord opposite. I have no doubt that all parties in this House and in the country desire that the blessings of peace should be preserved. On the other hand, with equal confidence I may say that all parties, as I trust, in this House, that all parties, as I believe, in the country, wish peace to be preserved as long only as it can be so with a due regard to the honour of this country and to the balance of power which has been hitherto maintained. I do not feel that I should be justified in going further into the subject in the absence of the papers, which the noble Lord, I regret to learn, still thinks it inconsistent with his duty to lay before the House. I have no right to question the judgment of the noble Lord on this point. The noble Lord and Her Majesty's Government are, I am willing to believe, the best judges whether the papers ought to be produced. Until they think fit to produce those papers, they are entitled to the forbearance of Parliament; and we ought not to press for the premature production of the papers. But, until those are produced, it will be impossible for this House or the country to form a conclusive judgment on the policy which Her Majesty's Government have pursued. Till the House shall be in possession of further information than we now possess, it will be impossible for Parliament or the public to judge how far Her Majesty's Government were justified in concurring in the advice given, I understand, by the Four Powers to Turkey, not to consider the invasion of the Principalities a *casus belli.* Neither can the House nor the public form a conclusive judgment on a question on which great anxiety is felt; namely, whether the blessings of peace might not have been better secured and more surely maintained if the Government had thought fit to follow a more vigorous and decided policy at an earlier period of these negotiations. The House will bear in mind that this question has been pending for many months. For six months it has been unsettled. Not only have the interests of Turkey suffered, but the interests and commerce of this country have suffered from the long suspense; and it will be for the Government to show hereafter that they are not responsible for the suspense and for the injury that have accrued. Having made these remarks, I shall conclude by repeating that I deeply regret that the announcement of the noble Lord has not been more satisfactory than I am able to consider it, and that I, for one, must reserve my judgment on the policy which the noble Lord and the Government have pursued on this highly important question. I beg to add, that I say so without the slightest desire to make those important questions or those momentous interests party questions; but till the papers are produced, I must reserve my judgment with respect to the policy that has been adopted.

LORD DUDLEY STUART wished to address some observations to the House on a subject to which he had turned much attention for a great many years. He was free to admit that, although on many subjects he did not agree with the right hon. Baronet (Sir J. Pakington) and hon. Gentlemen opposite, yet on the present occasion he coincided with almost everything the right hon. Baronet the Member for Droitwich had said. With the right hon. Baronet, he thought the House had cause to complain of the Government for not having allowed some discussion of this most important subject to be taken at an earlier period. There was, he thought, the more ground for complaint, because the course taken by the noble Lord who led that House, had, he ventured to assert, been different from that which it had been the practice of British Ministers to take on similar occasions. On questions of great importance in foreign policy arising, he believed there had, in the history of this country, always been discussions, and often most animated discussions, even while negotiations were going on. One instance had been mentioned by the hon. Member for Aylesbury (Mr. Layard) in his able speech, when the Member who provoked discussion was no other than one who was now a Cabinet Minister, and the Government from whom explanations were demanded was one in which the policy on foreign affairs was led by him who was now Prime Minister, and under whom his noble Friend was serving. In regard to the affairs of Syria there were discussions in that House. When the question of the Spanish Marriages was depending, the same thing happened. But to go back to earlier times of Parliamentary history, he might state that in 1823, when the Holy Alliance chose to interfere in the affairs of Spain, and during the negotiations then carrying on in order to prevent Europe from being involved in a general war, some of the noblest and most animated debates on that subject took place in that House. On that occasion hon. Members were not slow to declare their sentiments. No Minister of the Crown ventured to tell a British House of Commons that, because negotiations were going on, it would not be proper for a Member to declare his sentiments. So far from that being the case, an hon. Member said that he thought every Member ought to declare his sentiments—ought to be obliged, on being called in alphabetical order, to state whether he thought the interference in Spain was right or wrong. How was that appeal, made by Sir Joseph Yorke, met? It was met by one who had a name that would always be great in Parliamentary history. It was answered by Henry Brougham, who thanked him, and thought the appeal ought to be joined in by every one who enjoyed the name of Briton. The noble Lord the Secretary for Foreign Affairs declared that he had no objection to have this matter discussed. If debate had been delayed, it was not so in consequence of any representations or influence of the Government, but in consequence of the advice of other parties, meaning by those other parties Lord Brougham, who had been shown to have taken a part on another occasion so totally different and so much more noble. If the subject was not an improper one to be discussed in the other House, as the Minister stated who had charge of the department to which that subject fell, why should it be improper that the subject should be discussed in the House of Commons? Members of Parliament were not sent there to bandy compliments, or indulge in eulogistic expressions. Although the explanation of the noble Lord had not been very full—for it told the House nothing but what it knew before—still from its very omissions he was afraid that they must come to the conclusion that the noble Lord had been doing something of which he was or ought to be ashamed. What had every successive Government been doing for years past, but giving assurances to Turkey that one of their greatest desires, one of the objects which they held to be of the utmost importance, was the preservation of the integrity and independence of the Ottoman Empire? But when it came to the point, how was this to be done? How did they propose to preserve the independence and integrity of Turkey? Instead of acting up to its word, the British Government was entering into negotiations with Russia, the effect of which they were not exactly told, but, so far as they could gather, it was evident that Russia, notwithstanding her violent conduct, notwithstanding that she had assailed Turkey, and, in point of fact, committed an act of war—notwithstanding her insolent demeanour, and her bad faith towards Turkey, towards us, and towards the rest of Europe, was, after all, virtually to get all she wanted. Turkey, after having been advised to resist, and encouraged, moreover, to resist by a show of having some assistance afforded to her, was afterwards urged and advised by British Ministers, who had pretended to be anxious for her independence and integrity, to give way to Russia, and to submit quietly to that which was not only a flagrant insult, but an act of open hostility. Instead of assisting to resist this aggression, the British Ministers contented themselves with advising Turkey to write submissive notes to Russia, and to deprecate the wrath of the Czar. Henceforth it would be asserted throughout Europe that Turkey had been obliged to concede to Russia that to which she had no right, and that France and England had advised that concession. He said England more particularly, because, though the Government declined to give any information, it was very well known that the Government of France was very much disposed to take more energetic and more becoming steps, and that it was the Government of England—the Government of Lord Aberdeen—which had persuaded France to recede from that which she at first had thought to be right, and to modify her intentions in order to adopt the more pusillanimous line of conduct recommended by Her Majesty's Government. Though that conduct might avert hostilities for the present, he believed that it could not lead to a permanent settlement of the question. Most probably it would only lay foundations for a future war—and a long and bloody war it would be—the responsibility and fault of which posterity would have a right to fix upon the present Government, whose false steps on this occasion had been attended with such disastrous consequences. He would yield to no one in his appreciation of the benefits of peace; this country must always desire peace; it was a rich country, and desired to grow richer, which it could do only by peace; but there were occasions in which nations were called on to make a sacrifice, and to prefer the duties of good faith and maintenance of treaties to that which might appear to be their own material and present interest. They had been told by the noble Lord at the head of the Government that peace had been preserved for thirty years with great advantage to the prosperity and liberty of Europe; but he denied that the liberty of Europe had been benefited by the peace. Where he would ask, was Poland? where Italy? where Hungary?—nay, where Germany? Where were the constitutions which had once existed? If, therefore, peace was so desirable for this country, on the other hand there was no Government in Europe which had so little to dread from war. From the one end of Europe to the other, there was but one monarch—our own—who was firmly seated on Her Throne, because there was none other who ruled in the hearts of their subjects. No other monarch could be sure that the effect of war would not be to destroy his government altogether, uproot his dynasty, and substitute in his stead institutions of a more liberal and better nature. Therefore, every Government but our own had cause to dread war. He had not the slightest doubt that the independence and integrity of Turkey might have been maintained without war if the Government of this country had better played the part which befitted them; if they had exercised common foresight, if they had been endowed with common spirit, they would at once have arrested the audacious designs of the autocrat. If they had acted with spirit, the Czar would never have sent Prince Menschikoff to Constantinople, or, if he had, it would have been with instructions to negotiate for the peaceable attainment of what he desired. If the fleets had been ordered up at the proper time from Besika Bay, Prince Menschikoff would never have exhibited the violence and insolence which marked his conduct; and if the Czar had been informed that the crossing of the Pruth by his troops would be the signal for the fleets to sail into the Black Sea, the Pruth would never have been crossed by the Russian army. There were two ways of maintaining peace; peace might be maintained honourably, and at the same time all might be obtained that could be demanded for ourselves, or those for whom we interested ourselves; or it might be maintained by complacently submitting to all the insults that were offered us, by breaking the engagements which we had entered into with our Allies, by suffering their interests to be thrown overboard, and by placing ourselves in a degraded position where no Power would ever again respect us. A Minister who preserved a peace after this last fashion could never be mentioned but with dishonour; but a Minister who preserved peace without breaking the faith and engagements of the country would ever make himself and his country respected by the whole world. If we had had a Minister who was not a Minister of Austria and of Russia, but the Minister of England, none of those deplorable occurrences which now threatened to disturb and endanger the tranquillity of Europe would have happened. It was of no use saying that the peace had not been endangered, or that it was not not now far from being secured. Some of the worst evils of war had already been endured. What was the situation of the unfortunate inhabitants of the Danubian Provinces? Did hon. Gentlemen know that the Russians had occupied these provinces some few years ago on some flimsy pretence, and kept their armies there for three years? In point of fact, they had not long been gone; it was not three years since, scarcely two, so that apparently these unfortunate people were subject to have their territories occupied almost every other year by a Russian army with all the attendant peculation, extortion, and tyranny, which it entailed. What the conduct of Russian troops in a foreign State was, every one knew. The last time Russia occupied these provinces, she did so avowedly at the expense of the inhabitants, and before she withdrew she actually made a demand upon Turkey to pay her an indemnity for that occupation. The inhabitants of these provinces had a right to claim the protection of all Europe against the terrible oppression to which they were now subjected. They were not a barbarous race, who did not deserve the sympathy of Europe; they were a fine, intelligent race, full of aspirations for liberty, and it was in consequence of their attempts to obtain a better form of government—a form too, which had been approved by Turkey—that they were invaded by hordes of Cossacks and other Russian troops. Certainly Russia might have had this additional reason for her occupation of those provinces—that she would thus gain additional facility for the interference which she was even then contemplating in reference to Hungary. He had taken the liberty at the time of the Hungarian struggle for liberty in 1849 of calling the attention of the House to the circumstance, and he had predicted that, if the British Government did not interfere, it would occur again. Such was now the case. He looked with sorrow and dismay at the present state of things, because he saw that this country was humiliated and degraded in the eyes of the world, and justly so too, since we had given assurances, publicly and solemnly, which we had not—he would not say the power, because that would be an excuse, but—the courage and spirit to maintain. He feared the power of Russia would be increased by what had taken place, and for the future we should have no right to expect that any conciliatory advice which we might give to Turkey would be attended to. He believed the Turks were disposed to advance in the path of improvement—indeed they had advanced immensely in the course of the last thirty years—more, perhaps, than any other nation in Europe. Their commerce had increased, and was of the greatest importance to the people of this country. Our commerce with Turkey was much greater than with Russia, for while the one, which twenty years ago only amounted to 500,000*l.* had increased sixfold since then, the other had only increased twofold since that period. There could not be a doubt that if the countries now ruled by Turkey were to pass over to the rule of Russia, the same illiberal tariff which now existed in Russia would be introduced into those countries, instead of the liberal one of Turkey, and our commerce would materially suffer. With regard to religious matters, he might go so far even as to say that there was no Government which was so tolerant as that of Turkey, although there were some hon. Members who were unfavourable to Turkey because it was not a Christian Power. There was no country in which all religions were treated so much on an equality, and in this particular it presented a most favourable contrast to Russia. His hon. Friend the Member for Aylesbury (Mr. Layard) had mentioned that the Protestant religion was fast spreading in Turkey. It was protected by the Turkish Government; but how long would it be if the rule of Russia were established? They all knew that to every other species of tyranny the Emperor of Russia added that which was the worst of all tyrannies—religious tyranny. None but persons professing the dominant religion of Russia were secure from persecution. The hon. Gentleman the Member for Meath (Mr. Lucas), whom he saw opposite, would know perfectly well how members of his religion were treated—he would know perfectly well that whole provinces had been converted from the Roman Catholic to the Greek Church at the point of the bayonet, and where Protestants had fallen under the rule of Russia they had suffered in like manner. Those who wished to assure themselves of this needed only to refer to the conduct of the Russian Government in the province of Esthonia, the inhabitants of which being chiefly Protestants, had been objected to the grossest persecutions. Therefore, whether in regard to religion or commerce, the rule of the Sultan, though not perfect, was more liberal than that of Russia, and the friends of humanity and Christianity must greatly prefer to see it maintained, rather than the rule of the Czar established in its stead. He joined cordially with the noble Lord the leader of the House in those wishes which the noble Lord professed so eloquently, but which he carried out so feebly—that the encroachments of Russia upon Turkey should be arrested. If he had expressed any sentiments which were unjust to the Government, they must excuse him, because he was forced, by their refusal to lay fuller information before Parliament, to speak to some degree in ignorance. The noble Lord could not hope to suppress discussion on the subject for ever; it must come on next Session, and when full information was given, though the Government might be found to be open to censure, he hoped it would not remain to the country to blush for the part which it had been made to take in this important crisis.

Mr. MONCKTON MILNES said, he thought the noble Lord the Member for Marylebone had dealt rather hardly with the Government, and had made a very rapid deduction, that they must have done something of which they were ashamed, because they had not laid the papers relative to this question on the table of the House. He was afraid that on this subject there existed a great deal of prejudice both on the one side and on the other. They knew it was the habit of this country to allow the Foreign Minister to do what he liked, and to get into as many scrapes as he pleased, always trusting to the ability by which he would be able to get out of it. At the same time, this was one of those peculiar questions on which the display of a little more confidence in the House of Commons would have strengthened the hands of Government. As far as that Government had permitted the knowledge of their proceedings to transpire, he believed that they had acted with very great prudence and judgment; nevertheless, he thought that if the House of Commons had been let a little into their councils their policy would not have at all been lessened in the estimation of the public. He thought in fact that the House of Commons would have urged the Minister to adopt a stronger and a firmer policy in favour of the Turks. He did not think it would be any disadvantage to the Government if the Emperor of Russia should see that the British House of Commons was not only ready to go as far as the Government had gone, but, if necessity called for it, to go still further. He could not believe, that if a firm front had been shown by the House of Commons, it would have had any other effect than that of strengthening the hands of the Government; nor could he suppose for a moment that the Government had been actuated by any fear of their general intentions in this matter being known, or of any Power or potentate in Europe being acted upon by any notion of menace held out to this country. He felt, however, himself so completely the extreme difficulty and complicity of this question that he could not but excuse Her Majesty's Government for the course they had adopted, they having had all those difficulties to deal with. His hon. Friend below the gangway (Mr. Layard) had spoken of the independence of Turkey in its relations with Russia. He wished it were a question between two independent Powers, and not a question involving two great and difficult subjects of nationality and religion. The more he reflected on those subjects, the more extreme were the difficulties which they presented to his mind; therefore a Minister might be wholly justified in laying down the principle that he would do all he could to support the independence of Turkey, without at the same time pledging himself that he would go to war upon any one particular point which interfered with that policy; because, on the one hand, they would have to contend against a Christian Power, and, on the other, to maintain the political relations of a European Power with a State with whose principles upon every point of religion and civilisation they totally disagreed. He thought the House must therefore see that the question was no longer one between two correlative Christian Powers, where the object of a third Power was to prevent one Christian Power interfering with another; and, in this difficulty, the Government might be permitted in some degree to temporise. If he were inclined to find fault with the information which the noble Lord had given, it was that he had not informed the House that the note, or whatever it was, to which the Turkish Government had agreed, had in any degree placed that Government in a less favourable position than it would have been placed in if they had refused the demands of Prince Menschikoff. He could not, however, help thinking that the impression upon the Turkish Government and upon the Oriental people in general was, that the English and French Governments had encouraged the Turkish Government to go further in their resistance to Russia than those Governments were inclined to support her by force of arms. Knowing, as they did, the financial difficulties of Turkey, they should not have encouraged her to resist further than they were ready to support her; and if it were the policy of this country to permit a certain amount of Russian influence in Turkey without resisting that influence by force of arms, he could not but agree with the noble Lord that the departure of Prince Menschikoff was a most unfortunate event, and it was to be regretted that no means had been used to prevent that open rupture. Still he was bound to say this, that if at the present moment this country said that the Russian Government should be allowed to exercise considerable authority over, and interference with, the Christian subjects of the Sultan in Turkey—if that was the conclusion of affairs—then it would have been much better to advise Turkey to submit to Russia in the beginning, than to depend upon foreign support which rested upon so narrow a basis. The real question that would hereafter come before Parliament, would not be whether Her Majesty's Government had acted with moderation in submitting to the demands of Russia, and in acceding to those demands, but he thought the question would be whether they had not in some degree encouraged Turkey to pursue a line of policy which they were not prepared to support. They ought not to do anything whatever which might, of absolute necessity, place Turkey in open hostility with any Christian Power. This was the main foundation of our policy. He did not believe that the people of England would permit this country to go to war with Russia for the simple purpose of preventing Russian aggression on Turkey. England was not called upon to engage in a European war for the sake of establishing the power of Turkey over a great Christian population. He did not believe for one moment that the Turkish Government had that hold on the Christian population under its rule that they would loyally and firmly support that Power. There were, however, in all those provinces to which this question referred a certain class of individuals who did understand what was for the best interests of the population of Turkey, and who believed that the Turkish rule should continue, at least for some time longer, and that the Christian population would enjoy a degree of liberty under that rule which they could not expect to enjoy under any autocratic European domination. But he could not believe that if there were to be an open war between Russia and Turkey, the Turkish Government would find its Christian subjects prompt to support them. Feeling, therefore, that this question was surrounded with all these difficulties, and was so complicated in itself, he could not blame Her Majesty's Government, or accuse them of having acted with any degree of imprudence, though he at the same time believed that they would have strengthened their hands and confirmed their policy if they had shown a little more confidence in Parliament, and had given to England and to Europe that information of their intentions in regard to foreign affairs which Russia and France had done by the publication of their circulars in the newspapers—information which would have so materially simplified a question which, in the absence of that information, had been involved in a state of complication and doubt.

LORD JOHN RUSSELL: Sir, I owe some explanation to the right hon. Gentleman the Member for Droitwich (Sir J. Pakington), who appears to think that I ought to have given a longer notice of the statement I was going to make. With regard to the absence of the right hon. Gentleman the Member for Buckinghamshire (Mr. Disraeli), that right hon. Gentleman must have been aware—and, no doubt, was aware—that I said on a previous occasion that before Parliament should separate I would make the statement that I have made this evening. No doubt the right hon. Gentleman the Member for Buckinghamshire thought (and he was correct in so thinking) that I was not going to enter into a discussion of the reasons and ground on which the Government have proceeded, and that I was merely going to state some facts relating to the present relations between Russia and Turkey. The right hon. Gentleman the Member for Droitwich is quite right when he states that no Member is committed to any opinion on the conduct of Her Majesty's Government in regard to this subject. I wished to elicit no opinion, and I did not state any arguments proving or attempting to prove the wisdom of the course of the Government. But several hon. Members had wished some explanation should be made, and I complied with that wish with the view of giving them such explanation as I could give. In point of fact I went beyond the precedents in this case, and I stated more than was stated in the case to which I alluded in 1841. I think that what the hon. Member for Aylesbury (Mr. Layard) has said, only shows that any opinion as to the wisdom or folly of our course ought to be reserved until the papers are seen. I shall not enter into a dispute with him, because if I did so, I would be obliged to enter into a narrative which I can only tell from the papers to which he has not access. Therefore I don't think it is right to enter into that discussion. I can only say, that if peace at any price is a bad maxim, I cannot see that war at any price is at all better. My noble Friend the Member for Marylebone (Lord D. Stuart), has referred to the questions that were addressed to Her Majesty's Government to ascertain their opinions; and of this I will remind my noble Friend, that when there was a question as to whether there should be a discussion in this House, I did not say, nor did my noble Friend in the other House of Parliament say, that we disapproved of any discussion, nor did we say that we were not ready to meet any question or Motion on the subject. We only said that it was not for the public service that there should be any discussion; and a great majority of the House, when there was a far greater attendance than at the present moment, concurred in opinion that, if the Government thought it would not be for the public service, then such a discussion ought not to take place. But I beg to say, that if any hon. Member had made a Motion on the subject either on that or any other day, I should have been ready then, or at any time, to have met that motion. I always thought that my hon. Friend the Member for Aylesbury was rather disposed to support than oppose the policy of the Government on this question. I think if any attempt had been made by Russia to conquer and subdue Turkey, the Christian subjects of the Porte would not have been very glad of the change. Their case would not have been very different from that which was told in an anecdote related by Charles II., who with his usual wit, on an occasion when the Duke of York said he should take care of his life, and hoped he would not go in so unguarded a manner about the streets as he was in the habit of going, said, "I will tell you what, brother; I have this security, I do not think anybody will kill me in order that you may succeed." In the same way the Mahomedan yoke is not so hateful to the Christian subjects of the Porte that they would be rejoiced to have that Power overthrown in order that they might see a Russian Power established in its place.

MR. MUNTZ said, as the noble Lord had gone back to the time of Charles II., he would also do so. It was told of that celebrated monarch, when the Dutch Ambassador made a very objectionable proposal to him, and the King said—"You never would have made such a proposal to Oliver Cromwell;" the answer was—"No: but you are a very different man from Oliver Cromwell." He believed that if we had such Ministers as we should have had, and determined men to govern the country, the Russians never could nave marched into the Danubian provinces. But Russia entertained the opinion that nothing could make this country go to war. He was justified in saying this, looking at the history of the last thirty years. He would not allude to the disgraceful dismemberment of Poland; but he would go back only to 1830, when Poland made great efforts to regain her liberties and independence; and at that time the Government prevented arms being manufactured and sent from this country to Poland to assist in gaining the liberties of a people who would be the real barriers against the extension of Russian power. After that there was the celebrated interference of Russia with the affairs of Hungary. He thought the interference of any third party between the governors and the governed was most injudicious. We are now reaping the consequences of our injudicious conduct. We had allowed all the natural barriers of Russia to be destroyed, and given her the opportunity of carrying out the design she had entertained for the last century—that of overrunning Turkey. Did Ministers believe that this affair would end now? They ought to have said to Russia, in the first instance—"If you cross the Pruth, we shall consider it a cause of war, and shall think it our duty to support Turkey." What had Russia done? He had not only crossed the Pruth in spite of them, but he kept the provinces, and had taken every step for their permanent occupation. Then, we had humiliated the Turks by inducing them to give way, so as to conciliate Russia, even before he had evacuated the provinces. The least we could have done was to say, "Before we take any step to settle this question, you must evacuate these provinces." The course taken by this country was very objectionable, and not only Members of that House, but the people out of doors, were anxious about it, and felt that their honour was sullied. They felt that all sense of honour was lost, and that the country was governed by the consideration of pounds, shillings, and pence. The question now was not whether a certain policy was compatible with the national honour, but whether it was agreeable to certain tradesmen. England had lost that sense of honour and right, not to say chivalry, which she once enjoyed. Let them go back to the time of Oliver Cromwell, and see what he had done in Italy and in France in a similar state of affairs. He interfered immediately, without any consideration of expense. The question with him was only a question of right, and Government ought to pursue the same course now.

MR. BLACKETT said, he would not leave himself open to the censure of the noble Lord at the head of the Government by criticising the late transactions, until they were placed before them in an authentic form; but, at the same time, he thought that the noble Lord, by steadily refusing to take Parliament and the people of England into his councils, had increased greatly the responsibility that rested upon the Government; and, of course, the future judgment of that House must be severer than it would otherwise be if it should turn out that, when Parliament reassembled, the noble Lord had been mistaken in his views, or that he had miscalculated his own position. There was one point that he wished particularly to press upon the House, and that had reference to the occupation of the Danubian provinces. The noble Lord left them in no doubt on the subject, because, from his eloquent silence, they could not think they were wrong in assuming that no mention of the evacuation of the Principalities was contained in the terms to which they were told by the noble Lord the Emperor of Russia had assented to. The question as to the evacuation of the Principalities seemed to him (Mr. Blackett) to be of far more importance than the terms of any treaty which the Emperor of Russia and the Sultan might agree to. He had never doubted that the ingenuity of diplomatists would be able to contrive some document which either party could sign without much humiliation; but the question of the continued occupation of the Principalities was more important, because it was more manifest to Europe, and pressed most heavily on the Turkish power. He should be sorry to see Turkey signing any treaty of a humiliating character; but the knowledge of that treaty would be confined to a comparatively limited circle of persons interested in diplomatic affairs, and many years might elapse before either Power was called upon to put that power into execution, and they had the chapter of accidents to trust to; but the occupation of the Principalities by the Russian troops was a fact that pressed upon the attention of every peasant in Wallachia and Moldavia, and was calculated to disorganise the entire Turkish rule. It would be out of the power of those Principalities to obtain any treaty that would enable them to avoid the intolerable position of occupying the debateable ground between two hostile Empires.

The occupation of the provinces was calculated to extend the *prestige* of the Russian Empire, and was pregnant, above all, with the most fatal consequences to the permanent peace of Europe. What was the ground on which the permanent peace of Europe rested? It was not on the power of any single nation; nor, as had been foolishly represented, on the magnanimity of any single sovereign; nor on the wisdom or moderation of popular assemblies. The peace of Europe really rested upon the general conviction that any Power that was the first to break it was sure to find the whole of Europe leagued against it, and was sure to come off the loser. If they would only cast their eyes over the map of Europe, they would everywhere find that powerful States were, perhaps naturally and excusably, inspired by a wish to increase their resources and extend their territories; and, side by side, they found weak States offering, but for those barriers, an easy prey to cupidity and ambition. It was nothing but a prudent and honourable apprehension of drawing down on themselves the reprobation and chastisement of their allies. It was that feeling which had prevented France from intermeddling with Belgium, Prussia from absorbing Saxony, and Austria from interfering with the Sardinian States; and which, until within the last few months, kept Russia beyond the Pruth; and he was sure that those apprehensions would still restrain Russia within proper limits if the Governments of England and France were united, and remained firm. If they wished to maintain those barriers, it was absolutely necessary that the failure of the Emperor of Russia in his present schemes should be as palpable and unquestionable as his original pretensions were—in the words of Lord Lyndhurst—insolent and audacious. The Government should not lose time in devising terms to soothe his mortified spirit, but should rather hold the case up as a warning from Europe to the next public malefactor who attempted to disturb the peace of Europe. If the Government obtained this, then they would have obtained a triumph; but if not, the injury inflicted upon England and Europe would be irreparable. He could not conceive why the Government should deviate from its straightforward course, or allow itself to be in the least degree swayed by dynastic sympathies. It would be made plain that England, so ready to threaten, was certain to shrink from the last extremity of arms; and it would be a poor consolation for so terrible a misfortune as must infallibly ensue to exact a tremendous retribution from Ministers who had tarnished her honour, squandered her treasure, and destroyed her influence and her fame.

Mr. COBDEN: I do not exactly see, Sir, that there is any difference of opinion on the question that is before us. I find everybody is agreed that Russia has acted in a manner that is treacherous, overbearing, and violent. I find that, in and out of this House, everybody entertains the opinion that the most fortunate result of the late proceedings in the East is, that it has brought about a firm alliance, not only between the people of England and France, but between the Governments of England and France, for I never can cease to separate the people, *de facto*, from their Government. Everybody wishes that Russia would evacuate the Principalities, and the noble Lord (Lord John Russell) has himself expressed his conviction that this object will be attained; and I believe everybody in this House, and out of it, would be willing to wait a few months longer, and have all those objects accomplished peaceably. I think that even in Birmingham itself, notwithstanding muskets are manufactured there, the people, if there was a meeting held in the Town Hall, would rather support the noble Lord in a pacific policy, than precipitate the country into a war to obtain the same objects a month or two earlier. But though evidently there is a great acquiescence of opinion amongst us all, there is still a great deal of uneasiness on the subject of Turkey. Is not the reason obvious, though we will not face it, and will rather deal with the superficies of the matter than deal with the interior of it? It is this: Because there is a growing conviction in our minds that what has been hitherto a current phrase, "the independence of the Turkish Empire," has now become a mere empty phrase, and nothing more; because the fact is, that within the last twenty years there has been a growing conviction in the minds of people that the Turks in Europe are intruders—that it is not their domicile or their permanent home—that their home is in Asia, and that Mahomedanism cannot exist in Europe alongside of civilised States. The progress of events has given a vast impetus to that opinion, which is grounded on the conviction that you cannot maintain Mahomedanism in Europe. Do what you will, that is your opinion—that is the embarrassment we feel—and that is, without doubt, the embarrasment of the Government in dealing with the subject. Disguise it as you will, we are not in earnest in the belief that we can preserve Mahomedanism in Europe. I have no wish to see the Russians in Constantinople; but I will not prevent them by our taking our stand for the preservation of Mahomedanism in Europe. If we or the Americans were the next neighbours of Turkey, judging by what they and we have done elsewhere, and what we have done with regard to half a dozen Mahomedan dynasties in India, we would have swallowed them up long ago. The fact was, we could not maintain independence in a country if the people were not in a position to maintain it themselves, especially such a people as that of Turkey, numbering 20,000,000 or 30,000,000 in Europe and in Asia. There is another fact that has come up, and that is the existence of a large Christian population in Turkey in Europe. The fact is prominently before us, that the Christian element in Turkey in Europe is now the prominent one, and we cannot ignore it, because, for every one Turk in Turkey in Europe, there are three Christians in Turkey in Europe. The great majority of the people in Turkey in Europe are Christians, and the question is, what are the feelings of the Christian population towards their Mahomedan rulers. I believe that the feeling amongst the Christian population in the interior of Turkey is not favourable. I believe that in the large cities, in Smyrna and Constantinople, the Christians enjoy a certain portion of protection; but if you go into the interior of Turkey all the evidence goes to confirm me when I state that the Christian population in the interior of Turkey, in the small towns and villages, have a very hard lot indeed, and they are as much now under the rule and violent domination of an insolent caste and a barbarous people as ever they were. At this moment there is not a cadi, or pacha, or soldier that may not oppress the poor peasant in the interior almost as badly as they were oppressed two or three hundred years ago. These are facts that you cannot ignore in coming to a decision on the question of what is the feeling of the Christian population. The noble Lord (Lord D. Stuart) offered the opinion that they would prefer the rule of the Turks to that of the Russians. Well, that is possible. But I must say for myself—having visited both countries—that if I were a rayah—that is, a Christian subject of the Porte—I should prefer a Russian or any other government rather than a Mahomedan one. ["Hear, hear."] I do not say but that the hon. Member for Pontefract (Mr. M. Milnes) who has travelled in Turkey and in Egypt, would not find himself a great deal freer man in either of those countries than in Russia. But it would be a very different thing if he were to become a resident in the East, to mount the badge in his cap, and to be placed in the position of a rayah or Christian subject of the Porte. I admit it is a matter of opinion, but still it is an open question whether they would not prefer the Russian to the Mahomedan rule. All I wish to urge is this, that that is a question which we must entertain. We are not taking the course which will ensure Turkish independence of other Powers, unless we carry the great bulk of the population in Turkey with us. It is obvious that we cannot consider their wishes at present. The question ought to be more discussed; it presses upon us all, and it will press upon us still more—it will hamper the Government in all their negotiations, especially on the question of resisting Russia by force. It may be possible for a time, if you will, to undertake to say how the eastern part of Europe shall be governed; but in the end we must go further, and from a consideration of the wishes of the people themselves we must undertake to say who shall permanently govern the Turkish Empire. That is a question on which I dare say the hon. Member for Aylesbury (Mr. Layard) would be able greatly to enlighten us, and to tell us what the tendencies of the Wallachians—what the tendencies of the Servians — what the tendencies of the Greeks may be; it is difficult for us to know them all, but of this I am quite sure, that we shall have our hands full if we undertake to deal with this question as it ought to be dealt with. As to sending our fleet to the Bay of Besika, and keeping the Russians out of Constantinople—that you may do, no doubt. Russia has always avoided a collision with a maritime Power. She has avoided it with America—she has avoided it with England—because in such a collision all the illusion respecting her greatness would be dispelled at once. But in the meantime you are keeping up an enormous armament, which does not tend to settle the question—you are inducing the Turkish Government to prepare for war, which will bring ruin and bankruptcy on her finances—you are thereby placing Turkey in a more feeble and prostrate condition than she was in before. I have no doubt the Government will prevent a war, but the question will not be settled; it will come up again; and you must, therefore, address yourselves, as men of sense and men of energy, to the question—what are you to do with the Christian population? for Mahomedanism cannot be maintained; and, what is more, I should be sorry to see this country fighting for the maintenance of Mahomedanism. I never could get up any zeal on behalf of the Mahomedans; they keep the plague—they keep slavery—they have a bazaar for the sale of black and white slaves. You may keep Turkey on the map of Europe; you may call the country by the name of Turkey if you like, but do not think you can keep up the Mahomedan rule in that country. A great deal has been said about the necessity of maintaining the independence of Turkey on account of our commerce with her. Now, as a free trader, I must once for all enter my protest against fighting for a market at all. I never would consent to fight for a low tariff. In the first place, I deny that you could do so. What has experience shown? You fought for a tariff in Spain, and after spending between 200,000,000*l.* and 300,000,000*l.* of money in keeping Spain out of the hands of an enemy who would have excluded your commerce, you accomplished your object, and Spain and Portugal repaid your exertions by enacting the most restrictive tariffs in Europe. You occupied Sicily during the whole of the last war; and when you left it, what sort of tariff was enacted for your manufactures? In the next place I have too much faith in my principles to go to war for them. I believe that free-trade principles will spread and make converts by means of peace. We are making converts every day by the proofs we are affording of the salutary and striking benefits of free trade. Therefore, do not talk of war as a means of removing restrictions, or of opening markets. Besides, the noble Lord (Lord J. Russell) is under a great delusion as to the accounts of our commerce with Turkey. The returns which the noble Lord has given to the House, and on which he relies, are the returns of exports to the Black Sea, which are sent most of them to Austria, up the Danube. That is not Turkish commerce. Constantinople is a mere depôt from whence our goods are sent to Trebisond and elsewhere; there is very little consumption of our commerce in the dominions of Turkey. Though I have no partiality for Russia—on the contrary, I am not sorry to see the great representative of the despotic principle humiliated and dishonoured by the mean plottings and contrivances which he has carried on through the whole of these transactions; yet, let us not delude ourselves with any idea of danger resulting to the commerce of this country from Russian ascendancy. I maintain that all the commerce we have on the Black Sea is owing to Russian invasion. We never had any commerce in the Black Sea until Russia took possession of the Crimea. What is the fear, then, that Russia would exclude our commerce if she were to retain the Provinces? What was our commerce in grain in the Black Sea? We did not get food from Turkey, but from Russia; and would not Russia be as glad to sell us her tallow, hemp, and corn, in future, whatever might be her aggressions on foreign countries? It was a great fallacy to suppose otherwise. Take our trade with Russia in the Baltic. Our exports, indeed, are not large, because Russia has followed the example we set her, and placed restrictions upon our manufactures, as we some thirty or forty years ago placed restrictions on her produce. But still for the native produce we do take from her we pay her in sugar and other articles. I, therefore, discard the idea altogether that Russia will discourage our trade. What, on the other hand, is the prospect of our trade with Turkey? It is a country literally without a road. You cannot go three miles out of Constantinople, or any of the large towns, except on horseback. Constantinople has no pavement—it has no lamps—it has no scavengers except the dogs; it has not a building of stone or brick. It is well known as an historical fact, in the flowery language of Burke, that the Turks have been a curse, a desolation and a blight wherever they have come. I do not argue thus to defend Russia, but do not let us suppose that they will refuse to trade with us. Go to St. Petersburg—a city that may vie with London—a city that has all the splendour and magnificence of Paris, with a river twice the breadth of the Thames running through it. Let any man go to St. Petersburg or to Moscow, and then let him go to Constantinople, the one built on the most favoured situation on the face of the earth, the other in the midst of every disadvantage, and yet see the contrast. Constantinople is, as an American traveller has said, a city of boxes with lids that are open all day and shut at night. Do not deceive yourselves, and pretend that we are the natural allies of such a country for the purposes of trade. I protest against the argument that it is for the interest of England, or that we are bound to maintain Turkey in possession of those rich and fertile territories. There may be other political reasons, but I object to facts being brought forward which have no foundation, in order to mislead the English people in regard to their true interests. These points must be developed —they must be reasoned upon—they must be dwelt on for the next few years. The present question may be settled—I do not expect that it will lead to war—I do not find any sensible people who ever did expect that. A great deal has been said about the power of Russia, and about the danger to England if Russia were allowed to occupy the countries of the Bosphorus. I never shared that opinion. I wrote upon that question eighteen years ago at a time when people were much madder upon the question than they are now—when the predecessor of the hon. Member for Birmingham was crying out night after night for a war with Russia. I had travelled in that country, and I expressed my opinion —an opinion which all the recent events have only tended to confirm—that it was absurd to talk of Russia invading England. Why, she cannot move an army to her own frontiers, except by the aid of foreign gold. I said so not long since in the City, that she could not make any aggressive movement, except by the aid of an English loan; and nine months afterwards on the invasion of Hungary, I attended in the same room in the City, to denounce a loan of 6,000,000*l*., which was about to be raised under the pretence that it was for the Moscow railroad. I had seen it myself nearly six months before, and it was then nearly finished; so that it was absurd to talk of the loan being intended for that scheme. The country is poor and thinly populated—it is a mere series of villages; how could it injure England or France? It may possess Turkey, because Turkey is in state of decay, and when a country falls into decrepitude, its next neighbour will be sure to take it if he can. I repudiate the notion of Russia invading England. But what has been done, and by England, towards such of the Mahomedan Powers as we are neighbours to in India? We have not been a whit less unscrupulous in our diplomacy towards them than Russia has been to Turkey, and especially in the way that, within the last two years, we have dealt with Burmah. But however Russia may deal with Turkey, I do not see what right we have to interfere with a matter so far removed from us. I believe that England would be ready to resist an attack from whatever quarter it might come, and that she would be ten times more powerful to resist than Russia to attack. All the resources that we have in our vast manufactures—all the appliances that we possess in our prodigious steam vessels, and in our mechanical skill, would be turned in six months—ay, in six days—to the contrivance of engines of destruction which would render us more powerful than any other nation on the face of the earth. All these are wanting in Russia; they must come here for their steam boats, or for the artisans to make them, and there is not a chance of their injuring us. But while I say this, let me address a word to those Members who represent the manufacturing districts—let me give them a word of advice as to the position we should occupy if war were to break out. The sufferings which that event would occasion would be such as those who only remember the war that commenced sixty years ago can have no conception of. In the first place, we have a vast increase in material wealth, and that wealth has greatly increased our manufacturing population. Where we had one man dependent upon the raw materials supplied by foreign countries in 1793, we have twenty-five men now. Where we had 30,000,000*l*. or 40,000,000*l*. of exports then, we have 80,000,000*l*. or 90,000,000*l*. now. Let me tell my Friends the Members for the manufacturing towns, who talk so glibly of war, that while I agree with them that in a war to defend this kingdom, England would bring all her resources to bear, and would defend herself against all the world, yet I say that if England were to go further, and to engage in a continental war, you do not know what belligerents you might have in six months from its declaration. A war now would be attended with consequences of which the present generation little think, or they would not talk of it so glibly. In the first place, you would have the Americans, whose country was a mere infant in 1793, and to whom we could then say, "You shall come to no part in Europe except by our permission," and we could seize their ships and press their crews at our pleasure. Now, if war were to break out, what would be the first thing we should be called upon to do? Why, we should be called upon by the Americans to disavow the right of search. We could not refuse that, and that concession would place America at once as our rival in the carrying trade of Europe. And, remember, you have now repealed your navigation laws. In 1793, you could send out large fleets of merchant ships, under the convoy of ships of war, twice a year. You had the monopoly of the seas; and it did not matter to you when or how your ships sailed, because other countries must wait upon you for their supplies. But what would be the case now, if you were to go to war? If you were engaged in war with a maritime Power, they would issue letters of marque to fleets of steamers, who could take refuge when they pleased in Stockholm or other neutral ports. Your insurances for freights would rise at Lloyd's in proportion to the risk of capture. How would your manufacturers—how would your numerous and wealthy colonies, consent to bring over their freights in English bottoms, when Dutchmen, Hamburghers, and Frenchmen were not subject to the same risk? Remember that the repeal of the navigation laws has thrown you open to the competition of the whole world in shipping, as in everything else. I must beg my hon. Friend the Member for Newcastle (Mr. Blackett)—and Newcastle has often sent bellicose Members to this House—to remember that there is no port which would suffer more severely, more in proportion to the magnitude of its commerce, than Newcastle would do, if we should go to war. But I beg pardon of the House for having gone into these considerations. All I wish to say is, that I think the Government have done wisely in disregarding the cry of thoughtless men; they have done wisely in not listening to the cry of the newspapers, some of which profess the democratic principle, as if democracy ever gained by war. The Government have done right, not only for the interests of the country, but even for the interests of themselves; for if they should plunge the country into war, the shallow men who now cry for war would, in less than six weeks, call for the disgrace and the removal of the very Ministers who began the war. I have nothing to say to the Ministers. I do not blame them because they have taken up a position to defend the Turkish empire. It is a traditional policy they have followed, which has been handed down to them by previous Governments, and unless they had public opinion with them, no Government could avoid doing so. All I say is, that I have no doubt they will soon get rid of the difficulties respecting the Wallachian provinces; and I congratulate them on having been as peaceable as the people would allow them to be.

VISCOUNT PALMERSTON: Sir, I cannot allow the speech of the hon. Member who has just sat down to pass without one or two observations. I cannot accept the praise which the hon. Gentleman has bestowed on the conduct of the Government at the conclusion of his speech on the ground on which he has been pleased to place it. Nothing is so painful as to see a man of great ability labouring to bring about a conviction which he knows to be contrary to the opinions of the great majority of his fellow-countrymen, and which, therefore, he is afraid—I will not use a stronger expression—openly to express, but which he endeavours to conceal under every specious device which human ingenuity could afford to the practised orator. The hon. Gentleman, in the beginning, agreed with every person and everything, and he ended in differing with every one on all points. The hon. Gentleman began by assuming it to be a proper maxim of policy to maintain the independence of Turkey, and to prevent Russia from taking a portion of that territory which belonged to the Turkish empire. But in the course of his speech, the hon. Gentleman used every argument to show that Turkey was not worth anything, and that it was not of much consequence if it fell to pieces. If the hon. Gentleman stood forth as the advocate of the aggressive and ambitious policy of Russia, as the advocate of that system of policy which he pretended so lately to denounce and condemn, in the present state of feeling in this House and the country, I know not how he could dare to pursue a course more calculated to defend and assist and facilitate the views which he pretended to oppose. I confess, Sir, I never heard a speech in my life so full of contradictions. At one moment he tells us that Russia—not as formerly—could be crumpled up like a sheet of brown paper—but he tells us that Russia is so weak that she is perfectly incapable of resisting any serious efforts that might be made against her on the part of this country; at another moment, he declares that war with Russia would be ruin to England. How can he reconcile the two statements?

At one time, Russia is a barbarous Power, with scattered territories, weak in the interior; and then he launches out into praises of the beauty of St. Petersburg, and, because that city is more beautiful than Constantinople, he thinks that Russia ought to be possessed of both. The hon. Gentleman is a free trader, and says free trade has made great progress throughout Europe. He has himself made a tour through Europe in that character, and because he has been received with the courtesy and civility to which his personal qualities entitled him, he thinks that he has persuaded all Europe to abandon their former systems and to become free traders. The hon. Gentleman says, that the efforts which this country has made in former times were in favour of low tariffs, and he asks what has been the result to this country? Why, Sir, we went to war for the liberties of Europe, and not for the purpose of gaining so much per cent on our exports. We went to war, not for the purpose of increasing the export of our commodities, but in defence of the liberty and independence of nations, and for the maintenance of that balance of power, which, however the hon. Gentleman may treat it with contempt and sneer at, because he does not understand it—everybody else considers to be a point deserving of assertion, and essential to the liberty and well-being of mankind. I admit that no man has done more in this country for the assertion and practical enforcement of the principle of free trade than the hon. Gentleman, and I am the last man to withhold the tribute of my acknowledgments to him for the great services he has rendered in that respect. But the hon. Gentleman seems entirely to forget his principle when he compares the commercial system of Turkey to that of Russia. Does the hon. Gentleman not know—and if he knows, why does he seek to withdraw the attention of the public from it?—that the commercial system of Russia is a restrictive and prohibitory one, while that of Turkey is the most liberal one that exists in any country with which we have commercial relations? The hon. Gentleman says that Turkey is immaterial in a commercial point of view, because, forsooth, we had no great commerce in the Black Sea till the time of the Empress Catherine. Why, Sir, I never heard an argument from the hon. Gentleman less calculated to support the conclusion which he wished to draw. But it is not true that

Viscount Palmerston

the commerce of Turkey is immaterial to this country. It is material to this country. Her natural and internal products are as important as those that come to us from Russia, and as her natural and internal resources increase, her commerce will become more and more valuable. "Aye, but," says the hon. Gentleman, "you are under deception; for if you look to the returns moved for by an hon. Gentleman, which give us an account of the commerce with Turkey, you will find that the great bulk of it goes not to Turkey, but to other countries through Turkey." Well, but would it go through Turkey if you had the prohibitory tariff of Russia? Whether, therefore, we are to consider Turkey as a consumer, or as the channel through which our manufactures pass into Asia, in either point of view it is of great importance to the commercial interests of England that Turkey should remain independent, in order that a liberal system of commerce may exist. But the hon. Gentleman is a great advocate for non-interference. He says, "Do not interfere at all in the internal affairs of other countries; do not dictate to other nations or people their form of government;" and then he says that the state and position of Turkey must be specially committed to the deliberation of the Government and Parliament of this country. He says that the question which we have to determine is, what we are to do with the Turkish Empire—that we have to dispose of the relative situation of Mahomedan and Greek, and that we are to decide who are to be the inhabitants of this part of the Turkish Empire. He says that you are now yielding to a vulgar prejudice; that Turkey is a rotten fabric that cannot last long; that the Turkish Empire must expire; that, as the Sultan, his army, and 2,000,000 or 3,000,000 of inhabitants are only encamped in Europe, it would be quite ridiculous and absurd to interfere for their preservation; and, that, on the contrary, we should consider how best to dispose of their territories, and relieve Europe of the blighting presence of the Moslem. That, Sir, is a strange doctrine from one who maintains the necessity of leaving foreign countries to decide on their own form of government. But, Sir, I do not admit to him that Turkey, as an Empire, is in that state of decay which he represents. I say that the maintenance of the integrity of Turkey is not only an object desirable, but one worth contending for, and capable of being carried out to a successful result. The hon. Gentleman has been greatly misinformed as to the state of Turkey for the last thirty years. I assert, without fear of contradiction from any one who knows anything on the subject, that, so far from having gone back, Turkey has made greater progress and improvement than any other country in the same period. Compare Turkey now with what she was in the reign of Sultan Mahmoud—take either her system of government or the prosperity of her inhabitants—take her army—take her navy—take her administration of justice—take the prosperity of her agriculture—take her improvements in such manufactures as she has—take her commercial system—take her religious toleration—I say, that in all these respects Turkey has made immense progress during the period which I have mentioned. So far from going with the hon. Gentleman in that sort of political slang which is the fashion of those who want to partition and divide Turkey—who say that Turkey is a dead body, or an expiring body, that cannot be kept alive, I am convinced that if you only keep out of it those who wish to get into it—if you only leave those who are now in it to deal with it as they now deal with it, so far is it from internal dissolution that I consider there are not many countries in Europe with whom it would not bear a favourable comparison. I think it as likely to increase in power and prosperity, if you only keep other people's hands off it, as some of those countries to which the hon. Gentleman has referred. Turkey, it must be remembered, has no Poland or Circassia to distract her. Sir, I am bound to say, that if ever I heard a speech which, while it ostensibly commended the course pursued by the Government, was calculated to damp the proper feeling of the country in support of that Government, it was the speech of the hon. Gentleman. But, I am happy to say, it is the only speech we have heard to-night in that tone; and I trust it will not mislead any one beyond the limits of this country, who might be deceived by it. I hope that such language will not excite abroad a feeling that might render it more difficult for Her Majesty's Government to bring about a settlement of the question satisfactorily to the honour of the country. I trust that the great preponderance of the proper feeling and sentiment on this subject will have shown all Europe the real sentiment of Parliament on this subject, and the determination of the British nation and the British Parliament to support the Government, and, that though there may be one man who wishes to see Russia extend her conquests over Turkey, that is not the wish of the British nation, and that the Government of England, supported by the people of England, are determined to maintain the independence of Turkey—an independence which we think it essential to maintain both for political and commercial purposes. I do not mean to go with the hon. Gentleman into a rearrangement of the Turkish Empire, or to dictate to the Bulgarians, Slavonians, Greeks, or Mussulmans, who are to be their governors, or what their form of government is to be. But it has been the policy of this country to give advice to the Turkish Government, with a view to those internal improvements which we thought would add to the strength of Turkey, and to the happiness and prosperity of the people who are placed under the rule of the Sultan. Our suggestions have, I am happy to say, been attended with most beneficial consequences to Turkey. Our consular agents in the different provinces of Turkey inform us that tranquillity has increased, that justice is better administered, that oppression has ceased, and that those benefits have resulted, which it must be the anxious desire of England to promote in every country which considers its advice worthy of its attention. If that system is pursued; if England, united with France, determine that Turkey shall not belong to Russia or to any other Power, and if that doctrine is enforced in practice, I am convinced that if no foreign Power endeavour to destroy Turkey, our policy, so far from being ridiculous, as the hon. Gentleman endeavoured to represent it, will prove a sound policy—a policy which deserves the approbation of the country, and which it will be the duty of every future British Government to pursue.

Mr. DANBY SEYMOUR said, he thought it would be seen from this debate that the spirit of the British people was not dormant, but that they were prepared to support those Ministers who took an active part in repressing the wanton aggression of Russia. He regretted that the moral influence of this country had been very much weakened by our conduct in the East, for he thought we had taken exactly the contrary course to that adopted by the Romans; *Parcere subjectis et debellare superbos.* For instance, we had annexed Burmah, because a petty officer was kept waiting for half an hour in the sun; while, on the other hand, we forbore from any interference with powerful nations which had committed the most wanton aggressions. As he understood, in the memorandum which had been addressed to Russia by Her Majesty's Government, there was no reference to the great aggression of that Power—her entrance into the Principalities. He was glad that the Ministry contained a nobleman of proper English spirit, who, he was certain, would not consent to remain a member of any Administration unless a policy were followed which was conducive to the honour of this country.

Motion, That the House at its rising do adjourn till Friday, put, and *agreed to.*

The House adjourned at half-after Seven o'clock.

HOUSE OF LORDS,

Thursday, August 18, 1853.

MINUTES.] PUBLIC BILLS.—1ª Hackney Carriage Duties (No. 2).

Reported.—Militia Pay; Land Tax Redemption Act Amendment; South Sea and other Annuities, Provision for Payment, &c.; Apprehension of Offenders Act Amendment; Betting Houses; Commons Inclosure (No. 3); Female Convicts; Loan Societies; Marriages, Holy Trinity Church, Hulme, Validity; Friendly Societies; Copyhold, &c. Commission Continuance; Metropolitan Sewers Acts Continuance; Ecclesiastical Jurisdiction.

3ª East India Railway Company; Burials (beyond the Metropolis); Consolidated Fund (Appropriation); Land Tax Commissioners Names; Defacing the Coin; Linen, &c. Manufactures (Ireland); Militia Ballots Suspension and Militia Law Amendment; Pilotage; Smoke Nuisance Abatement (Metropolis); Stock in Trade Exemption; Customs Tariff Act.

REVISION OF THE STATUTE LAW.

The LORD CHANCELLOR, having laid upon the table of the House the Report of Mr. Bellenden Ker on the proceedings of the Board for the Revision of the Statute Law, said, he regretted extremely that it had not been in his power to have submitted that report at an earlier period of the Session to their Lordships' notice:—the directions which he had thought it his duty to give to those gentlemen who composed that Commission had, however, prevented him from taking that course. Those directions were, that the gentlemen in question should continue their labours until within a short time of the close of the Session, and should then make their report to him in order that that report might be laid upon the table of the House, and immediately afterwards printed and placed in their Lordships' hands. The Commissioners had acted in accordance with those instructions, and as each noble Lord would have an opportunity before long of examining the document in which the result of their investigations was contained, he should not deem it necessary to enter into any very detailed statement with reference to the subject of their inquiry. He was, however, of opinion that it was due to their Lordships, as well as to those gentlemen who had devoted so much of their time and labour to that subject, to state very briefly some of the proceedings with reference to it which had within the last three or four months taken place. Their Lordships would recollect that at an early period of the present Session he had declared that it was his intention to endeavour to effect the consolidation—if not of the entire—at all events of a considerable portion of our Statute law. In order that he might be enabled to accomplish that object, the course which he had chalked out for himself had been to apply, in the first instance, to Mr. Bellenden Ker, who was, at least for all practical purposes, the only surviving member of the Commission which had been appointed by Lord Brougham to effect a consolidation of both the Statute and the Criminal law. That Commission had proceeded with the Criminal but not with the Statute law, and they had made one report on the subject. He had a conference with Mr. Ker, and it appeared to him (the Lord Chancellor) that the best step that could be taken was to induce that gentleman to continue his services as a Commissioner for the consolidation of the Statute Law, while he should have to assist him in the discharge of his duties four such gentlemen as might appear to be best qualified for the task. Upon the whole, the entire proceeding must be regarded as to a great extent experimental, and he had not therefore deemed it expedient to protract beyond a single year the engagement of the Commission, lest it should turn out that their labours could not be directed to any useful end, or should fail in the accomplishment of the object which he had in view. He accordingly retained four able gentlemen to be the other members of the Commission for one year. These gentlemen had had an interview with him at his house towards the close of last March, and they had entered into certain arrangements as to the course they should pursue. They had agreed in the first place that it was of importance that they should ascertain what the statutes were that remained to be consolidated. Their Lordships were aware that there were in existence some forty quarto volumes, printed very closely, which were designated by the uninviting title of the Statutes at Large. Previous, however, to entering upon the consolidation of so extensive a body of laws, he had satisfied himself that it was fallacious to imagine that the Commissioners would have to deal with the entire body of the statutes which it embraced. In truth, the forty volumes consisted not alone of such statutes as were at the present day in force, but of innumerable other statutes, some of which had been repealed, others had become obsolete; and some of which also had been enacted merely for temporary or local purposes. Statutes of that nature it had not been his object to attempt to consolidate; and, in fact, his proposition had only related to those statutes which were of a general or public character. The Commissioners had had very great facilities for dealing successfully with that proposition, because they had the advantage of having before them the report of a former Commission upon the same subject, which came down to the reign of Queen Anne, to guide them in their investigation. To two of the gentlemen whom he had appointed, Mr. Anstey and Mr. Rogers, the task had been committed of looking over the entire of the statutes, and the result of their inquiry was somewhat curious. It appeared that from the date of Magna Charta up to the time of the enactment of the 15 & 16 of Her present Majesty, there had been passed for the United Kingdom 16,442 public statutes. Of that number there had, however, been actually repealed 2,700, and virtually repealed by the enactment of statutes with which their existence was inconsistent, 2,600 more. In short, not to trouble their Lordships by going into detail, he should state that there remained out of the 16,442 public statutes which had been passed, only 3,900 as to which the Commissioners could not report that they were not in force at the present day. Of that number, again, 420 related to Scotland exclusively, 600 to Ireland, and 400 to the Colonies; so that those enactments being left out of the question, their Lordships would perceive that there remained somewhat less than 2,500 public statutes applicable to England and to the United Kingdom. It was to the consolidation of that particular body of laws, therefore, that the attention of the Commissioners had been mainly directed. They had to analyse the various statutes which it embraced, and to ascertain under what heads they might severally or conjointly be classed. Two of the Commissioners had taken upon them that task, and in order to test the accuracy of their investigation, the same end which they had set about accomplishing was sought to be obtained by another of the Commissioners by a different process, namely, by commencing with the consideration of such statutes as were passed in the reign of Her present Majesty, and proceeding backwards to the period at which the labours of his fellow-Commissioners had begun. Such was the nature of the instructions which had been given to Mr. Bellenden Ker, and those who had been appointed to assist him, about the end of last March. They had, at the same time, been further directed to consult together, and, if possible, to ascertain whether it would be better to take the statutes as they now stood, and to put them into several Acts, according to the subjects to which they referred, improving their language, and throwing them into a more accessible form, or to unite with the enactments upon each particular subject the common or unwritten law, which related to such particular subject. A third question had also been suggested for their consideration, namely, whether it would not be advisable to make a digest of the various statutes, pointing out at the same time such alterations and amendments in their language or construction as it might be of advantage to introduce. His instruction to them, with reference to those points, had been to take some one subject, and to effect a consolidation of all the statutes upon that subject in the three different forms to which he had just called their Lordships' attention. One of the Commissioners had, in accordance with those instructions, selected as a subject the laws relating to distress for rent, and had made digests of those laws upon each of the three given principles. Those digests formed part of the Report which he had just laid before their Lordships. Mr. Coode, also one of the Commissioners, had some years ago been connected with the Poor Law

Board, and had then made great progress in framing a digest of all the laws on that subject from the time of Queen Elizabeth down to the present period. That work had been left in an incomplete state; but (he the Lord Chancellor) had suggested to Mr. Coode that such a digest would be very germane to the subject which he was now employed in considering, and had requested him to finish it in order that it might form part of the Report now upon their Lordships' table. Mr. Coode had complied with that request, and the result had been the consolidation of 160 statutes under one head. He thought that such a digest must prove of very great utility, and he was sure their Lordships, when they had perused the Report, would concur with him in thinking that they had been by no means idle or forgetful of the duties which they had been called upon to discharge. Whether their Lordships or he himself should agree in all the suggestions made by the Commissioners or not, he was not at that moment prepared to say; but he felt quite sure that those gentlemen had, at all events, laid down an excellent basis for further proceedings with respect to the important subject they had been appointed to consider. With reference to the various suggestions which the Commissioners had made, he should observe, that in exercising his own discretion in adopting them or not, he was satisfied he would be taking a course at which they could take no umbrage. He had come to the conclusion that, having obtained the very useful basis which they had furnished, the next mode of proceeding would be that each of the Commissioners should take a particular subject, in which no other save Statute law was comprehended—such, for instance, as the poor-law, in which there was no common law, the revenue laws, the laws relating to public works, railways, which were all enacted by statute—and should proceed to deal with that particular subject, and to consolidate the whole of the statutes which it embraced in one concise and simple form. Having said this much, he should just beg leave to call their Lordships' attention to a circumstance suggested by the Report of the Commissioners, which was of rather a singular character. Their Lordships were aware that about eight years ago, certain Acts, intituled the Railways Clauses Consolidation Act, and the Land Clauses Consolidation Act, had been passed, their object being the consolidation into two several statutes of such enactments as usually found their way into almost every Railway Bill. It was a curious fact, that, taking the quarterly printed folio pages in each Railway Bill into consideration, the diminution in the amount of printed matter which had been effected by these Acts of consolidation to which he had just referred was no less than 116,000 folio pages for a single issue of the copies of the Bill. When their Lordships took into consideration the fact that those Bills had to be printed over twice before they passed through both Houses of Parliament, and that more than one-quarter of the number which were from time to time submitted to the consideration of the Legislature were finally thrown out, they might form something like a correct idea of the great expense that must have been avoided by having recourse to the Acts of consolidation to which he had called their attention. He certainly thought they ought to avail themselves of the experience which might be derived from such circumstances. They should see whether they could not adopt the same principle in a variety of other matters. Most of their Lordships were engaged in the duties of magistrates; and he did not see why the laws relating to the duties of that office should not be put into one Act. Again, there were the laws relating to the national debt. The Chancellor of the Exchequer had told him that it was troublesome beyond measure for persons engaged in matters of finance to look into the various statutes. Now, that was a state of things which it was desirable should no longer exist, and he felt perfectly confident, from the course which the proceedings of the Commissioners appointed to investigate the subject had taken, that the scheme which he had submitted to the House for the consolidation of the Statute law would be of the most essential service to the public and to the country.

House adjourned till To-morrow.

HOUSE OF LORDS,

Friday, August 19, 1853.

MINUTES.] 1° Second Common Law Procedure Act, 1853; Criminal Law Amendment (No. 2).
2° Hackney Carriage Duties (No. 2).
3° Eastern Union Railway; Militia Pay; Land Tax Redemption Act Amendment; South Sea and other Annuities, Provision for Payment, &c.; Apprehension of Offenders Act Amendment; Betting Houses; Commons Inclosure (No. 3); Female Convicts; Loan Societies;

Marriages, Holy Trinity Church, Hulme, Validity; Friendly Societies; Copyhold, &c. Commission Continuance; Metropolitan Sewers Acts Continuance; Customs Consolidation Act; Ecclesiastical Jurisdiction.

THE SLAVE TRADE—CUBA.

Lord **BROUGHAM** wished to put a question to his noble Friend the Secretary for Foreign Affairs, relative to an occurrence which was represented to have recently taken place in Cuba. He understood that a person named Zulueta, a man notoriously engaged in the slave trade, the owner of the ship in which, as had been not long since stated in that House, so many hundred unhappy negroes had been imported into Cuba, under especially lamentable circumstances, had been, indeed, for his offence, sent to the Moro prison, but had also been immediately after—in the course of a few days—released from prison and allowed to come back to Havannah, where a grand entertainment was given him by a number of persons notoriously engaged in the same nefarious traffic with himself. Such a state of things must confirm the general impression that the Governor of Cuba was giving only a colourable adhesion to the treaties for the suppression of the slave trade, while, in reality, he aided and abetted those who were notoriously engaged in that traffic; and it was therefore extremely desirable that the public should learn from the noble Earl whether he had received any information as to the rumour in question.

The Earl of **CLARENDON** could only say, that a short time ago, about three weeks since, our Consul General in Cuba had reported that, in consequence of stringent instructions which had been sent out to the Governor of Cuba, it was understood in the island that a great amendment in the existing state of things with regard to the slave trade in Cuba would take place. The report so received, he had communicated at once to the Committee of the House of Commons sitting on the slave trade, who had included it in their report. The Consul General had also reported that Senor Zulueta, a notorious slavetrader, had been imprisoned, adding, that this exertion of vigour on the part of the authorities—a course quite unprecedented there—had spread consternation among all the slavetraders of Cuba, and was expected to be productive of good results. He had certainly heard of the rumour referred to by his noble and learned Friend, that Senor Zulueta had been speedily released, and had been entertained by a number of other persons engaged in the same unlawful traffic with himself; but he had as yet received no official confirmation of the rumour.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Friday, August 19, 1853.

Minutes.] New Member Sworn.—For Stafford County (Southern Division) Hon. Edward Richard Littleton.

SLIGO ELECTION.

Mr. I. **BUTT** said, he had to present a petition from Mr. John Patrick Somers, which set forth that the petitioner had represented Sligo in Parliament for fourteen years; that he was a candidate at the last election, which took place in July of the present year, and that Mr. John Sadleir was also a candidate; that the latter gentleman was declared to be duly elected, but, believing that his election had been procured by bribery, treating, and personation, Mr. Somers had presented a petition against Mr. Sadleir, complaining of the return, and praying a scrutiny of the votes. The petitioner stated that he had found the necessary recognisances for the prosecution of the petition, but that one of those had been tampered with by an agent of Mr. Sadleir, and, by a gift of 50*l.*, had been induced to make an affidavit that at the time of his becoming one of the sureties he was not worth 500*l.* In consequence of this the petition was vitiated, and Mr. Somers now prayed for inquiry and redress.

Mr. **SADLEIR** said, he trusted the House would permit him to make one or two observations on the subject of this petition. In the first place, he earnestly hoped the hon. and learned Member for Youghal (Mr. I. Butt) would not delay taking some step to submit the several allegations in the petition to the test of a trial, and of a public and deliberate inquiry before a properly-constituted tribunal. It was due, he (Mr. Sadleir) thought, to his own personal position, as well as to the public position which he occupied as a Member of the House of Commons, that he should declare in the most solemn manner that, so far as regarded himself, the various allegations contained in the petition, reflecting on his conduct and acts, were altogether unfounded and void of truth. He had had no opportunity of communicating with any of the other parties against whose conduct allegations were also made, except Mr. Walker. As Mr. Walker was in London, he called on that gentleman to give him a statement on the subject. Mr. Walker assured him in the most distinct and positive manner that he had no knowledge whatever of the alleged transactions—that if they had taken place it was without authority and direction on his part, and entirely without his knowledge. He (Mr. Sadleir) might also mention that he had no communication, directly or otherwise, with, and had no knowledge of, a man named Simpson spoken of in the petition. It was not the fact that another person named in the petition acted as his agent. No person was authorised to act for him in the matter of the petition presented against his return save Mr. Walker. The sooner the allegations contained in the petition were made the subject of an investigation, the better for every individual affected by the petition. He could not but regard it as a misfortune, that a petition of this character, imputing improper, illegal, corrupt, and unconstitutional conduct to parties, should be presented at the close of one Session of Parliament, when it was utterly impossible to submit those allegations to any test whatsoever before the commencement of another Session of Parliament. He hoped, however, that the hon. and learned Member would take the earliest opportunity of submitting those allegations to public investigation. This petition bore a curious resemblance to one presented in 1848, and he thought it probable that the same fate would attend it. He remembered very well the petition presented in 1848, charging a gentleman who was his predecessor as Member for Sligo with corrupt and illegal acts, and unconstitutional interference with the privileges of that House. That petition was referred to a Select Committee; and the authors of those allegations were obliged to appear before the Committee, which reported on the allegations, after a careful inquiry, as unfounded, and as not having been proved. It was very possible, he apprehended, that the promoters of this petition would find their present attempt as abortive as the attempt of 1848.

Mr. I. BUTT said, he could assure the hon. Gentleman that he should take the earliest opportunity of proposing an inquiry. The petition had been put in his hand by a gentleman who had been a Member of that House. He (Mr. I. Butt) said nothing with respect to the allegations; and, while he should regret doing anything to prejudice the hon. Gentleman, he thought the hon. Gentleman would have done better had he abstained from stating anything to prejudice the petitioners.

Petition to lie on the table.

EDUCATION.

Mr. APSLEY PELLATT said, he wished to ask the noble Lord the Member for the City of London, what sum was included in the aggregate Vote of 281,765*l.* for public education in Great Britain for establishing new schools in towns where no town councils exist, in conformity with the Minute of Council; whether the sum so voted for this special object would be expended during the suspension of the proposed Education Bill? Also, in the event of that Bill being ultimately wholly withdrawn, whether the Minute of Council in question would be rescinded, and the money deducted from the current year's educational grant, thereby reducing the large excess of 100,000*l.*. as compared with the expenditure of 1852?

Lord JOHN RUSSELL said, that so far as regarded that portion of the Minute which applied to places having town councils, no money would be expended; but with respect to the establishment of schools in towns where no town council existed, he had to state that it was the opinion of Her Majesty's Government, that, where cases of that kind occurred, and were brought before the Members of the Committee of the Privy Council, grants ought to be made in conformity with the Minute. With reference to the question whether, in the event of the Education Bill being withdrawn, the Minute of Council would be rescinded, that was of course a matter for consideration hereafter, and he could not at present afford any information on the subject to the hon. Gentleman. He could not say how much of the whole sum granted for public education would be expended in the establishment of new schools in towns where no town council existed. The estimates were merely conjectural, and a great deal would depend upon the number of applications which might be made. However, there was to be a meeting of the Educational Committee of the Privy Council to-morrow, when the whole subject would probably be discussed and determined upon.

CRIMINAL CODE OF PORTUGAL.

Mr. KINNAIRD said, he begged to ask the noble Lord the Member for London if any information had reached the Government with reference to a late decree, said to have been passed by the Queen of Portugal, and sanctioned by the Cortes, by which any subject of that kingdom was condemned to fine and imprisonment, varying from one to three years, if he should do anything, by word or in writing, which, in the opinion of the Government, might be considered as an insult to any of the dogmas of the Roman Catholic religion, or attempt to propagate doctrines contrary to that religion, or celebrate public acts of worship differing therefrom, and by which any foreigner convicted of similar offences was to be banished from that kingdom? and, if so, whether he had any objection to lay a copy of such decree, or extract therefrom, on the table of the House? Also, if any provision had been made for the protection of the rights and liberties of the subjects of Her Majesty resident in or visiting that kingdom, in conformity with the treaty of July 3, 1842, by which treaty the right was guaranteed to them of building and maintaining, without hindrance, places of public worship, and the free exercise of their religion was promised to them? and, if so, whether he would lay a copy of such provision on the table of the House, together with copies of any correspondence between Her Majesty's Government and that of the Queen of Portugal, on this subject? The main question, however, was, whether the Government had a distinct assurance from the Queen of Portugal that the rights of British subjects in Portugal were not infringed by that decree?

Lord JOHN RUSSELL, in reply, said, that Her Majesty's Government had called the attention of Her Majesty's Minister at Lisbon to the decree with reference to the punishment of persons who in any way might have insulted the Roman Catholic religion, or celebrated public worship in a way different from that which was ordered in the Roman Catholic mode of worship. Her Majesty's Minister at Lisbon had sent home only certain articles of the decree. He had not at any time sent a complete copy of the decree in question. With respect to the further part of the question—namely, that relating to the treaty of 1842, one could conceive that there might be no infringement of that treaty, because there had been no complaint from any British subject that the treaty had been infringed. The treaty was very precise—that British subjects should be allowed to meet together for the purposes of religion, without the smallest hindrance. The practice, he (Lord J. Russell) believed, had been in conformity with the treaty. Unless there were any complaint that the treaty was infringed in any respect, he did not see that it was necessary to treat the decree as an infringement of the treaty.

CASE OF MR. EDWARD MURRAY.

Lord DUDLEY STUART said, he wished to ask the noble Lord the Member for London whether the attention of Government had been further directed to the case of Mr. Edward Murray, a British subject, condemned to imprisonment for life by the Government of the Pope, and whether they would take any further steps for obtaining his liberation?

Lord JOHN RUSSELL said, it appeared that Mr. Freeborn, the British Consul, had applied in January last with respect to the case of Mr. Murray, and was told that no further remission could be made. In pursuance of his (Lord John Russell's) instructions in January last, Her Majesty's *Chargé d'Affaires* at Florence also applied, and received a similar answer. A further application had been made at a still later period by Mr. Petre and Mr. Freeborn, and the last answer that had been received was this, that the Papal Government had been subjected to many reflections on account of the clemency which had been already shown to Mr. Murray; that it had been said that the persons who had been executed for the same crimes had not been more guilty than Mr. Murray; that, consequently, the relations and friends of those persons who had been executed were indignant that so much mercy had been shown to Mr. Murray; and that, under those circumstances, the Papal Government would not extend any further mercy to him. He really thought, therefore, he should be holding out false hopes to the noble Lord if he said he thought the Government would obtain any further remission of the sentence by any further application. For the present, at least, he did not think it would be of any avail to make any further application.

TURNPIKE ACTS CONTINUANCE BILL.

A Message from the Lords informed the House that their Lordships insisted on their Amendment on this Bill, striking out the clause prohibiting dog-carts on turnpike roads.

VISCOUNT PALMERSTON said, he thought it desirable that the House should agree to the Lords' Amendment. If those who had supported this clause originally should still think, as he did, that it was desirable, it might be brought in as a separate measure next Session. His view of the subject was this, not simply that the prohibition of dog-carts was desirable as a measure of humanity, or as a preventitive of danger—but that they were the vehicles of a great quantity of stolen goods—that they were the vehicles by which numbers of small plunderers and pilferers—apprentices in crime—were able to convey what they had stolen to some other town, where they sold it to receivers. Under present circumstances, however, he thought the House would do right in acquiescing in the Amendment.

SIR WILLIAM JOLLIFFE said, he quite agreed with the noble Lord that it was extremeley desirable to prevent dog-carts being used in the manner and by the description of persons he had referred to; but the truth was, that that object would only have been partially effected by the clause in question, because it would still have left persons at liberty to use those vehicles on highways. He would suggest to the noble Lord that it would be better to insert a clause for the purpose in a Highway Act than a Turnpike Act.

MR. SPOONER begged to say, on the part of the noble Lord the Member for South Shropshire (Viscount Newport), who introduced the clause originally, that his object had been to prevent the numerous accidents which were constantly occurring from their use. He hoped the noble Lord (Viscount Palmerston) would turn his attention to the subject, and endeavour to provide a remedy.

Resolved—"That this House doth not insist on their disagreement to the said Amendment."

HOUSE OF LORDS,

Saturday, August 20, 1853.

MINUTES.—PUBLIC BILLS. ROYAL ASSENT.]—Consolidated Fund (Appropriation); Evidence Amendment; Passengers Act Amendment; Registrar of the Privy Council; Liberated Africans (Sierra Leone); Government of India; Vaccination Extension; Transportation; Burgh Harbours (Scotland); Thames Embankment; Duties on Horses let for Hire; Assessed Taxes; Insurance on Lives; Sheriffs (Scotland); Entails (Scotland); Chancery Suitors further Relief; Lunatic Asylums; Lunatics Care and Treatment; Public Libraries (Ireland and Scotland); Universities (Scotland); Employment of Children in Factories; Courts of Common Law (Ireland); Dublin Carriage; Belfast Municipal Boundaries; Charitable Trusts; Copies of Specifications Repeal; Land Tax Commissioners Names; Defacing the Coin; Linen, &c., Manufactures (Ireland); Stock in Trade Exemption; Customs Tariff; General Board of Health (No. 3); Militia Ballots Suspension and Militia Law Amendment; Burials (beyond the Metropolis); Pilotage; Merchant Shipping; Drainage of Lands (Ireland) Act Amendment; Public Works Acts Amendment (Ireland); Smoke Nuisance Abatement (Metropolis; Hackney Carriage Duties (No. 2); Militia Pay; Land Tax Redemption Act Amendment; South Sea and other Annuities, Provision for Payment, &c.; Apprehension of Offenders Act Amendment; Betting Houses; Common Inclosures (No. 3); Female Convicts; Loan Societies; Marriages, Holy Trinity Church, Hulme, Validity; Friendly Societies; Copyhold, &c. Commission Continuance; Metropolitan Sewers Acts Continuance; Customs Consolidation; Ecclesiastical Jurisdiction; Turnpike Acts Continuance, &c.; Eastern Union Railway; East Indian Railway Company; South Sea Company's Arrangement and Trusts.

PROROGATION OF THE PARLIAMENT—SPEECH OF THE LORDS COMMISSIONERS.

The PARLIAMENT was this day prorogued by Commission.

THE LORDS COMMISSIONERS, namely, the Lord Chancellor (Lord Cranworth, the Lord President of the Council (Earl Granville), the Lord Privy Seal (the Duke of Argyll), the Lord Chamberlain (the Marquess of Breadalbane), and the Secretary of State for the Colonies (the Duke of Newcastle), being seated at the foot of the Throne, and the COMMONS preceded by their Speaker being present, the ROYAL ASSENT was given to several Bills.

The LORD CHANCELLOR, on behalf of the LORDS COMMISSIONERS, then *delivered* the following Speech:—

"*My Lords, and Gentlemen,*

"WE are commanded by Her Majesty to release you from your Attendance in Parliament, and at the same Time to express Her Majesty's cordial Approbation of the Zeal and Assiduity with which, during a protracted and laborious Session, you have applied yourselves to the Consideration of many Subjects of great Importance to the Public Welfare.

"Her Majesty has seen with much Satisfaction that, by the Remission and Reduction of Taxes which tended to cramp the Operations of Trade and Industry, you have given fresh Extension to a System of beneficent Legislation, and have largely increased the Means of obtaining the Necessaries of Life.

"The Provision which you have made for meeting the Demands of the Public Service, not only in the present but also in future Years, is of a Nature to give permanent Stability to our Finances, and thereby to aid in consolidating the Strength and Resources of the Empire.

"The buoyant State of the Revenue and the steady Progress of our Foreign Trade are Proofs of the Wisdom of the Commercial Policy now firmly established; while the Prosperity which pervades the great Trading and producing Classes, happily without even a partial Exception, affords continued and increasing Evidence of the enlarged Comforts of the People.

"The Measure which you have passed for the future Government of *India* has been readily sanctioned by Her Majesty, in the Persuasion that it will prove to have been wisely framed, and that it is well calculated to promote the Improvement and Welfare of Her Majesty's Eastern Dominions.

"Her Majesty regards with peculiar Satisfaction the Provision you have made for the better Administration of Charitable Trusts. The Obstacles which existed to the just and beneficial Use of Property set apart for Purposes of Charity and of Education have been a serious public Evil, to which Her Majesty is persuaded that in your Wisdom you have now applied an efficient Remedy.

"*Gentlemen of the House of Commons,*

"We are commanded by Her Majesty to thank you for the Supplies which you have granted for the Service of the present Year, and for the Provision which you have made for the Defence of the Country both by Sea and Land. Her Majesty will apply them with a due Regard to Economy, and consistently with that Spirit which has at all Times made our National Security the chief Object of Her Care.

"*My Lords, and Gentlemen,*

"Her Majesty commands us to inform you, that She continues to receive from Her Allies the Assurance of their unabated Desire to cultivate tho most Friendly Relations with this Country.

"It is with deep Interest and Concern that Her Majesty has viewed the serious Misunderstanding which has recently arisen between *Russia* and the *Ottoman Porte.*

"The Emperor of the *French* has united with Her Majesty in earnest Endeavours to reconcile Differences, the Continuance of which might involve *Europe* in War.

"Acting in concert with Her Allies, and relying on the Exertions of the Conference now assembled at *Vienna,* Her Majesty has good Reason to hope that an honourable Arrangement will speedily be accomplished.

"Her Majesty rejoices to be able to announce to you the Termination of the War on the Frontiers of the Settlement of the *Cape of Good Hope;* and She trusts that the Establishment of Representative Government in that Colony may lead to the Development of its Resources, and enable it to make efficient Provision for its future Defence.

"We are also commanded to congratulate you that by the united Exertions of the Naval and Military Forces of Her Majesty and of the *East India* Company, the War in *Burmah* has been brought to an honourable and successful Issue; the Objects of the War having been fully attained, and due Submission made by the *Burmese* Government, Peace has been proclaimed.

"Her Majesty contemplates, with grateful Satisfaction and Thankfulnes to Almighty God, the Tranquillity which prevails throughout Her Dominions, together with that peaceful Industry and Obedience to the Laws which ensure the Welfare of all Classes of Her Subjects. It is the first Desire of Her Majesty to promote the Advance of every social Improvement, and, with the Aid of your Wisdom, still further to extend the Prosperity and Happiness of Her People."

Then a Commission for proroguing the Parliament was read.

After which the LORD CHANCELLOR said—

"My Lords, and Gentlemen,

"By virtue of Her Majesty's Commission, under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name and in obedience to Her Commands, prorogue this Parliament to *Thursday* the Twenty-seventh Day of *October* next, to be then here holden; and this Parliament is accordingly prorogued to *Thursday* the Twenty-seventh Day of *October* next."

HOUSE OF COMMONS,

Saturday, August 20, 1853.

THE CAPE OF GOOD HOPE.

In answer to a question from Sir De Lacy Evans,

Mr. FREDERICK PEEL said, that the boundary of the Cape Colony and the boundary of the Queen's Dominions were different things. There was a broad belt between them, which had been occupied by the Kafirs, where the Amatola Mountains were. The struggle had been to dislodge the Kafirs from that mountain stronghold, and, when once removed, it was necessary to take care that they did not regain possession of it. For that reason General Cathcart had made the Amatola Mountains a Crown reserve, and had established fortified posts there. That, of course, was the Queen's property, and under the shelter of those forts there would be a village or two. The Government at home had not disallowed any proposition of General Cathcart, neither had they sanctioned it; but they had authorised him to carry out his plans provisionally. They had not sanctioned it, because they thought that such a course would be premature, and might possibly embarrass General Cathcart, if, after consulting with Sir George Clerk, he might find it desirable not to carry his proposition into effect.

Mr. J. WILSON said, he must admit that the complaints which had been made with respect to the Irish Post Office in the course of the present Session were not without some ground. At the same time it must be remembered that it was difficult to make arrangements immediately railways were opened, especially when there were contracts unexpired based upon the old modes of communication. Besides, direct lines of railway did not always afford the same accommodation to the side towns as the old roads. Undoubtedly, however, a great deal might be done to obviate these difficulties, and his noble Friend at the head of the Post Office had undertaken, during the recess, to examine the whole question very minutely, in order to see whether those side towns might not be accommodated which had been inconvenienced by railway communication. He wished to state to the House one or two facts with respect to the Post Office. There were no fewer than 156,000 letters and 40,000 newspapers passing daily through the Post Office more than in 1846.

Even the number of letters now passing through the Post Office, as compared with the number last December, had increased 33,000 daily. Taking 1841, 1846, and 1853, as three periods, to test the increase, and taking a single week, the last week in June, the number of letters in one week was 3,773,000 in 1841, 5,553,000 in 1846, and 7,700,000 in 1853. Such an increase of Business might suggest the almost impossibility of keeping the arrangements in a state adequate to meet it. Registered letters required four entries and the signatures of two clerks. The numbers of such letters was, in 1846, 27,000, in the present year, 61,000; being an increase of 123 per cent. Another department on which there was a great pressure was the Money Order Office. In 1841 the whole amount was 960,000*l.*; in 1852, it was 9,400,000*l.*; and this year it would be upwards of 10,000,000*l.* if it went on at its present rate. He thought these facts were a sufficient apology, if any were required, for any deficiency in the Post Office; but he could only say that the noble Lord who was at the head of the Post Office and Mr. Rowland Hill were occupied in endeavouring to give every possible facility, and especially in the south of Ireland.

RUSSIA AND THE PORTE.

Mr. MONCKTON MILNES said, he begged to inquire whether, in the absence of the noble Lord the Member for London, the noble Lord the Secretary for the Home Department was able, under present circumstances, to assure the House as to the moral confidence which Her Majesty's Government entertained with respect to the evacuation of the Danubian Principalites being such as to allow Parliament to be prorogued without anxiety? To this one point the attention of the country was mainly directed; and he believed that, for the security of commerce, it was most important that it should be settled.

Viscount PALMERSTON: The answer as to the confidence of Her Majesty's Government will be given in the shortest possible space—namely, that their belief is that Parliament may be prorogued under present circumstances. As to the evacuation of the Principalities, I have only to say that I am confident the Emperor of Russia, having that regard to his honour and character which every Sovereign of a great country must always be inspired by, will take the earliest opportunity, after the settlement with Turkey, of his own accord to make a merit of evacuating the Principalities without the smallest delay. That is my confident expectation and belief.

PROROGATION OF THE PARLIAMENT.

Message to attend the Lords Commissioners;—

The House went; and the Royal Assent was given to several Bills. Afterwards a Speech of the Lords Commissioners was delivered to both Houses by the Lord Chancellor.

Then a Commission for proroguing the Parliament was read.

After which the LORD CHANCELLOR said—

"My Lords, and Gentlemen,

"By virtue of Her Majesty's Commission under the Great Seal, to us and other Lords directed, and now read, we do, in Her Majesty's Name and in obedience to Her Commands, prorogue this Parliament to Thursday, the 27th day of October next, to be then here holden; and this Parliament is accordingly prorogued to Thursday, the 27th day of October next."

A TABLE

OF

ALL THE STATUTES

PASSED IN THE FIRST SESSION OF

THE SIXTEENTH PARLIAMENT OF THE UNITED KINGDOM
OF GREAT BRITAIN AND IRELAND,

16° & 17° *VICT.*

PUBLIC GENERAL ACTS.

I. AN Act to make Provision concerning Bills of Exchange and Promissory Notes payable in the Metropolis on the Day appointed for the Funeral of *Arthur* late Duke of *Wellington*.

II. An Act to amend an Act of the First Year of King *George* the Fourth, for the Prevention of forging and counterfeiting Bank Notes.

III. An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*.

IV. An Act to amend an Act for guaranteeing the Interest on such Loans, not exceeding Five hundred thousand Pounds, as may be raised by the *British Colonies* on the Continent of *South America*, in the *West Indies*, and the *Mauritius*, for certain Purposes.

V. An Act to substitute Stamp Duties for Fees on passing Letters Patent for Inventions, and to provide for the Purchase for the public Use of certain Indexes of Specifications.

VI. An Act to apply the Sum of Two Millions to the Service of the Year One thousand eight hundred and fifty-three.

VII. An Act to amend an Act relating to the Valuation of rateable Property in *Ireland*.

VIII. An Act for enabling the Commissioners of Inland Revenue to dispose of certain Property in the City of *London*.

IX. An Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters.

X. An Act for the Regulation of Her Majesty's Royal Marine Forces while on shore.

XI. An Act to authorize the Inclosure of certain Lands in pursuance of a Report of the Inclosure Commissioners for *England* and *Wales*.

XII. An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and fifty-three.

XIII. An Act to revive certain temporary Provisions relating to the Collection of Grand Jury Cess in *Ireland*.

XIV. An Act to indemnify such Persons in the United Kingdom as have omitted to qualify themselves for Offices and Employments, and to extend the Time limited for those Purposes respectively.

XV. An Act to limit the Time of taking the Poll in Counties at contested Elections for Knights of the Shire to serve in Parliament in *England* and *Wales* to One Day.

XVI. An Act for carrying into effect the Engagement between Her Majesty and *Syed Syf bin Hamood*, the Chief of *Sohar*, in *Arabia*, for the more effectual Suppression of the Slave Trade.

XVII. An Act for carrying into effect the Treaty between Her Majesty and the Republic of *New Granada* for the Suppression of the Slave Trade.

XVIII. An Act to authorize Advances out of the Consolidated Fund to discharge Monies borrowed on the Security of the Land Revenues of the Crown, for the Purpose of Metropolitan Improvements, and providing for the Payment of such Advances and of certain Monies charged on the *London Bridge* Approaches Fund.

XIX. An Act to amend an Act of the Fifteenth Year of Her present Majesty (*New Forest* Deer Removal), as regards the Publication of Claims, and the preferring and delivering Objections thereto.

XX. An Act to alter and amend an Act of the Fifteenth Year of Her present Majesty, for amending the Law of Evidence in *Scotland*.

XXI. An Act to authorize the Legislature of the Province of *Canada* to make Provision concerning the Clergy Reserves in that Province, and the Proceeds thereof.

XXII. An Act for making further Provision for the Execution of the Office of Examiner of the High Court of Chancery.

XXIII. An Act for redeeming or commuting the Annuity payable to the *South Sea* Company, and certain Annuities of Three Pounds *per Centum per Annum*, and for creating new Annuities of Three Pounds Ten Shillings *per Centum per Annum*, and Two Pounds Ten Shillings *per Centum per Annum*, and issuing Exchequer Bonds.

XXIV. An Act to confirm and extend certain Provisional Orders of the General Board of Health for the Towns of *Wakefield, Elland, Wallasey, Dudley, Barnsley, Dorchester*, and *Welshpool.*

XXV. An Act for raising the Sum of Seventeen millions seven hundred and forty-two thousand five hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and fifty-three.

XXVI. An Act to provide for the supplying of Vacancies in Town Councils of Burghs in *Scotland* consequent on null or irregular Elections.

XXVII. An Act for empowering the Sheriff and Commissary of *Berwickshire* to hold Courts at *Dunse*, and for other Purposes.

XXVIII. An Act to amend the Law as to taking the Poll at Elections of Members to serve in Parliament for *Scotland.*

XXIX. An Act for regulating the Weights used in Sales of Bullion.

XXX. An Act for the better Prevention and Punishment of aggravated Assaults upon Women and Children, and for preventing Delay and Expense in the Administration of certain Parts of the Criminal Law.

XXXI. An Act to apply the Sum of Four Millions out of the Consolidated Fund to the Service of the Year One Thousand eight hundred and fifty-three.

XXXII. An Act to make further Provision for staying Execution of Judgment for Misdemeanors upon giving Bail in Error.

XXXIII. An Act for the better Regulation of Metropolitan Stage and Hackney Carriages, and for prohibiting the Use of advertising Vehicles.

XXXIV. An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices.

XXXV. An Act to make Provision concerning the future Regulation of certain Appointments connected with Cathedral and Collegiate Churches, and concerning certain of the Estates of the Deans and Chapters of *York* and *Carlisle.*

XXXVI. An Act for disafforesting the Forest of *Whichwood.*

XXXVII. An Act to impose additional Duties on Spirits in *Scotland* and *Ireland;* and to alter the Countervailing Duties on Spirits the Manufacture of *Guernsey, Jersey, Alderney*, or *Sark*, imported into *Scotland* or *Ireland*, and the Countervailing Duties and Drawbacks on the Removal of certain Mixtures and Compounds between *Scotland, Ireland*, and *England* respectively; and to amend the Laws relating to the collecting and securing the Duties of Excise upon Spirits.

XXXVIII. An Act to extend the Remedies for the Compensation of malicious Injuries to Property in *Ireland.*

XXXIX. An Act to repeal the Duties, Allowances, and Drawbacks of Excise on Soap.

XL. An Act for altering the Mode of Repayment of Advances by the Public Works Loan Commissioners under the Public Health Act, 1848, and other Acts.

XLI. An Act for making further Provisions with respect to Common Lodging Houses.

XLII. An Act for disafforesting the Forest of *Whittlewood* otherwise *Whittlebury.*

XLIII. An Act for enabling the Justices of Counties to contract in certain Cases for the Maintenance and Confinement of convicted Prisoners in the Gaols of adjoining Counties.

XLIV. An Act to enlarge and extend the Powers of an Act of the Fifteenth and Sixteenth Years of Her present Majesty, for enabling the Commissioners of Her Majesty's Works and public Buildings to complete Improvements in *Pimlico*, and in the Neighbourhood of *Buckingham Palace.*

XLV. An Act to consolidate and amend the Laws and to grant additional Facilities in relation to the Purchase of Government Annuities through the Medium of Savings Banks, and to make other Provisions in respect thereof.

XLVI. An Act to transfer *Westminster Bridge* and the Estates of "The Commissioners of *Westminster Bridge*" to the Commissioners of Her Majesty's Works and Public Buildings; and to enable such last-mentioned Commissioners to remove the present Bridge, and to build a new Bridge on or near the Site thereof.

XLVII. An Act to provide for the Purchase and Extinguishment of all Rights of Common and Lammas and other Commonable Rights over the Site of *Battersea Park* in the County of *Surrey.*

XLVIII. An Act for the Punishment of Offences in the Colonies in relation to the Coin.

XLIX. An Act to extend the Provisions of an Act of the Fifteenth and Sixteenth Years of Her present Majesty, intituled *An Act to enable Colonial and other Bishops to perform certain Episcopal Functions, under Commission from Bishops of* England *and* Ireland.

L. An Act to effect Exchange of Patronage by Archbishops, Bishops, and other Ecclesiastical Corporations.

LI. An Act for granting to Her Majesty Duties on Succession to Property, and for altering certain Provisions of the Acts charging Duties on Legacies and Shares of Personal Estates.

LII. An Act to extend the Time for constructing a new Street from *Spitalfields* to *Shoreditch*, and to amend the Acts relating thereto.

LIII. An Act to amend the Laws relating to Bankruptcy in *Scotland.*

LIV. An Act to alter certain Duties of Customs.

LV. An Act to make better Provision for the efficient Discharge of the Duties of the Taxing Officer in and for the Common Law Business in *Ireland.*

LVI. An Act to facilitate the Redemption of certain Charges on the Hereditary Possessions and Land Revenues of the Crown, and to make other Provisions in regard to the Management of such Hereditary Possessions and Land Revenues.

LVII. An Act to explain and amend the Copyhold Acts.

LVIII. An Act to authorize the Appointment of Barristers for the Purpose of effecting a complete annual Revision of Lists and Registry of Voters for the City of *Dublin*, and to remove Doubts as to the Rate Books for the Purposes of such Registry.

LIX. An Act to repeal certain Stamp Duties, and to grant others in lieu thereof, to amend the

Laws relating to Stamp Duties, and to make perpetual certain Stamp Duties in *Ireland*.

LX. An Act to amend the Acts regulating the Salaries of Resident Magistrates in *Ireland*.

LXI. An Act to confirm certain Provisional Orders made under an Act of the Fifteenth Year of Her present Majesty, to facilitate Arrangements for the Relief of Turnpike Trusts, and to make certain Provisions respecting Exemptions from Tolls.

LXII. An Act to extend and continue an Act of the Twelfth Year of Her present Majesty, to prevent the spreading of contagious or infectious Disorders among Sheep, Cattle, and other Animals.

LXIII. An Act to repeal certain Stamp Duties, and to grant others in lieu thereof, to give Relief with respect to the Stamp Duties on Newspapers and Supplements thereto, to repeal the Duty on Advertisements, and otherwise to amend the Laws relating to Stamp Duties.

LXIV. An Act for continuing and amending the Act for facilitating the Sale and Transfer of Incumbered Estates in *Ireland*.

LXV. An Act to amend the Acts for the Regulation of Parish Vestries.

LXVI. An Act to continue an Act for authorizing the Application of Highway Rates to Turnpike Roads.

LXVII. An Act for the better Regulation of Public Houses in *Scotland*.

LXVIII. An Act to limit the Time for proceeding to Election in Counties and Boroughs in *England* and *Wales*, and for Polling at Elections for the Universities of *Oxford* and *Cambridge*, and for other Purposes.

LXIX. An Act to make better Provision concerning the Entry and Service of Seamen, and otherwise to amend the Laws concerning Her Majesty's Navy.

LXX. An Act for the Regulation of Proceedings under Commissions of Lunacy, and the Consolidation and Amendment of the Acts respecting Lunatics so found by Inquisition, and their Estates.

LXXI. An Act to amend the Law relating to the Stamp Duties upon Newspapers.

LXXII. An Act to continue an Act of the Eleventh Year of Her present Majesty, for the better Prevention of Crime and Outrage in certain Parts of *Ireland*.

LXXIII. An Act for the Establishment of a Body of Naval Coast Volunteers, and for the temporary Transfer to the Navy, in case of Need, of Seafaring Men employed in other Public Services.

LXXIV. An Act to reduce the Terms on which the Land Tax in *Great Britain* may be redeemed or purchased.

LXXV. An Act for the Remission of the Consolidated Annuities charged upon Districts in *Ireland*.

LXXVI. An Act to continue certain Acts for regulating Turnpike Roads in *Ireland*.

LXXVII. An Act to continue an Act of the Fifteenth Year of Her present Majesty, for charging the Maintenance of certain poor Persons in Unions in *England* and *Wales* upon the Common Fund.

LXXVIII. An Act relating to the Appointment of Persons to administer Oaths in Chancery, and to Affidavits made for Purposes connected with Registration.

LXXIX. An Act for making sundry Provisions with respect to Municipal Corporations in *England*.

LXXX. An Act to facilitate Procedure in the Sheriff Courts in *Scotland*.

LXXXI. An Act to reduce the Salary and Emoluments of the Registrar of Meetings of the Court of Bankruptcy.

LXXXII. An Act to provide for the future Regulation and Management and the permanent Endowment of "The College of *Christ* of *Brecknock*," founded by King *Henry* the Eighth, with permissive Powers to unite the same with *Saint David's College*.

LXXXIII. An Act to amend an Act of the Fourteenth and Fifteenth *Victoria*, Chapter Ninety-nine.

LXXXIV. An Act to amend the Passengers Act, 1852, so far as relates to the Passages of Natives of *Asia* or *Africa*, and also Passages between the Island of *Ceylon* and certain Parts of the *East Indies*.

LXXXV. An Act for removing Doubts as to the Powers of the Registrar of Her Majesty's Privy Council to administer Oaths, and for providing for the Performance of the Duties of such Registrar in his Absence.

LXXXVI. An Act to remove Doubts as to the Rights of the liberated *Africans* in *Sierra Leone*.

LXXXVII. An Act to give to the Commissioners of Her Majesty's Works and Public Buildings extended Time and further Powers for completing the Embankment of the River *Thames* between *Vauxhall* and *Battersea* Bridges, and a new Street from *Lower Sloane Street* in connexion therewith.

LXXXVIII. An Act to repeal the Duties payable in respect of Horses let for Hire, and to grant new Duties on Licences to let Horses for Hire.

LXXXIX. An Act to regulate the Admission of Professors to the Lay Chairs in the Universities of *Scotland*.

XC. An Act to repeal certain Duties of Assessed Taxes, and to grant other Duties of the same Description; and to amend the Laws relating to the Application of the Monies arising from the Redemption and Purchase of the Land Tax.

XCI. An Act to extend for a limited Time the Provision for Abatement of Income Tax in respect of Insurances on Lives.

XCII. An Act to diminish the Number of Sheriffs in *Scotland*, and to unite certain Counties in *Scotland* in so far as regards the Jurisdiction of the Sheriff.

XCIII. An Act to enable Burghs in *Scotland* to maintain and improve their Harbours.

XCIV. An Act to extend the Benefits of the Act of the Eleventh and Twelfth Years of Her present Majesty, for the Amendment of the Law of Entail in *Scotland*.

XCV. An Act to provide for the Government of *India*.

XCVI. An Act to amend an Act passed in the Ninth Year of Her Majesty, "for the regulation of the Care and Treatment of Lunatics."

XCVII. An Act to consolidate and amend the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics, in *England.*

XCVIII. An Act for the further Relief of the Suitors of the High Court of Chancery.

XCIX. An Act to substitute, in certain Cases, other Punishment in lieu of Transportation.

C. An Act further to extend and make compulsory the Practice of Vaccination.

CI. An Act to extend the Public Libraries Act, 1850, to *Ireland* and *Scotland.*

CII. An Act to prevent the defacing of the current Coin of the Realm.

CIII. An Act to amend and continue certain Acts relating to Linen, Hempen, and other Manufactures in *Ireland.*

CIV. An Act further to regulate the Employment of Children in Factories.

CV. An Act to continue the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of the Poor.

CVI. An Act for consolidating Customs Duties Acts.

CVII. An Act to amend and consolidate the Laws relating to the Customs of the United Kingdom and of the *Isle of Man*, and certain Laws relating to Trade and Navigation and the *British* Possessions.

CVIII. An Act for further continuing certain temporary Provisions concerning Ecclesiastical Jurisdiction in *England.*

CIX. An Act to continue an Act to amend the Laws relating to Loan Societies.

CX. An Act to apply a Sum out of the Consolidated Fund and the Surplus of Ways and Means to the Service of the Year One thousand eight hundred and fifty-three, and to appropriate the Supplies granted in this Session of Parliament.

CXI. An Act to appoint additional Commissioners for executing the Acts for granting a Land Tax and other Rates and Taxes.

CXII. An Act to consolidate and amend the Laws relating to Hackney and Stage Carriages, also Job Carriages and Horses, and Carts let for Hire, within the Police District of *Dublin* Metropolis.

CXIII. An Act to amend the Procedure in the Superior Courts of Common Law in *Ireland.*

CXIV. An Act to extend the Municipal Boundaries of the Borough of *Belfast*, and to reduce the Scale of rating upon certain Property within the said Borough.

CXV. An Act to amend certain Provisions of the Patent Law Amendment Act, 1852, in respect of the Transmission of certified Copies of Letters Patent and Specifications to certain Offices in *Edinburgh* and *Dublin*, and otherwise to amend the said Act.

CXVI. An Act to defray the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland;* to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons' Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.

CXVII. An Act to amend the Laws relating to the Redemption and Purchase of the Land Tax in *Great Britain.*

CXVIII. An Act to amend an Act of the Seventh Year of Her Majesty, for the better Apprehension of certain Offenders.

CXIX. An Act for the Suppression of Betting Houses.

CXX. An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales.*

CXXI. An Act for providing Places of Confinement in *England* or *Wales* for Female Offenders under Sentence or Order of Transportation.

CXXII. An Act to render valid certain Marriages in the Church of the *Holy Trinity* in the Township of *Hulme* and Parish of *Manchester* in the County of *Lancaster.*

CXXIII. An Act to amend the Laws relating to the Investments of Friendly Societies.

CXXIV. An Act to continue Appointments under the Act for consolidating the Copyhold and Inclosure Commissions, and for completing Proceedings under the Tithe Commutation Acts.

CXXV. An Act to continue and amend the Metropolitan Sewers Acts.

CXXVI. An Act to confirm certain Provisional Orders of the General Board of Health for *Accrington, Bangor,* and *Uxbridge,* and to provide for conducting the First Election of a Local Board of Health at *Elland.*

CXXVII. An Act to reduce the Duties payable in respect of Hackney Carriages used in the Metropolis, and to amend the Laws relating to the granting of Licences and Payment of Duties in respect of Metropolitan Stage and Hackney Carriages, and to make Provision as to the Charge for the Hire of Hackney Carriages in certain Cases.

CXXVIII. An Act to abate the Nuisance arising from the Smoke of Furnaces in the Metropolis and from Steam Vessels above *London Bridge.*

CXXIX. An Act further to amend the Law relating to Pilotage.

CXXX. An Act to amend the Acts for promoting the Drainage of Lands and Improvements in connexion therewith in *Ireland.*

CXXXI. An Act to amend various Laws relating to Merchant Shipping.

CXXXII. An Act to extend the Provisions of an Act of the present Session for reedeming or commuting the Annuity payable to the *South Sea* Company and certain Annuities of Three Pounds *per Centum, per Annum,* and to provide for Payments to be made under the said Act.

CXXXIII. An Act to suspend the making of Lists and the Ballots and Enrolments for the Militia of the United Kingdom, and to amend the Law in relation to the Militia in *England.*

CXXXIV. An Act to amend the Laws concerning the Burial of the Dead in *England* beyond the Limits of the Metropolis, and to amend the Act concerning the Burial of the Dead in the Metropolis.

CXXXV. An Act to continue certain Turnpike Acts in *Great Britain,* and to make further Provisions concerning Turnpike Roads in *England.*

CXXXVI. An Act for enabling Grand Juries in *Ireland* to borrow Money from private Sources, on the Security of Presentment, and for transferring to Counties certain Works constructed wholly or in part with Public Money.

CXXXVII. An Act for the better Administration of Charitable Trusts.

LOCAL AND PERSONAL ACTS,

DECLARED PUBLIC,

AND TO BE JUDICIALLY NOTICED.

i. AN Act to consolidate the Stock and Powers of the Corporation of "The *London* Assurance of Houses and Goods from Fire" with the Stock and Powers of the Corporation of "The *London* Assurance," and to confer on the last-named Corporation the Powers of "The *London* Assurance Loan Company," and to give additional Powers to "The *London* Assurance."

ii. An Act for lighting with Gas the town of *Dudley* and the Suburbs thereof.

iii. An Act to enable the *Sunderland* Corporation Gas Company to raise a further Sum of Money; and to amend and enlarge the Provisions of the Act relating to such Company.

iv. An Act to amend the Act relating to the *Whittle Dean* Water Company, and to enable such Company to maintain additional Works, for better supplying with Water the Inhabitants of the Boroughs of *Newcastle-upon-Tyne* and *Gateshead*, and certain Places adjacent and near thereto, in the Counties of *Northumberland* and *Durham*.

v. An Act for better supplying the Inhabitants of *Bangor* with Water.

vi. An Act to enable the *Redruth and Chasewater* Railway Company to construct new Works; and for other Purposes.

vii. An Act to authorize the *Bristol* Waterworks Company to raise an additional Sum of Money by Loan; and for further amending "The *Bristol* Waterworks Act, 1846."

viii. An Act for incorporating the *Ormskirk* Gaslight Company.

ix. An Act to enable the Mayor, Aldermen, and Burgesses of the Borough of *Carmarthen* to provide and maintain a new Cattle Market Place and Slaughter-houses, to amend the Act for regulating the existing Markets, in the said Borough, and for other Purposes.

x. An Act for the more equal Division of the Borough of *Cork* into Wards, and to provide for the better Constitution and Regulation of the Municipal Corporation of the said Borough; and for other Purposes.

xi. An Act for lighting with Gas the Town of *Nottingham*, and certain Parishes and Places adjacent thereto.

xii. An Act for increasing the Capital and extending the Powers of the *Devonport* Gas and Coke Company, and for other Purposes.

xiii. An Act to repeal the *Preston* Gas Company's Act, passed in the Second Year of the Reign of Queen *Victoria*, and to make other Provisions in lieu thereof.

xiv. An Act to amend "The *Norfolk* Estuary Act, 1846," and "The *Norfolk* Estuary Amendment Act, 1849."

xv. An Act for constructing and maintaining a Pier at *Great Yarmouth* in the County of *Norfolk*, to be called "The *Great Yarmouth Wellington* Pier."

xvi. An Act for empowering the Mayor, Aldermen, and Burgesses of the Borough of *Evesham* in the County of *Worcester* to build and maintain a Bridge over the River *Avon* in the said Borough; and for other Purposes.

xvii. An Act for supplying the Inhabitants of the Town of *Great Yarmouth* and adjacent Places with Water.

xviii. An Act for providing Waterworks and Gasworks for the Town of *Lowestoft* in the County of *Suffolk*, and for regulating the Market there, and for other Purposes, of which the Short Title is "The *Lowestoft* Water, Gas, and Market Act, 1853."

xix. An Act to amend the Acts relating to the *Dublin and Belfast Junction* Railway Company, and for other Purposes.

xx. An Act to enable the *Crystal Palace* Company to divert certain Roads and to purchase Lands; and for other Purposes relating to the Company.

xxi. An Act for amending the Provisions of certain Acts of Parliament relating to the Civil Court of Record of the Borough of *Liverpool*, and the Process, Practice, and Mode of Pleading in the said Court, and for extending the Jurisdiction thereof.

xxii. An Act for enabling the Company of Proprietors of the *Sheffield* Waterworks to extend their Works, and to obtain a further Supply of Water from the Rivers *Rivelin* and *Loxley* and their Tributaries, and for consolidating the Acts relating to such Company.

xxiii. An Act for supplying the Inhabitants of the University and Borough of *Cambridge* and other Places adjoining thereto with Water.

xxiv. An Act for repealing an Act called "The *Cardiff* Waterworks Act, 1850," and granting other Powers in lieu thereof; and for authorizing the *Cardiff* Waterworks Company to raise further Money.

xxv. An Act for better supplying with Water the Parishes of *Brighton, Hove*, and *Preston* in the County of *Sussex*.

xxvi. An Act for amending the Provisions of existing Local Acts relating to the Borough of *Stockport*.

xxvii. An Act for discharging the Inhabitants of the Townships of *Wakefield, Alverthorpe-with-Thornes, Horbury, Stanley-with-Wrenthorpe, Sandal Magna*, and *Crigglestone*, in the Parishes of *Wakefield* and *Sandal Magna* in the West Riding of the County of *York*, from the Custom of grinding Corn, Grain, and Malt at certain Corn Mills in the said Townships of *Wakefield* and *Horbury* and Parish of *Sandal Magna*, and for making Compensation to the Proprietors of the said Mills.

xxviii. An Act for the further Improvement of the Borough of *Wolverhampton*, and for regulating the Markets therein, and for other Purposes.

xxix. An Act for better lighting, watching, and otherwise improving the Town of *Blackpool* and the rest of the Township of *Layton* with *Warbrick* in the County Palatine of *Lancaster*, and for other Purposes, and of which the Short Title is "The *Blackpool* Improvement Act, 1853."

xxx. An Act for the Improvement and Regulation of the Borough of *Great Grimsby* in the County of *Lincoln;* for better supplying the Inhabitants thereof with Water; for providing a new Burial Ground; for enlarging the Market Place; for making an Outfall for the Sewers of the Town; and for other Purposes.

xxxi. An Act for supplying with Water several Townships and Places in the Parishes of *Whalley*, *Bury*, *Radcliffe*, *Prestwich-cum-Oldham*, and *Bolton-le-Moors* in *Lancashire;* and for incorporating the *Bury* and *Radcliffe* Waterworks Company.

xxxii. An Act for the Extension of the Boundaries of the Municipal Borough of *Salford* and otherwise improving the said Borough, and for other Purposes.

xxxiii. An Act to empower the *Midland* Railway Company to create new Shares or to grant Annuities for the Extinguishment of their Debenture Debt; and for other Purposes.

xxxiv. An Act to enable the *Scottish Central* Railway Company to convert their Mortgage and Bond Debt into Debenture Stock.

xxxv. An Act for making a Road or Street from the South End of *Waverley Bridge Road*, adjoining the General Railway Station at *Princes Street*, to the *High Street*, in the City of *Edinburgh.*

xxxvi. An Act for the Maintenance and Regulation of the Harbour of *Teignmouth* and the Navigation of the River *Teign*, and for other Purposes.

xxxvii. An Act for making a Canal from the *Francis Dock*, connected with the Duke of *Bridgewater's* Canal at *Runcorn* in the County of *Chester*, to join the *Weston* Canal or River *Weaver* Navigation at or near *Weston Point* in the same Parish, and to be called the *Runcorn and Weston* Canal.

xxxviii. An Act to alter and amend the Provisions of "The City of *Norwich* Waterworks Act, 1850," and to grant further Powers to the Company thereby incorporated.

xxxix. An Act for establishing a Corn Exchange and Regulating the Markets in the Borough of *Reading*, and for other Purposes, and of which the Short Title is "The *Reading* Corporation Markets Act, 1853."

xl. An Act to increase the Capital and extend the Powers of *Price's* Patent Candle Company, and to consolidate the Acts relating to the Company.

xli. An Act for making a Railway from *Chichester* to *Bognor*.

xlii. An Act for enabling the Mayor, Aldermen, and Burgesses of the Borough of *Oldham* in the County Palatine of *Lancaster* to purchase and maintain Gasworks and Waterworks; and for other Purposes.

xliii. An Act for enabling the *Shipley* Gaslight Company to raise a further Sum of Money; and for extending the Limits of their existing Act to the adjoining Township of *Baildon*.

xliv. An Act to extend the Limits of the *Blackburn* Gaslight Company's Act for the Supply of Gas, and to authorize the raising of a further Sum of Money, and for other Purposes.

xlv. An Act to consolidate the Acts relating to the *Leeds* Gaslight Company, to authorize the Company to raise a further Sum of Money, and for other Purposes.

xlvi. An Act for incorporating the *Madras* Railway Company, and for other Purposes connected therewith.

xlvii. An Act for making certain Improvements in the River *Severn*, and for amending the Acts relating thereto.

xlviii. An Act for better supplying with Water the Borough of *Preston* in the County of *Lancaster*, and for authorizing the Local Board of Health for the Borough of *Preston* aforesaid to purchase the *Preston* Waterworks.

xlix. An Act to enable the *Edinburgh* Water Company to raise a further Sum of Money; and for other Purposes.

l. An Act to enable the *Dundee* Water Company to construct additional Works for obtaining a further Supply of Water; and for other Purposes.

li. An Act to authorize the *Wakefield* Borough Market Company to raise a further Sum of Money.

lii. An Act to authorize the Creation of Preference Stock by the *Manchester*, *Sheffield, and Lincolnshire* Railway Company in lieu of Debentures, and the Reduction, Division, and Consolidation into Stock of the *Manchester and Lincoln Union* Shares of the said Railway.

liii. An Act to repeal the Act for maintaining the Turnpike Road leading out of the *Alston* Turnpike Road at *Branch End* in the County of *Northumberland*, through *Catton*, *Allendale Town*, and *Allenheads*, to *Cows Hill* in the County of *Durham*, and to make other Provisions in lieu thereof.

liv. An Act for making a Railway from *Lough Swilly* in the County of *Donegal* to the River *Foyle* near the City of *Londonderry*.

lv. An Act to renew the Term and continue the Powers of an Act passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Roads leading from* Ficks Hill *near the Town of* Langport Eastover *in the County of* Somerset, *through* High Ham, Ashcott, *and other Places, to* Meare *in the said County.*

lvi. An Act to enable the Mayor, Aldermen, and Citizens of the City of *York* to purchase the Undertaking of the *Foss* Navigation Company, and to execute Works for the sanitary Improvement of the said City; to alter the Tolls taken in the Cattle Markets and Fairs of the City; and for other Purposes.

lvii. An Act to extend and amend the Powers and Provisions of the "*Portadown and Dungannon* Railway Act, 1847."

lviii. An Act to amend an Act passed in the Fifth Year of the Reign of His Majesty King *George* the Fourth, for granting certain Powers and Authorities to the *Australian* Agricultural Company, and to alter the Capital of the said Company.

lix. An Act for better supplying with Water the Town or Village of *Bacup* and the Neighbourhood thereof in *Lancashire.*

lx. An Act to amend the Acts relating to the *Great Northern* Railway Company, to authorize an Increase of Capital, and for other Purposes.

lxi. An Act to consolidate and amend Three several Acts passed in the Reign of King *George* the Third, for draining and preserving certain Fen Lands and Low Grounds lying in the *South Level*, Part of the Great Level of the Fens commonly called *Bedford Level*, and in the County of *Cambridge*, between the River *Cam* otherwise *Grant*, West, and the Hard Lands of *Bottisham*, *Swaffham-Bulbeck*, and *Swaffham Prior*, East; and for other Purposes therein mentioned.

lxii. An Act for more effectually repairing the Road from *Gravesend* to *Wrotham*, and from thence to *Borough Green*, all in the County of *Kent*.

lxiii. An Act for making a Railway from *Dartford* in the County of *Kent* to *Farningham* in the same County, to be called the *Darenth Valley* Railway; and for other Purposes.

lxiv. An Act for constructing a Market for the Sale of Cattle and other Animals in the Borough of *Ludlow* in the County of *Salop*.

lxv. An Act to amend the Acts relating to the Drainage and Embankment of certain Lands in *Lough Swilly* and *Lough Foyle* in the Counties of *Donegal* and *Londonderry*.

lxvi. An Act for supplying with Water the Town of *Weston-super-Mare* in the County of *Somerset*.

lxvii. An Act for supplying the Borough of *Wigan* in the County Palatine of *Lancaster* with Water, for the better Regulation of the Police therein, and for other Purposes.

lxviii. An Act to enable the *Belfast and Ballymena* Railway Company to make a Railway from *Randalstown* to *Cookstown;* and for other Purposes.

lxix. An Act for enabling the *North and South Western Junction* Railway Company to construct a Branch to near *Hammersmith*, and to raise additional Capital; and for other Purposes.

lxx. An Act to authorize the Abandonment of a Portion of the Undertaking of the *Thames Haven* Dock and Railway Company, and to reduce the Capital of the said Company, and to enable the Company to sell Lands not required; and for other Purposes.

lxxi. An Act for more effectually repairing the Roads from *Warminster* and from *Frome* to the *Bath* Road, and other Roads connected therewith, in the Counties of *Wilts* and *Somerset*, called or known by the Name of "The *Black Dog* Road Trust."

lxxii. An Act for enlarging and improving the Shire Hall of the County of *Stafford;* removing the Markets at the Back of the Hall, and providing other Market Accommodation in lieu thereof; erecting Rooms and Offices for the Town Council of *Stafford;* and for other Purposes.

lxxiii. An Act to amend the Acts for the Regulation of Municipal Corporations in *Ireland* so far as relates to the Borough of *Limerick*.

lxxiv. An Act to amend and extend the Provisions of the Act relating to the *Leeds* and *Whitehall* Turnpike Roads, and to create a further Term therein, and for other Purposes.

lxxv. An Act for repairing, maintaining, and rendering more safe certain Reservoirs on the *Adel Beck* in the West Riding of the County of *York*.

lxxvi. An Act to amend "The *Sunderland* Dock Act, 1846," and "The *Sunderland* Dock Amendment Act, 1849," and for other Purposes.

lxxvii. An Act for the Establishment or Improvement and Regulation of Markets and Fairs in the Borough of *Leominster*, and for other Purposes relating to the said Borough.

lxxviii. An Act for making a Railway from the *Hawick* Branch of the *North British* Railway, near to the *Eskbank* Station, to the Royal Burgh of *Peebles*.

lxxix. An Act to authorize an Extension of the *Londonderry and Coleraine* Railway.

lxxx. An Act for making a Railway from *Ballymena* to *Portrush*.

lxxxi. An Act to confirm certain Preference Shares created by the *North British* Railway Company, and to make better Provision for the Payment of the Debts of the said Company, and for other Purposes.

lxxxii. An Act to enable the *Scottish Midland Junction* Railway Company to make Branch Railways to *Blairgowrie* and *Kirriemuir;* and to amend the Acts relating to such Company; and for other Purposes.

lxxxiii. An Act for the better Improvement and Regulation of the Borough of *South Shields* in the County of *Durham*, the Establishment of a Cemetery therein, and for other Purposes.

lxxxiv. An Act to unite into One Company the *Bristol* Gaslight Company and the *Bristol and Clifton* Gaslight Company, and to enable the united Companies to raise further Capital.

lxxxv. An Act for making a Railway from *Staines* to *Wokingham* and *Woking*.

lxxxvi. An Act for making a Railway from *Wimbledon* to *Croydon* in the County of *Surrey*, to be called "The *Wimbledon and Croydon* Railway," and for other Purposes.

lxxxvii. An Act to enable the *Eastern Counties* Railway Company to construct a Railway from the Line of the *Northern and Eastern* Railway near *Stratford* to *Woodford* and *Loughton;* and to repeal certain Provisions of their existing Acts; and to grant further Powers to the said Company for capitalising their Debt; and for other Purposes.

lxxxviii. An Act for making a Railway from the *London, Brighton, and South Coast* Railway to or near to the Town of *East Grinstead* in the County of *Sussex*.

lxxxix. An Act for better supplying with Water the Towns and Villages of *Haslingden*, *Rawtenstall*, and *Newchurch*, and the Townships of *Haslingden*, *Higher Booths*, *Lower Booths*, *Newchurch*, and *Hapton*, in the Parish of *Whalley*. the Townships of *Cowpe Lenche*, *New Hall Hey*, and *Hall Carr*, and *Tottington Higher End*, in the Parish of *Bury*, and the Extra-parochial Places of *Hen Heads* and *Dunnockshaw*, all in the County Palatine of *Lancaster*.

xc. An Act to enable the *Monkland* Railways Company to make certain Railways in the Vicinity of *Bathgate* and *Airdrie;* and for other Purposes.

xci. An Act to authorize the Mayor, Aldermen, and Citizens of the City of *Manchester* to make certain new Streets; and to amend the Acts relating to the said City: and for other purposes.

xcii. An Act to repeal an Act of the Seventh

Year of the Reign of King *George* the Fourth, for making and maintaining a Turnpike Road from *Wimpole* to *Wrestlingworth* and *Potton*, and to make other Provisions in lieu thereof.

xciii. An Act to incorporate a Company for making a Railway from *Kingston-upon-Hull* to or near to *Withernsea* in *Holderness*, with a Branch therefrom; and for other Purposes.

xciv. An Act to enable the *Glasgow and South-western* Railway Company to make a Branch Railway to near *Mayfield* in the County of *Ayr*.

xcv. An Act for extending the Time granted by "The *Rochester Bridge* Act, 1846," for the Completion of such Bridge.

xcvi. An Act to enable the *Limerick, Ennis, and Killaloe Junction* Railway Company to lease their Undertaking; and for other Purposes.

xcvii. An Act to enable the *East and West India Docks and Birmingham Junction* Railway Company to raise additional Capital; and for other Purposes.

xcviii. An Act to amend the *Gorbals* Gravitation Water Company's Acts, to authorize the Extension of their Works to supply the Royal Burgh of *Renfrew* and Suburbs and other Places with Water, and for other Purposes.

xcix. An Act for making a Railway from *Havant* in the County of *Southampton* to *Godalming* in the County of *Surrey*, to be called "The *Portsmouth* Railway;" and for other Purposes.

c. An Act to enable the *London, Brighton, and South Coast* Railway Company to enlarge their Station at *London Bridge*, and their Goods Station at *Brighton*, and to make a Branch Railway to the *Crystal Palace;* and for converting the Debenture Debt of the *London, Brighton, and South Coast* Railway Company into Stock or Shares; and for other Purposes.

ci. An Act to enable the *Aberdeen* Railway Company to raise further Monies; to authorize the Abandonment of the authorized Road to the Quays through the Station at *Aberdeen*, and the Formation of another Road in lieu thereof; to extend the time for the compulsory Purchase of Lands and for the Completion of the *Aberdeen* Station; to alter, amend, and extend the Acts relating to the Company; and for other Purposes.

cii. An Act to repeal an Act for making and maintaining a Road from the Top of *Hunt's Bank* in the Town of *Manchester* in the County of *Lancaster* to join the *Manchester and Bury* Turnpike Road in *Pilkington* in the same County, and to substitute other Provisions in lieu thereof.

ciii. An Act for amending the Provisions with respect to the Commissioners of the Second District for Drainage by the River *Witham* contained in the *Witham* Drainage Act of the Second Year of *George* the Third, Chapter Thirty-two, and for other purposes, and of which the Short Title is "The *Witham* Drainage Second District Act, 1853."

civ. An Act for more effectually repairing and maintaining the Road from *Burford* in the County of *Oxford* to *Leachlade* in the County of *Gloucester*, the Road from thence through *Highworth* to the *Cricklade and Swindon* Turnpike Road in the County of *Wilts*, and the Bridge on the said Roads across the River *Isis* or *Thames* at or near the Town of *Leachlade* aforesaid; and for granting a further Term in the said Roads and Bridge; and for other Purposes.

cv. An Act to amend an Act passed in the Seventh Year of the Reign of King *George* the Fourth, intituled *An Act for making a Turnpike Road from* Shipley *to* Bramley, *together with certain Branches therefrom, in the West Riding of the County of* York.

cvi. An Act to authorize the *London Dock* Company to make a new Entrance to their Docks from the River *Thames* and other Works, and to augment their Capital Stock; and for other Purposes connected with the said Docks.

cvii. An Act for the Maintenance of the existing Works of the Company of Proprietors of the *Barnsley* Waterworks, and for the Purchase of Lands by them, to repeal their Act, and make other Provisions in lieu thereof.

cviii. An Act to enable the *Midland* Railway Company to make a Line of Railway from near *Leicester* to the *Great Northern* Railway near *Hitchin*, with a Branch, in lieu of the Line of Railway and Branches authorized by "The *Midland* Railways Extension to *Hitchin, Northampton*, and *Huntingdon* Railway Act, 1847," and "The *Midland* Railways extension to *Hitchin, Northampton*, and *Huntingdon* Railway (*Wellingborough* Deviations) Act, 1848."

cix. An Act to authorize the Re-issue of certain of the Shares in the Capital of the *York and North Midland* Railway Company, called *Hull and Selby* Purchase, &c. Shares, and for other Purposes.

cx. An Act to enable the *London and North-western* Railway Company to acquire and hold certain Lands and Buildings at or near the Terminus of the *Haydon Square* Branch of the *London and Blackwall* Railway; and for other Purposes.

cxi. An Act to enable the *Leeds, Bradford, and Halifax Junction* Railway Company to construct certain Branch Railways in the West Riding of the County of *York;* and for other Purposes.

cxii. An Act to repeal the Act for repairing the *Alston* Turnpike Roads, and to make other Provisions in lieu thereof.

cxiii. An Act for making a Railway from the *Great Southern and Western* Railway near *Roscrea* to *Parsonstown*, to be called "The *Roscrea and Parsonstown Junction* Railway," and for other Purposes.

cxiv. An Act to authorize the Abandonment of a Portion of the Undertaking of the *Limerick, Ennis, and Killaloe Junction* Railway Company, and the Construction of a new Line of Railway in lieu of a Portion of the Line to be abandoned; and to revive in respect of a Portion of the said Undertaking the Powers of the said Company for the compulsory Purchase of Lands, and to extend in respect of the same Portion of the said Undertaking the Powers of the said Company for constructing Works; and to amend and repeal Portions of the Act relating to the said Company; and for other Purposes.

cxv. An Act for the better Maintenance and Repair of the Highways in *Wildmore Fen* and the *East* and *West Fens* in the County of *Lincoln*, and for other Purposes, and of which the Short Title is "The *Wildmore Fen* and *East* and *West Fens* Highways Act, 1853."

cxvi. An Act for reviving the Powers of the

South-eastern Railway Company for taking Lands and Buildings for the Purpose of enlarging their *London Bridge* Station on the North Side thereof, and for extending for a further Period such Powers, and for other Purposes.

cxvii. An Act to enable the *Eastern Counties* Railway Company to construct Branch Railways from the *North Woolwich* Line of the *Eastern Counties* Railway to *Ham Creek* and the River *Thames;* and for other Purposes.

cxviii. An Act for more effectually improving the Town of *Burton-upon-Trent* in the County of *Stafford.*

cxix. An Act to authorize the Abandonment of the *Carlisle* Canal, and the making of a Railway in lieu thereof, from the *Newcastle-upon-Tyne and Carlisle* Railway at *Carlisle* to *Port Carlisle;* to repeal the Acts relating to the *Carlisle* Canal and Docks, and to re-incorporate the Company; to authorize the raising of a further Sum of Money; and to confer additional Powers; and for other Purposes.

cxx. An Act to alter and amend the Provisions of "The Governor and Company of Copper Miners Act, 1851," and to confer further Powers on the said Company.

cxxi. An Act to enable the *South-eastern* Railway Company to extend the *Reading, Guildford and Reigate* Railway to the *Great Western* Railway at *Reading;* and for other Purposes.

cxxii. An Act to enable the *Warrington and Altrincham Junction* Railway Company to extend their Railway to *Stockport.*

cxxiii. An Act for incorporating and regulating the Electric Telegraph Company of *Ireland,* and for better enabling the Company to establish and work Telegraphs in *Scotland* and *Ireland* and between those Countries; and for other Purposes.

cxxiv. An Act for making a Railway from *Spalding* to *Sutton Bridge* and *Wisbeach.*

cxxv. An Act for making a Railway commencing by a Junction with the *Scottish Central* Railway at *Stirling,* and terminating by a Junction with the *Caledonian and Dumbartonshire Junction* Railway at *Alexandria,* to be called "The *Forth and Clyde Junction* Railway."

cxxvi. An Act for making Turnpike Roads from *Upton Saint Leonard's* to *Brimpsfield* and *Birdlip* in the County of *Gloucester.*

cxxvii. An Act for enabling the Local Board of Health for the District of *Dewsbury* to construct Waterworks, and for other Purposes.

cxxviii. An Act to authorize the opening of a Diversion of the *Wakefield and Sheffield* Turnpike Road, and for other Purposes.

cxxix. An Act for the Improvement of the Harbour of *Saint Ives* in the County of *Cornwall.*

cxxx. An Act to enable the *South-eastern* Railway Company to make a Railway from *Strood* to *Maidstone;* and for other Purposes.

cxxxi. An Act to authorize the Construction of additional Docks and other Works in connexion with the *Victoria* (*London*) Docks, and to consolidate and amend the Provisions of the Act relating to such Docks.

cxxxii. An Act for making a Railway from *Strood* to *Canterbury,* with Branches to *Faversham Quays* and *Chilham.*

cxxxiii. An Act for supplying with Water the Inhabitants of *Walsall, Dudley,* and other Places in the Southern Parts of the County of *Stafford,* and in certain Parts of the County of *Worcester* adjacent thereto.

cxxxiv. An Act to enable the *St. Helen's* Canal and Railway Company to extend their Railway to *Rainford,* and to enlarge their Stations at *Sutton;* and for other Purposes relating to the Company.

cxxxv. An Act for more effectually repairing and improving several Roads leading to and from the Town of *Salford* through *Pendleton* and other Places in the County Palatine of *Lancaster.*

cxxxvi. An Act for enabling the *Leeds Northern* Railway Company to create new Shares and raise Money on Loan for discharging certain Liabilities; and for other Purposes.

cxxxvii. An Act for making a Railway from *Bedale* to *Leyburn* in the North Riding of the County of *York,* to be called "The *Bedale and Leyburn* Railway," and for other Purposes, and of which the Short Title is "The *Bedale and Leyburn* Railway Act, 1853."

cxxxviii. An Act for the Adjustment of the Debts of the Commissioners of the *Holme* Reservoirs, and of the Interest due thereon, and for enabling them to restore and repair their Reservoirs; and for other Purposes.

cxxxix. An Act for paving, lighting, watching, draining, supplying with Water, cleansing, regulating, and otherwise improving the Town and Parish of *Spalding* in the County of *Lincoln;* for making a Cemetery; for erecting a Corn Exchange and Market House therein; and for other Purposes.

cxl. An Act for making a Railway from the *North Devon* Railway at *Fremington Pill* to *Bideford,* to be called "The *Bideford Extension* Railway."

cxli. An Act for the better paving, repairing, lighting, cleansing, watering, regulating, and improving such Parts of the Parish of *Saint Mary Whitechapel* in the County of *Middlesex* as are not within the Liberties of Her Majesty's *Tower of London* and the City of *London;* and for paving, repairing, watering, and regulating certain Parts of other Parishes and Places adjoining; and for removing and preventing Nuisances, Annoyances, and Obstructions therein; and for raising Money for the Relief, Maintenance, and Employment of the Poor within the said Parish; and for raising Money for repairing the Church of the said Parish.

cxlii. An Act to enable the *Great Southern and Western* Railway Company to divert the *Glanmire Road Lower* in the Parish of *Saint Anne's Shandon* in the County of the City or Borough of *Cork,* and to make a small Portion of Railway in that Parish; and for other Purposes.

clxiii. An Act for making a Railway from *Llanidloes* in the County of *Montgomery* to *Newtown* in the same County, to be called the *Llanidloes and Newtown* Railway; and for other Purposes.

cxliv. An Act to enable the *Waveney Valley* Railway Company to extend their Railway from *Bungay* to *Beccles.*

cxlv. An Act for altering and extending the Line of the *Barnsley* Branch of the *Manchester Sheffield and Lincolnshire* Railway Company; for extending the Time for the Completion of certain Works at *Sheffield;* for amending the

Acts relating to the said Company; and for other Purposes.

cxlvi. An Act for amending the Acts relating to the "*Llynnvi Valley* Railway Company," and for authorizing the Company to make Diversions in and improve their Line of Railway and construct a new Branch, and for better regulating the Harbour of *Porth Cawl* and the Rates leviable thereat; and for other Purposes.

cxlvii. An Act to repeal the Act relating to the *Nantwich and Woore* Turnpike Road, and to make other provisions in lieu thereof.

cxlviii. An Act to authorize the Extension of the Railway already partly executed between *Smithstown* and *Dalmellington* in the County of *Ayr* to *Dalmellington,* and to the *Glasgow and South-western* Railway near *Ayr.*

cxlix. An Act to enable the *Caledonian* Railway Company to extend the *Glasgow, Barrhead, and Neilston Direct* Railway to *Crofthead;* and for other Purposes.

cl. An Act for confirming a certain Agreement entered into between the *Furness* Railway Company and *John Abel Smith* Esquire, and for enabling the *Furness* Railway Company to raise a further Sum of Money, and for authorizing the Conversion of the borrowed and Preferential Share Capital of the *Furness* Railway Company into a Stock not exceeding Four Pounds Ten Shillings *per Centum,* and for amending the Acts relating to the said Company and *Pile* Pier.

cli. An Act to enable the *Edinburgh and Glasgow* Railway Company to connect their Line at *Glasgow* by Branches with the *Caledonian* Railway, and to extend their Station at *Cowlairs.*

clii. An Act to sanction certain Arrangements beeween the *Edinburgh, Perth and Dundee* Railway Company, and certain Classes of the Creditors thereof.

cliii. An Act for enabling the *Great Western* Railway Company to construct additional Lines and Works, or for conferring further Powers on them in reference to the *Henley* and *Uxbridge* Lines, and other Parts of their Undertaking at *Acton Chippenham,* and *Reading;* and for other Purposes.

cliv. An Act for incorporating the Lands Improvement Company, and to afford Facilities for the Improvement of Lands by enabling the Company to issue transferable Mortgage Debentures.

clv. An Act for making a Railway from the town of *Saint Ives* to the *West Cornwall* Railway at or near *Saint Erth,* with a Branch therefrom, and for making Arrangements with the *West Cornwall* Railway Company.

clvi. An Act for dissolving the *Canterbury and Whitstable* Railway Company, and for vesting in the *South-eastern* Railway Company the Undertaking of the *South-eastern and Continental* Steam Packet Company, and for other Purposes, and of which the Short Title is "The *South-eastern* Railway (*Canterbury and Whitstable* and Steam Packets) Act, 1853."

clvii. An Act for conferring additional Powers on the *London and North-western* Railway Company with reference to the Construction of their *Oldham* Branch, and for making an Alteration in such Branch; and for other Purposes.

clviii. An Act for the Purchase of the Bridge and Ferry over the River of *Ross* at the Town of *New Ross,* and for maintaining the same free of Toll, and for other Purposes.

clix. An Act for repealing and amending an Act passed in the Thirteenth and Fourteenth Years of the Reign of Her present Majesty, called "The *British* Electric Telegraph Company's Act, 1850."

clx. An Act to enable the *London and North-western* Railway Company to construct a Railway from *Northampton* to *Market Harborough* with a Branch therefrom, all in the County of *Northampton;* and for other Purposes.

clxi. An Act to enable the *London and North-western* Railway Company to construct a Branch Railway to *Saint Albans,* and for other Purposes.

clxii. An Act to repeal the Acts for repairing the Roads from *West Harptry* to the *Bath and Wells* Turnpike Road at *Marksbury,* and other Rods therein mentioned, in the County of *Somerset,* and to make other Provisions in lieu thereof.

clxiii. An Act to enable the *East Lancashire* Railway Company to extend their Railway to *Rainford,* to enter into Arrangements with the *St, Helen's* Canal and Railway Company, and to convert their Mortgage Debt into Annuities.

clxiv. An Act for amending the Acts passed for the Construction of the *Basingstoke and Salisbury* Railway, and for other Purposes, and of which the Short Title is "The *London and South-western* Railway (*Basingstoke and Salisbury*) Act, 1853."

clxv. An Act for authorizing Arrangements for the Completion of the *Birkenhead* Docks.

clxvi. An Act for enabling the *East London* Waterworks Company to improve their Supply of Water; and for other Purposes.

clxvii. An Act for the Improvement of the Borough of *Halifax,* and for other Purposes, and of which the Short Title is "The *Halifax* Improvement Act, 1853."

clxviii. An Act for making a Railway from *Limerick* to *Foynes.*

clix. An Act for enabling the *Llanelly* Railway and Dock Company to make new Railways and for other Purposes, and of which the Short Title is "The *Llanelly* Railway and Dock Act, 1853."

clxx. An Act to repeal the Acts relating to the *Ribble* Navigation Company, of the First Year of the Reign of Her present Majesty, Chapter Eighth, and of the Seventh Year of the Reign of Her present Majesty, Chapter One, and some of the Provisions of the Act of the Eighth and Ninth Years of the Reign of Her present Majesty, Chapter One hundred and sixteen, which relate to the Company, and to make other Provisions in lieu thereof respectively; and to grant further Powers to the Company for the Construction of Works, for providing Quays, for raising Capital, for levying Tolls, for reguloting the Disposition of the reclaimed Lands, and for other Purposes.

clxxi. An Act to enable the *Whitehaven and Furness Junction* Railway Company to make Branch Railways; and for other Purposes.

clxxii. An Act to enable the *Blyth and Tyne* Railway Company to construct Branches in the County of *Northumberland;* and for other Purposes.

clxxiii. An Act for constructing and maintaining Docks and other Works at or near to *Milford Haven*, and for other Purposes.

clxxiv. An Act for making a Railway from *Enniskillen* to *Sligo*, with a Branch therefrom.

clxxv. An Act for providing additional Station Accommodation at *Birmingham* in connexion with the *Birmingham and Oxford Junction* Railway; and for enabling the *Great Western* Railway Company to use a Portion of the *Oxford, Worcester, and Wolverhampton* Railway; and for making better Provision with reference to the joint Station at *Wolverhampton;* and for other Purposes.

clxxvi. An Act to amend and enlarge the Powers and Provisions of "The *Westminster* Improvement Act, 1845," "The *Westminster* Improvement Act, 1847," and "The *Westminster* Improvement Act, 1850;" to extend the Time for the compulsory Purchase of Lands; to authorize further Improvements in the City of *Westminster;* and for other Purposes.

clxxvii. An Act to amend the Acts relating to the *Birkenhead* Dock Company, and to enable the Company to make a Railway for their Works, and for other Purposes, and of which the Short Title is "The *Birkenhead* Dock Company's Act, 1853."

clxxviii. An Act to authorize the *Newport, Abergavenny, and Hereford* Railway Company to make Deviations on their extension to the *Taff Vale* Railway, and, to make certain short Branches.

clxxix. An Act to authorize the Deviations at *Hereford* and near *Pontypool* of the *Newport, Abergavenny and Hereford* Railway, and to amend the Acts relating to that Railway.

clxxx. An Act for making a Railway to the *Crystal Palace*, with branches to the *London, Brighton, and South Coast* Railway, and to the *London and South-western* Railway.

clxxxi. An Act for the Improvement of the Parish of *Chorley* in the County of *Lancaster*.

clxxxii. An Act for the more effectual Improvement of the Borough of *Newcastle-upon-Tyne*.

clxxxiii. An Act to enable the *Newry and Enniskillen* Railway Company to extend their Railway to the Landing Quay at *Newry*, to effect a Junction with the *Dublin and Belfast Junction* Railway, and for other Purposes.

clxxxiv. An Act for making a Railway from *Worcester* to *Hereford*, with certain Branches therefrom, and for other Purposes.

clxxxv. An Act for improving and maintaining the Port and Harbour of *Westport* in the County of *Mayo*.

clxxxvi. An Act for making a Railway from the North-western District of the Metropolis to *Battle Bridge* in the County of *Middlesex*.

clxxxvii. An Act to enable the *West Cornwall* Railway Company to make certain new Railways, and for other Purposes.

clxxxviii. An Act for making a Railway from the *Scottish Central* Railway near *Loaninghead* to the Town of *Crieff*.

clxxxix. An Act for making a Railway from *Tralee* to *Killarney*.

cxc. An Act for consolidating and amending the Powers of the Acts of "The *Imperial Continental* Gas Association."

cxci. An Act for reclaiming, inclosing, and appropriating certain Parts of the Harbour or Estuary of *Castlemaine* and the Creeks of *Caragh* and *Rossbehy* in the County of *Kerry*.

cxcii. An Act to revive and amend the Powers of the Acts relating to the *Chard* Railway Company, to regulate the Capital of the Company, and to enable them to extend their authorized Railway into *Taunton*.

cxciii. An Act for constructing a Railway and Landing Places within the Borough of *King's Lynn*, for regulating the Share Capital of the *East Anglian* Railways Company, and for other Purposes, and of which the Short Title is "The *East Anglian* Railways Act, 1853."

cxciv. An Act for the Improvement of the Borough of *Limerick*.

cxcv. An Act for enabling the *Monmouthshire* Railway and Canal Company to make new Railways; and for other Purposes.

cxcvi. An Act to enable the *Severn and Wye* Railway and Canal Company to improve their Railway and Harbour; and for other Purposes relating to the Company.

cxcvii. An Act for making a Railway from Rthe *South Wales* ailway at *Brintonferry* to *Glyncorrwg* in *Glamorganshire*, to be called "The *South Wales* Mineral Railway."

cxcviii. An Act to consolidate and amend "The *Staffordshire Potteries* Waterworks Act, 1847," and "The *Staffordshire Potteries* Waterworks Extension Act, 1849," and to extend the Provisions and enlarge the Powers thereof.

cxcix. An Act for making a Railway from *Stamford Baron* in the County of *Northampton* to the *Great Northern* Railway at *Essendine* in the County of *Rutland*, and for other Purposes connected therewith.

cc. An Act for better paving, draining, cleansing, lighting, watching, supplying wiih Water, regulating in regard to Markets and other Purposes, and for making new Streets and otherwise improving the Town of *Galway*.

cci. An Act for regulating the depasturing and Management of certain Pastures in the Parish of *Richmond* in the County of *York*.

ccii. An Act to consolidate the Acts relating to the *Cork and Bandon* Railway Company, to authorize the Company to construct Extension and Branch Railways, and for other Purposes.

cciii. An Act for granting further Powers to "The Electric Telegraph Company," and to enable such Company to make Arrangements for the working of Telegraphs adjoining their Works.

cciv. An Act for authorizing the *South Wales* Railway Company to deviate the Line of their Railway in the *Forest of Dean*, and for other Purposes.

ccv. An Act to enable the *London and North-western* Railway Company to make a Railway to connect the *Buckinghamshire* Railway with the *Oxford, Worcester, and Wolverhampton* Railway.

ccvi. An Act for reclaiming from the Sea certain Lands near *Harwich*, for constructing Docks and a Pier on such Lands, and for other Purposes.

ccvii. An Act for making a Pier and Breakwater in the Bay of *Galway*, and for conferring additional Powers on the *Galway* Harbour Commissioners, and for other Purposes.

ccviii. An Act for making a Railway from *Ban-*

bridge to join the *Dublin and Belfast Junction* Railway at *Scarvagh.*

ccix. An Act for granting further Powers in reference to the leasing and selling the Undertaking of the *South Wales* Railway Company to the *Greate Wstern* Railway Company, and authorizing working Arrangements between the said Companies, and for other Purposes.

ccx. An Act to enable the *South Wales* Railway Company to extend the *Pembroke* Line of their Railway to *Pennar Mouth,* and to make a Deviation in their said *Pembroke* Line; and for other Purposes.

ccxi. An Act to reduce and regulate the Tolls payable in respect of Traffic passing between *Liverpool* and certain Places on the *Liverpool, Crosby, and Southport* Railway, and also the Payments or Tolls payable to the *Lancashire and Yorkshire* and *East Lancashire* Railway Companies in respect of Traffic to and from the last-mentioned Railway; and for other Purposes.

ccxii. An Act to extend the Periods limited for completing and for purchasing Lands for the *Stratford-upon-Avon* and *Kingswinford* Branches of the *Oxford, Worcester, and Wolverhampton* Railway, and to extend such respective Branches, to construct a Branch Railway to *Stourbridge,* and to authorize the raising of certain Sums of Money by Preferential Shares, and for other Purposes.

ccxiii. An Act for the Construction and Maintenance of a Harbour at *Llandudno* in the County of *Carnarvon.*

ccxiv. An Act for making a Railway from *Wellington* to *Coalbrookdale,* and an Extension to the River *Severn,* all in the County of *Salop;* and for other Purposes.

ccxv. An Act for the Incorporation of the *Westminster* Association for improving the Dwellings of the Working Classes.

ccxvi. An Act for enabling the *London and North-western* Railway Company to construct a Railway from *Crewe* to *Shrewsbury,* and other Works in connexion with their Undertaking; and for other Purposes relating thereto.

ccxvii. An Act for making a Railway from the *Newport, Abergavenny, and Hereford* Railway in the Parish of *Llanvihangel Pontymoyle* in the County of *Monmouth* to *Coleford* in the County of *Gloucester,* with a Branch to the *Monmouth* Gasworks; and for other Purposes.

ccxviii. An Act to enable the *Warrington and Altrincham Junction* Railway Company to make Deviations and Branches at *Warrington,* and to use certain neighbouring Railways.

ccxix. An Act to enable the *South Sea* Company to enter into Arrangements with certain Proprietors of the Company.

ccxx. An Act for the Improvement of the Town of *Rochdale,* and for providing a Cemetery there, and for other Purposes, and of which the Short Title is "The *Rochdale* Improvement Act, 1853."

ccxxi. An Act to enable the *Eastern Union* Railway Company to redeem their Preference Shares; and for other Purposes.

ccxxii. An Act for making a Railway from the *London and North-western* Railway at *Willesden* to the *North London* Railway, with a Branch to the *North and South Western Junction* Railway, to be called "The *Hampstead Junction* Railway," and for other Purposes.

ccxxiii. An Act for making a Railway from the *Great Northern* Railway at *Boston* in the County of *Lincoln* to the *Great Northern* Railway at *Barkstone* in the same County, and for other Purposes.

ccxxiv. An Act for incorporating the Life Association of *Scotland,* for enabling the said Association to sue and to be sued, to take and hold Property, and for other Purposes relating to the said Association.

ccxxv. An Act for the Appointment and Regulation of Vestries in the Parishes of *Saint Margaret* and *Saint John the Evangelist* in the City of *Westminster.*

ccxxvi. An Act to amend an Act, intituled *An Act for incorporating the* East Indian *Railway Company, and for other Purposes connected therewith.*

ccxxvii. An Act for making a Railway from the *Oxford, Worcester, and Wolverhampton* Railway near *Hartlebury* in the County of *Worcester* to the Borough of *Shrewsbury* in the County of *Salop,* with a Branch, to be called "The *Severn Valley* Railway;" and for other Purposes.

PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER, AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to enable the Master, Fellows, and Scholars of Lady *Frances Sidney Sussex* College in the University of *Cambridge* to lease on long Leases and otherwise improve their Estate situate at *Clee* in the County of *Lincoln;* and for other Purposes.

2. An Act to authorize the granting of Building Leases of Lands and Hereditaments subject to the Will of *Andrew John Nash* Esquire, deceased.

3. An Act to incorporate the Craft of Tailors of the Burgh of *Aberdeen,* to confirm the Titles and Conveyances and to amend and regulate the Estates and Affairs of the said Craft, and for other Purposes relating to the Society.

4. An Act for extending the Powers of the Trustees of the Settlements on the Marriage of *Charles Pelham Pelham Clinton* Esquire, commonly called Lord *Charles Pelham Pelham Clinton,* and *Elizabeth Pelham Clinton* his Wife, commonly called Lady *Charles Pelham Pelham Clinton,* and of the Trustees of the Contract of Marriage of the Father and Mother of the said Lady *Charles Pelham Pelham Clinton,* so as to authorize the Investment of the produce of certain Stocks and Shares,

Part of the Trust Funds subject to the Trusts of the same Settlements and Contract of Marriage respectively, in the Purchase of Estates in *England, Wales Scotland,* or *Ireland,* and to authorize the Investment of the same Trust Funds, or the Produce thereof, on the Security of Estates in *England, Wales, Scotland,* or *Ireland.*

5. An Act for enlarging the Powers of the Trustees of the Settlement made on the Marriage of the Baroness *de Graffenried Villars,* and for other Purposes.

6. An Act to authorize the granting for Building Purposes of Demises for long Terms of Years of the Trust Estate of the late *William Penketh Cotham* Esquire, and to authorize the granting of Mining Leases, and for other Purposes.

7. An Act for enabling the Trustees of the Will of *Thomas Brown* Esquire, deceased, to invest the Funds subject to the Trusts of the Will of the said *Thomas Brown* in the Purchase of Real Estates in *Ireland.*

8. An Act for enabling Sales, Exchanges, and Leases of the Family Estates of *Robert Westley Hall Dare* Esquire, and for other Purposes.

9. An Act to authorize the granting of Building Leases of Parts of the Estates devised by the Will of Sir *Robert Holt Leigh* Baronet, deceased, and to extend the Power in the same Will contained to grant Mining Leases, and to authorize the Sale of a Share in the *Wigan* Waterworks, Part of the Estate of the said Sir *Robert Holt Leigh.*

10. An Act for confirming an Exchange between the Right Honourable *Henry Stephen* Earl of *Ilchester* and the Right Honourable *George O'Brien* Earl of *Egremont,* now deceased, and for effecting an Exchange of Lands by the last Will of the Right Honourable *George* Earl of *Egremont,* now deceased, directed to be sold, for Lands by that Will directed to be settled.

11. An Act for vesting certain Estates belonging to the See of *Canterbury,* now vested in Trustees for Sale, in the Archbishop of *Canterbury,* with Provisions for the Sale thereof, with the Approval of the Church Estates Commissioners; and for other Purposes.

12. An Act for enabling *James Thomas Martin* Esquire, and the Persons in remainder under the Will of *Mary Jackson* deceased, to grant Leases of Parts of the Estates thereby devised in Settlement, for the Purpose of building upon and otherwise improving the same; and for other Purposes.

13. An Act for incorporating the Trustees of the *Bingley* Free Grammar and General Education Schools and other Charities at *Bingley* in the County of *York;* for authorizing the Sale, Exchange, or Mortgage by the Trustees, when incorporated, of the several Estates belonging to the said Schools and Charities respectively situate in the Parishes of *Bingley* and *Bradford,* both in the said County of *York;* and for other Purposes relating to the said Schools and Charities.

14. An Act to amend an Act of Parliament made and passed in the First Year of the Reign of Her present Majesty Queen *Victoria,* intituled *An Act to enable the Governors of the Free Grammar School of* Clitheroe *in the County of* Lancaster *to sell and grant Building Leases of the School Estates, and to enlarge the Powers of the Governors;* and to authorize the Court of Chancery to apply Parts of the Proceeds of the Sales effected under such Act towards Discharge of certain Debts of the said School, and to vary the Investment of such Proceeds, and apply the Income thereof towards the Maintenance of the School; and to enlarge the Powers of granting Building Leases created by the said Act; and for other Purposes.

15. An Act to authorize the Trustees of the late *John* Fourth Duke of *Atholl* to denude themselves of the Trusts created by his Trust Deed, and to convey the Trust Estates to his Grace *George Augustus Frederick John* Duke of *Atholl,* and the Series of Heirs specified in the said Trust Deed, and under the Provisions therein contained, and to enable the said Duke, or the Heir in possession for the Time, to sell Parts of the said Estate, and other Estates, for Payment of the Debts of the said *John* Fourth Duke of *Atholl.*

16. An Act to enable certain Persons to grant Leases for Mining Purposes of the Estates at *Oakthorpe* in the Counties of *Leicester* and *Derby,* or one of them, devised by the Will of the Reverend *John Piddocke* Clerk, deceased.

17. An Act to enable the Master or Keeper, Fellows, and Scholars of *Jesus College* in the University of *Cambridge* to alter and vary the Mode of dealing with the Benefaction of Doctor *Edmund Proby* and Sir *Thomas Proby,* and to appropriate the same for the Benefit of the said College in erecting and providing Parsonage Houses for Livings belonging to the said College, and in augmenting such Livings; and for other Purposes, including the Repeal of existing Legislative Enactments relating to the said Benefaction.

18. An Act to enable the Trustees of the Will of *William Ward Jackson* deceased to grant Mining, Building, and Improving Leases of and to open and work Mines in the Estates thereby devised upon Trusts by way of Settlement, and for other Purposes, and of which the Short Title is "*Ward Jackson's* Estate Act, 1853."

19. An Act for enabling Leases, Sales, and Exchanges to be made of the Estates of the late *Philip Duncombe Pauncefort Duncombe* Esquire deceased, and for other Purposes.

20. An Act authorizing and enabling the Trustees under the Will of the late *Warden Sergison* Esquire to raise Money by Mortgage of Part of the Estates settled by his Will, for the Purchase of adjoining Property, and for obtaining Enfranchisement of Copyhold Lands comprised in the Will, and for enabling the Trustees to obtain and grant Enfranchisement of Copyhold Lands, and to grant Building Leases of Parts of the settled Lands, and for other Purposes.

21. An Act to enable the Bishop of *Durham* and the Freemen and Stallingers of the Borough of *Sunderland* to give up their respective Interests in certain Lands and Monies, for the Purpose of endowing an Orphan Asylum at *Sunderland,* and of making better Provision for the Spiritual Wants of the Parish of *Sunderland;* and to enable such Asylum to acquire and hold additional Land; and to enlarge the Powers and to provide for the better Regulation and Management of the said Asylum; and for other Purposes.

22. An Act to authorize the Executors in Trust of the Residuary Personal Estate bequeathed by the Will of the Most Honourable *John Crichton Stuart* Marquess of *Bute* and Earl of *Dumfries*, deceased, to postpone the Sale of certain Parts of such Residuary Estate, and to indemnify such Executors in respect of such Postponement and for other Purposes.
23. An Act to enable the Trustees of the Estate of *Henry Smith* Esquire deceased, to apply certain Funds held upon Trusts for the Relief of his poor Kindred in the Purchase of a Plot of Ground and Buildings called *Strong's Place* in the Parish of *Kensington* in the County of *Middlesex*.
24. An Act for authorizing the granting of Building Leases of Lands held under the Will of *John Pidgley* otherwise *John Moor Pidgley*, situate at *Dawlish* in the County of *Devon*.
25. An Act for better enabling the Trusts of the Will of *Joseph Thomas Treffry* deceased to be executed, under the Authority of the High Court of Chancery, and for other Purposes, and of which the Short Title is "*Treffry's* Estate Act, 1853."
26. An Act to settle Estates in the Counties of *Cornwall* and *Devon* devised by the Will of the late Right Honourable *Richard Hussey* Baron *Vivian* deceased, dated the Twenty-fourth Day of *September* One thousand eight hundred and forty-one, and thereby directed to be settled, and to enable the Trustees of such settled Estates to carry into effect an Agreement to grant a Building Lease of Part of such devised Estates to the *West Cornwall* Railway Company; and for other Purposes.

PRIVATE ACTS,

NOT PRINTED.

27. An Act for enabling the Trustees of certain Estates in *Carmarthenshire* devised by the Will of *Francis Charles James Pemberton* Esquire, deceased, to grant Mining and Building Leases of Parts of the said Estates; and for other Purposes.
28. An Act for raising by Sale or Mortgage of the Real Estates devised by the Will of Sir *William Chaytor* Baronet, deceased, Monies for Payment of his Debts and Legacies, in aid of his Personal Estate, and for other Purposes, and of which the Short Title is "*Chaytor's* Estate Act, 1853."
29. An Act to extend the Powers of the Trustees of the Will of the late Duke of *Cleveland*, and to enable such Trustees to raise certain Monies on certain of the Trust Estates in the County of *Durham* by the said Will devised.
30. An Act to enable *William Yates Rooker* Clerk to exercise his Office of a Priest, and to hold any Benefice or Preferment, in the United Church of *England* and *Ireland*.
31. An Act for the Restitution in Blood of *George Drummond* Esquire, Duke *de Melfort* and Comte *de Lussan* in *France*, and to relieve the said *George Drummond* and the Heirs Male of *James* First Earl of *Perth* from the Effect of the Attainder of *James Drummond*, commonly called Lord *Drummond*, eldest Son of *James* Fourth Earl of *Perth*, and from the Effect of the Attainder of *John Drummond*, Second Son of the said *James Drummond*, and from the Effect of a Decreet of Forfaulture pronounced by the Parliament of *Scotland* against *John* Earl of *Melfort*.
32. An Act to dissolve the Marriage of *Alfred Richard Cutbill* with *Elizabeth* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
33. An Act to dissolve the Marriage of *George Fisher* Esquire with *Mary Matilda Fisher* his now Wife, and to enable him to marry again; and for other Purposes therein mentioned.
34. An Act to enable *Charles Crowe* Clerk to exercise his Office of a Priest, and to hold any Benefice or Preferment, in the United Church of *England* and *Ireland*.
35. An Act to dissolve the Marriage of *Robert Frederick Brownlow Rushbrooke* with *Albinia Maria* his now Wife, and to enable him to marry again; and for other Purposes.

INDEX

TO

HANSARD'S PARLIAMENTARY DEBATES,

IN THE FIRST SESSION OF

THE SIXTEENTH PARLIAMENT OF THE UNITED KINGDOM,

16° & 17° VICTORIA,

1853.

EXPLANATION OF THE ABBREVIATIONS.

1R. 2R. 3R. First, Second, or Third Reading.—*Amend.*, Amendment.—*Res.*, Resolution.—*Com.* Committee.—*Re-Com.*, Re-committal.—*Rep.*, Report.—*Adj.*, Adjourned.—*cl.*, Clause.—*add. cl.*, Additional Clause.—*neg.*, Negatived.— *l.*, Lords.— *c.*, Commons—*m. q.*, Main Question.—*o. q.*, Original Question.—*o. m.*, Original Motion. —*p. q.*, Previous Question.—*r. p.*, Report Progress.—*A.*, Ayes.—*N.*, Noes.—*M.*, Majority.—*1st Div.*, *2nd Div.* First or Second Division.

☞ When in the Text or in the Index a Speech is marked thus *, it indicates that the Speech is reprinted from a Pamphlet or some authorised Report.

When in this Index a * is added to the Reading of a Bill, it indicates that no Debate took place upon that stage of the measure.

ABERDEEN, Earl of (FIRST LORD OF THE TREASURY)
Armenians, The—Government of India, [125] 521
Ava, War with, [124] 535, 544
Barnstaple Election, Address moved, [128] 789
Bode, Baron de, Case of, [129] 1097
Business of the House, [125] 432
Cambridge Election, Address moved, [126] 904
Canterbury Election, Address, [125] 901
Chicory, Petition, [129] 1145, 1148
Chimney Sweepers Regulation, Report, [127] 502
Clitheroe Election, Address, [125] 1111; [126] 146; [127] 212, 215
Commercial Law, [125] 123
Commercial Legislation—Free Trade, Res. [123] 930, 934
Company's European Troops (India), 2R. [128] 1361
Consolidated Annuities, Irish, [124] 343; [125] 1197
Constabulary (Irish), Functions of the, Com. moved for, [128] 698
County Elections Polls, Com. [125] 145
Crime in Ireland, Returns moved for, [127] 1090
Drummond's (Duke de Melfort's) Restitution, 2 R. [127] 1282
Dwellings for the Labouring Classes, Res. [125] 414
Education, National, [129] 973
Education, National (Ireland), Address moved, [124] 1185; Papers moved for, [129] 363, 366, 367, 372, 870, 1250, 1251

ABERDEEN, Earl of—*continued.*
House, Rules of the, [126] 1291
Income Tax, 2 R. [128] 476, 487; Com. 588, 597; *cl.* 56, 600; 3R. 803
India, Government of, [124] 642, 1067; [126] 1294; 2R. [129] 1347
India, State of, [125] 31
Jewish Disabilities, 2R. [126] 753
Juvenile Mendicancy (No. 2), Com. [129] 96
Keogh, Mr., Appointment of, Address moved, [127] 136; Com. moved for, [128] 360, 361
Kingston-upon-Hull, Commission moved for, [126] 145
Kirwan, Mr., Case of—The Irish Magistracy, Address moved, [126] 15, 156
Landlord and Tenant (Ireland), 2R. [129] 1532
Lord Lieutenancy of Ireland, [124] 175
Maldon Election, Address moved, [127] 777, 783
Maynooth College, 1199; Com. moved for, Amend. [125] 1301, 1343
Ministerial Policy, [124] 15, 16, 17
Ministerial Statement, 1721
Missionary Bishops, 2R. [129] 744
Naval Promotions and Retirement, [129] 6
Navy, Manning the, [124] 346; [129] 165
Oaths, Alteration of, 2R. [127] 852; Com. 1027
Polling at Elections Amendment, 1R. [128] 1412; 2R. [129] 262
Poor Laws, [127] 204
Prince, Birth of a, Address to Her Majesty, [125] 685
Refugees, Foreign, [124] 1050, 1162
Revenue Police Force (Ireland), [126] 1232

ABERDEEN, Earl of—*continued.*
Russia and Turkey, [128] 1357; [129] 1649
Schoolmasters (Scotland), [129] 974, 975
Sheriff Courts (Scotland), 2R. [129] 977
Six-Mile Bridge Affray, [124] 31, 32, 338; Papers moved for, [125] 396, 399; [128] 701
Soap Duties, 3R. [128] 1363, 1364
South Sea Annuities—Suitors in Chancery, [129] 1048
Statutes, Consolidation of the, [125] 140
Stocks, Conversion of—Funds in Chancery, [126] 152
Succession Duties, Com. moved for, [127] 670, 675
Succession Duty, 2R. [129] 587; *cl.* 2, 717, 722, 729; 3R. 851
Transportation, [126] 666, 667, 668, 671; Address moved, [127] 29, 32, 36
Tynemouth Election, Address moved, [128] 789, 793
Universities (Scotland), Com. [129] 1712
Wood, Sir C., his Speech at Halifax, [124] 81

ABINGER, Lord
Oaths, Alteration of, 2R. [127] 861

Absconding Debtors (Ireland) Bill,
c. 1R.* [125] 148

ACLAND, Sir T. D., *Devonshire, N.*
Chatham Election, [126] 1075
Dockyard Promotion, Adj. moved, [128] 1317
Financial Statement, Res. [123] 1583
Income Tax, The, Com. [126] 1351
Navy Estimates, [124] 323
Seamen, Entry of, Com. *cl.* 2, [129] 758
Succession Duties, Com. *cl.* 21, [128] 453, 457, 463; *cl.* 44, 1188; *add. cl.* 1405

Adair's, Sir Robert, Alleged Mission to St. Petersburgh,
l. Observations (Lord Campbell), [125] 687

ADDERLEY, Mr. C. B., *Staffordshire, N.*
Address in Answer to the Speech, [123] 107
Cape of Good Hope—Kafir War, [123] 1432, [124] 40, 737
Clergy Reserves (Canada), 2R. [124] 1131; Com. *cl.* 1, [125] 455; *cl.* 2, 479; *cl.* 3, 491
India, Government of, 2R. [128] 773; Rep. [129] 945
Juvenile Offenders, Leave, [129] 157; 2R. 1099
Supply—Kafir War, [129] 1455
Transportation, Com. [129] 1550, 1552
Transportation to the Australian Colonies, [124] 580

Address in Answer to the Speech,
l. [123] 21; Her Majesty's Reply, 127
c. 57; Report, 130; Her Majesty's Reply, 147

Adjournment of the House,
c. Motion (Chancellor of the Exchequer), [123] 1719;
Observations (Lord J. Russell), [125] 434;—*Naval Review at Spithead,* [129] 1601

Admiralty Court,
c. Returns moved for (Mr. R. Phillimore), [124] 1436

Advertisement Duty, The,
c. Motion (Rt. Hon. T. M. Gibson), [125] 1117, [*p. q.* A. 200, N. 169, M. 31] 1187; Res. [128] 1091; Amend. (Rt. Hon. T. M. Gibson), 1096, [*o. q.* A. 109, N. 99, M. 10] 1111; 2nd Amend. 1113; Amend. withdrawn, 1120; Amend. (Mr. Craufurd), *ib.*, [*o. q.* A. 63, N. 68, M. 5] 1128, [*m. q.* A. 70, N. 61, M. 9] *ib.*

ADVOCATE, The LORD (Rt. Hon. J. MONCREIFF), *Leith, &c.* (Earl of Aberdeen's Administration)
Ballot, The, Leave, [128] 212
Burghs (Scotland), Rep. *add. cl.* [125] 1077
Edinburgh and Canongate Annuity Tax Abolition, Leave, [128] 471, 472; 2R. [129] 440
Entails (Scotland), Consideration, [126] 1284
Probates of Wills, &c. 2R. [125] 664; [126] 1077
Public Houses (Scotland), Com. *cl.* 1, [126] 127
Rye Election, New Writ moved, [126] 1219; [127] 376
Sheriff Courts (Scotland), Leave, [124] 92
Sheriff Courts (Scotland), (No. 2), Leave, [124] 1294; Com. Amend. [126] 750, 751, 753, 1220; 2R. [127] 155; Amend. 177, 183, 188; Com. *cl.* 4, [128] 326; *cl.* 5, 327; *cl.* 10, 327; *cl.* 28, 914, 919; 3R. 1140
Succession Duty, Com. *cl.* 7, [128] 389
Universities (Scotland), 2R. [128] 912, 913

Africa,
Civil Establishments on the West Coast—Supply, c. [127] 445; Amend. (Mr. A. Pellatt), 446; Motion *neg.*, 449
Mortality on the Coast of, c. Question (Mr. H. Herbert), [123] 219

African Squadron, The,
l. Question (Earl of Waldegrave), [129] 883

Africans, Liberated (Sierra Leone) Bill,
l. 1R.* [129] 1322; 2R.* 1416; Rep.* 1497; 3R.* 1602
c. 1R.* [129] 1602; 2R.* 1679; Rep.* 1705; 3R.* 1720
l. Royal Assent, [129] 1823

AGLIONBY, Mr. H. A., *Cockermouth*
Aggravated Assaults, Com. *cl.* 1, [125] 679
Brecknock College, Leave, [125] 623
Charitable Trusts, 3R. [129] 1488
Chatham Election, [126] 873
Cruelty to Animals, 2R. [124] 1343
Eastern Union Railway, 2R. [129] 889
Elections, Com. *cl.* 1, [128] 234
Elections, Expenses of, &c. Com. *cl.* 1, [129] 1238
Episcopal and Capitular Estates, 2R. [129] 1235
Hackney Carriages (Metropolis), Com. *cl.* 2, [127] 488
Harwich Election, New Writ moved, [126] 1320; [128] 146
Income Tax, The, Com. [126] 1276, 1345; [127] 250
Lancaster, New Writ moved for, [125] 644
[*cont.*

Aglionby, Mr. H. A.—*continued.*
Plymouth Election, New Writ moved, [127] 647
Succession Duties, The, [127] 289, 348
Succession Duty, Com. *cl.* 1, [128] 313 ; *cl.* 20, 446 ; *cl.* 21, 454, 458, 467, 470 ; *cl.* 27, 1140
Supply—Hong Kong, [127] 454 ;—Consular Establishments, 458
Warlike Stores, Seizure of—M. Kossuth, [125] 1215

Agricultural Statistics,
c. Question (Mr. Sandars), [127] 378

Airlie, Earl of
India, Government of, [126] 1292

Albemarle, Earl of
Adair's, Sir R., Alleged Mission to St. Petersburgh, [125] 688
Burmese War, [127] 1206
India, Affairs of, [125] 700 ; [129] 353
India, Government of, [127] 298, 1034 ; Correspondence moved for, [128] 56 ; Petition, 1079
India, Government of, Com. *cl.* 1, [129] 9426 ; *cl.* 21, 1443 ; *cl.* 22, 1444 ; *cl.* 38, 1441 ; *cl.* 44, 1450
India, Internal Communication in, Returns moved for, [126] 1230
India, Public Works in, [126] 898
Jewish Disabilities, 2R., [126] 767
Russia and Turkey, [129] 1424

Alcock, Mr. T., *Surrey, E.*
Assistant Judge (Middlesex Sessions), 2R., [128] 1198 ; 3R. Amend. [129] 430
Budget, The, [123] 919 ; Financial Statement, 1219
Coal Duties Committee, Nomination of Members, [124] 242
County Elections Polls, 2R. [123] 467
Hop Duty, [124] 194
Income Tax, The, Com. [126] 1336 ; *cl.* 1, [127] 542
Metropolitan Improvements, 2R. [124] 696 ; Com. 1440 ; That the Bill do pass, *add. cl.* [125] 165
Succession Duty, Com. *cl.* 22, [128] 1130
Supply—Ministers at Foreign Courts, [127] 463
Westminster Bridge, Com. [128] 934 ; 3R. 1141

American Fisheries, The
l. Question (Lord Wharncliffe), [123] 581

Anderson, Sir J., *Stirling*
Supply—Salaries of certain Officers (Scotland), [127] 408

Anson, Hon. Major-Gen., G., *Staffordshire, S.*
Ordnance Estimates, [124] 756, 766
Ordnance, Iron, Returns moved for, [123] 1717
Railway and Canal Bills, Com. moved for, [123] 832, 1057

Apples, Raw—Customs Acts,
c. Com. [127] 1068

Apprehension of Offenders Act Amendment Bill,
c. 1R.* [129] 1252 ; 2R.* 1395 ; 3R.* 1535
l. 1R.* [129] 1602 ; 2R.* 1751 ; Rep.* 1811 ; 3R.* 1816
Royal Assent, 1824

Arbitration Law Amendment Bill,
l. 1R. [129] 833

Archdall, Capt. M. E., *Fermanagh*
Income Tax, That the Bill do pass, *add. cl.* [127] 1229
Tenants' Compensation (Ireland), Com. *cl.* 20, [129] 639

Arctic Expeditions,
c. Question (Mr. G. Vernon), [126] 544

Argyll, Duke of (Lord Privy Seal, Earl of Aberdeen's Administration)
Chicory, Petition, [129] 1150
Chimney Sweepers Regulation, Report, [127] 500
Clergy Reserves (Canada), [124] 711, 719 ; Com. *cl.* 1, [126] 424, 427
Colonial Church Regulation, Com. *cl.* 5, [129] 530
Income Tax, 3R. [128] 812
India, Government of, [124] 642, 1868 ; Correspondence moved for, [128] 50
India, Government of, 2R. [129] 1374] ; Com. *cl.* 2, 1430, 1431 ; *cl.* 6, 1437, 1438
Jewish Disabilities, 2R. [126] 787
Juvenile Mendicancy (No. 2), Com. [129] 99
Lands Improvement Company (No. 2), 3R. [129] 249
Maynooth College, Com. moved for, [125] 1331
Seamen, Foreign, [125] 801
Succession Duties, Com. moved for, [127] 702, 703
Succession Duty, 2R. [129] 612, 617 ; Com. *cl.* 2, 729, 734 ; *cl.* 22, 739
Transportation, Address moved, [127] 75
Universities (Scotland), Com. [129] 1717
University Tests (Scotland), [123] 777, 780

Armenians, The—Government of India,
l. Petition (Lord Campbell), [125] 518

Arms Act (Ireland),
c. Question (Mr. I. Butt), [128] 731, 1429

Army,
Bread for the, c. Observations (Sir W. Jolliffe), [124] 668
Estimates, c. [124] 670 ;—*Kilmainham Hospital,* Res. Amend. (Mr. Vance), 770 [A. 66, N. 119, M. 53] 772
Guards, Colonelcies of the, c. Observations (Mr. Hume), [124] 741 ; Question (Col. Lindsay), 801
Military Emigration to the Cape of Good Hope, l. Petition (Duke of Richmond), [123] 1204
Military Pensioners, l. Question (Lord Panmure), [123] 705
Ordnance Estimates, c. [124] 748
Pensioner Battalions, c. Observations (Mr. Rich, [124] 652

Ashburton, Lord
India, Government of, 2R. [129] 1381

Assaults, Aggravated, Bill,
c. Leave, [124] 1414; 1R.* 1422; 2R.* [125] 197; Com. *cl.* 1, 669; Amend. (Mr. Barrow), *ib.*; Amend. withdrawn, 674; Amend. (Mr. Phinn), 677, [A. 50, N. 108, M. 58] 684; Amend. (Mr. Packe), *ib.*; Proviso (Hon. H. Fitzroy), *ib.*;
c. 3R.* [126] 796
l. 1R.* [126] 883;
2R. [127] 551; 3R.* 1018
Royal Assent, [128] 132

Assessed Taxes Bill,
c. 1R.* [128] 426; 2R.* 600; 3R.* [129] 1395
l. 1R.* [129] 1416; 2R.* 1602; Rep.* 1605; 3R.* 1709
Royal Assent, 1824

Assistant Judge (Middlesex Sessions) Bill,
c. 1R.* [128] 814;
2R. [128] 1194; Amend. (Mr. Bowyer), 1197, [*o. q.* A. 61, N. 47, M. 14] 1198;
Com. Amend. (Sir J. Shelley), [129] 234; Amend. withdrawn, 235;
cl. 2, [A. 81, N. 53, M. 28] 236;
3R. 430; Amend. (Mr. Alcock), 431, [*o. q.* A. 42, N. 53, M. 11] 432

Assurance Associations,
c. Com. moved for (Mr. J. Wilson), [124] 1320

Assurances, Registration of, Bill,
l. 1R. [124] 41;
2R. [124] 929; Amend. (Lord St. Leonards), 963; Amend. withdrawn, 977

Atherton, Mr. W., *Durham, City*
Durham Election Petitions, Com. moved for, [127] 958
Judges' Exclusion, 2R. [125] 1094; Com. [126] 136
Supply—Africa, Civil Establishments on the West Coast, [127] 448;—Falkland Islands, 450

Athlone Election Committee,
c. Report, [125] 1015

Attorney General, The (Sir F. Thesiger §), *Stamford* (Earl of Derby's Administration)
§ Attorneys and Solicitors Certificate Duty, Leave, [124] 1397
§ Bedford Charity Estate, 2R. [129] 1254
§ Berwick-on-Tweed Election, New Writ moved, [126] 1134
§ Chatham Election, [126] 1051, 1064
§ Charitable Trusts, Com. *cl.* 52, [129] 1157; *cl.* 60, 1159, 1255, 1264, 1267
§ Clergy Reserves (Canada), Com. *cl.* 1, [125] 454; *cl.* 2, 478, 480
Courts of Common Law (Ireland), 2R. [123] 764
Derby Election, Com. moved for, [123] 751, 752
§ Dockyard Appointments and Promotion, Com. moved for, Amend. [126] 93, 112
§ Harwich Election, New Writ moved, [128] 145

[cont.

Attorney General, The—*continued.*
§ "Household Narrative," The, [125] 160, 163
§ Jewish Disabilities, 2R. Amend. [125] 71, 87, 93, 104
Newspaper Stamp Duties, Leave, [123] 1045, 1048
Parliamentary Electors, 2R. [123] 1146
§ Plymouth Election, New Writ moved, [127] 647

Attorney General, The (Sir A. E. Cockburn §), *Southampton* (Earl of Aberdeen's Administration)
Assistant Judge (Middlesex Sessions), 2R. [128] 1197; Com. [129] 235
Bedford Charity Estate, 2R. [129] 1252
Betting Houses, Leave, [129] 87
Canterbury Election, Address moved, [125] 216
Charitable Trusts, Com. *cl.* 52, [129] 1157
Clergy Reserves (Canada), Com. *cl.* 1, [125] 453
Clitheroe Election, Address moved, [125] 1025, 1027
Combination of Workmen, 3R. [125] 1427
§ Common Law, Courts of (Ireland), 2R. [123] 760; Com. *cl.* 1, [127] 1284; *cl.* 10, 1285, 1286; *cl.* 38, 1288, 1291, 1292; *cl.* 63, 1293, 1294; 3R. [129] 238
Cruelty to Animals, 2R. [124] 1344
§ Derby Election Petition, [123] 128, 254, 255, 256; Com. moved for, 717, 751
Durham Election Petition, Com. moved for, [127] 960, 964
Ecclesiastical Courts, Com. moved for, [124] 870, 872
Ecclesiastical Courts, Abolition of, Leave, [128] 1250
Examiners, Office of (Court of Chancery), Rep. *cl.* 2, [124] 773
§ Financial Statement, Res. [123] 1522, 1588, 1600
"Household Narrative," The, [125] 164
Judges' Exclusion, Com. [126] 135
Knowledge, Taxes on—The Advertisement Duty, [125] 1169
Newspaper Stamp Duties, [127] 219; 2R. [129] 241
§ Parliamentary Electors, 2R. [123] 1149
Six-Mile Bridge Affray, [124] 740; Papers moved for, [125] 391, 394, 895, 896
Sligo Borough, New Writ moved, [128] 129, 684
Specification Repeal, Copies of, Com. [129] 85, 86
Statute Laws, Codification of the, [125] 316
Succession Duty, Com. *cl.* 7, [128] 387, 394; *cl.* 25, 1134
Supply—Patent Law Amendment, [129] 1312

Attorneys and Solicitors Certificate Duty Bill,
c. Leave, [124] 1385, [A. 219, N. 167, M. 52] 1402; 1R.* [125] 33

Attorneys and Solicitors Certificate Duty (No. 2) Bill,
c. 1R.* [125] 254;
2R. [126] 621; 2R. deferred, 623; Adj. Debate [129] 475; Amend. (Chancellor of the Exchequer), 483, [*o. q.* A. 102, N. 186, M. 84] 484

Auckland Islands, The—Mr. Enderby,
c. Question (Mr. Miller), [123] 1155

Australia,
Emigration to, c. Question (Mr. Hildyard), [124] 36; (Mr. Miles), [127] 566
Establishment of Mints in, c. Question (Mr. Bass), [124] 1290
Western—Supply, c. [117] 449

Australian Colonies, The
c. Question (Rt. Hon. Sir W. Molesworth), [123] 1213;—*Transportation to the*, Papers moved for (Rt. Hon. Sir J. Pakington), [124] 554

Australian Direct Steam Navigation Company,
c. Question (Lord Hotham), [129] 652

Australian Royal Mail Steam Company's Vessels The,
l. Question (Lord Wharncliffe), [125] 296; [126] 515
c. Question (Rt. Hon. Sir J. Pakington), [125] 203

Austria and Turkey,
c. Question (Rt. Hon. B. Disraeli), [125] 153; (Sir J. Walmsley), [129] 380

Ava, War with,
l. Question (Earl of Ellenborough), [124] 526; [125] 1187; [127] 1199
c. Address moved (Sir H. Willoughby), [124] 658;—*Mortality of the Troops*, Question (Mr. Cobden), [128] 377

BAGGE, Mr. W., *Norfolk, W.*
Examiners, Office of (Court of Chancery), Com. *cl.* 3, [124] 465

Bail in Error Bill,
l. 1R. [124] 3; 2R.* 697;
Com. 789;
3R. [125] 585
c. 1R.* [127] 429; 2R.* 787; 3R.* [128] 257
l. Royal Assent, [128] 906

BAILLIE, Mr. H. J., *Inverness-shire* (Secretary Board of Control, Earl of Derby's Administration)
Burmese War, Mortality of the Troops, [128] 379
Excise Duties on Spirits, Com. *cl.* 1, [127] 1390
France, Relations with, [124] 304
Income Tax, Com. *cl.* 33, [127] 799
India, Government of, [124] 1045; 2R. [128] 661, 662, 893
New Zealand Company, [127] 503
Succession Duty, Com. *cl.* 7, [128] 389
Supply—Parliament, New Houses of, [127] 393

BAINES, Rt. Hon. M. T., *Leeds* (Chief Commissioner of the Poor Laws, Earl of Aberdeen's Administration)
County Rates and Expenditure, 2R. [124] 483; Com. *cl.* 1, [125] 266, 272; *cl.* 3, 273
Juvenile Offenders, 2R. [129] 1103
Parish Vestries, 2R. [128] 328; Com. 778
Peterborough Election, [129] 760
Poor Law (Medical Relief), [129] 136

BALL, Mr. E., *Cambridgeshire*
Address in Answer to the Speech, [123] 118
Ballot, The, Leave, [128] 174
Bridgenorth Election, New Writ moved, [125] 245
Budget, The—Financial Statement, Res. [125] 1425
Church Rates, Leave, [127] 608*
Commercial Legislation—Free Trade, [123] 423, 550
Dockyard Promotion, [128] 1320, 1323
Duffy, Mr., Case of, [126] 1197
Education, Leave, [125] 558
Elections, Expenses of, Re-Com. *cl.* 1, [129] 1241
Factories, Leave, [128] 1290
Financial Statement, Res. [123] 1259
Government, The, and the Irish Members, [126] 1322, 1325, 1329
Hop Duty, [124] 190
Import Duties, [124] 1019
Income Tax, The, Com. [126] 1250; [127] 535; That the Bill do pass, *add. cl.* 1219
India, Government of, Com. *cl.* 12, [129] 333, 339
Jewish Disabilities, 2R. [125] 96
Landlord and Tenant (Ireland), Com. *cl.* [128] 32, 1373
Malt Duties, Com. moved for, [129] 126, 1477, 1482
Maynooth College, Com. moved for, [124] 451, 452
Parsee Merchants, Case of, Address moved, [129] 1206
Personal Liberty, Recovery of, 2R. [129] 491
Succession Duties, The, [127] 288
Supply—New Houses of Parliament, [129] 1317

BALL, Mr. J., *Carlow*
Charitable Trusts, 3R. [129] 1490
Consolidated Annuities (Ireland), [125] 770
Dublin Post Office, Appointment in, [123] 1718
Duffy, Mr., Case of, [126] 1193, 1194, 1205, 1213, 1239
Income Tax, The, Com. [126] 510, 819, 1279; *cl.* 13, [127] 739, 740; *cl.* 15, 745; *add. cl.* 817, 1054
Knowledge, Taxes on—The Advertisement Duty, [125] 1179
Maynooth College, Com. moved for, [124] 501, 900
Oaths, Com. moved for, [124] 1410
Personal Liberty, Recovery of, 2R. [129] 485
Roman Catholic Prisoners, [129] 1567
Tenant Right (Ireland), 2R. [123] 104, 1128

Ballot, The
c. Leave, [128] 155; Adj. moved (Lord D. Stuart), [A. 65, N. 329, M. 264] 228; [*m. q.* A. 172, N. 232, M. 60] 229

Ballot, The
c. Leave, [128] 920; Adj. moved (Mr. F. French), 926

BANDON, Earl of
Cork City Election, [123] 776

Bank Notes Bill,
c. 1R.* [123] 198; 2R.* 293; Rep.* 712; 3R.* 781
l. 1R.* 816; 2R.* 920; Rep.* 1058; 3R.* 1152
Royal Assent, 1568

BANKES, Rt. Hon. G., *Dorsetshire* (Judge Advocate General, Earl of Derby's Administration)
  Examiners, Office of (Court of Chancery), Rep. *cl.* 2, [124] 776
  Income Tax, [127] 249; That the Bill do pass, *add. cl.* 1220
  Kingston-upon-Hull Election, Address moved, [125] 600
  Maldon Election, Commission moved for, [126] 123
  Simony Law Amendment, 2R. [128] 1347

Bankrupt Law (*Scotland*),
  l. Petition (Lord Brougham), [128] 1142

Bankruptcy Abolition, District Courts of, Bill,
  l. 1R.* [123] 164; 2R.* [124] 524

Bankruptcy Bill,
  l. 1R. [124] 7; 2R.* 524

Bankruptcy Bills,
  l. Minutes of Evidence, [127] 196

Bankruptcy County Court,
  l. Petition (Lord Brougham), [124] 1288

Bankruptcy (*Scotland*) *Bill,*
  c. 1R.* [126] 1076; 2R.* [127] 1036; 3R.* [128] 57
  l. 1R. [128] 132; 2R.* [129] 189;
    Com. 435; 3R.* 795
    Royal Assent, 1243

Bankruptcy and Insolvency (*Scotland*) *Bill,*
  l. 1R. [125] 194; 2R.* [129] 586

BARING, Rt. Hon. Sir F. T., *Portsmouth*
  Dockyard Appointments and Promotions, Com. moved for [126] 90
  Dockyards, Disfranchisement of Persons employed in, [126] 1330
  Durham Election, Mr. Duncan's Case, [127] 707
  Elections, Expenses of, Com. *cl.* 1, [128] 1331
  Financial Statement, Res., [123] 1621
  Income Tax, The, Com. [126] 725, 732
  Navy Estimates, [123] 1013; [124] 370, 373, 376, 382
  Ordnance Estimates, [124] 763
  Portsmouth, Assault Case at—Duties of Sentinels, [128] 58

BARING, Mr. T., *Huntingdon*
  Borneo, Piracy, in, [126] 909
  Customs, &c. Acts, Com. Res. [127] 820, 821, 824; (Tea Duties), 833
  India, Government of, Leave, [127] 1318, 1322; Com. *cl.* 1, [128] 1452; *cl.* 2, 1456, 1461; *cl.* 3, [129] 65, 81, 82; *cl.* 27, 567; *cl.* 30, 571; *cl.* 31, 575; *add. cl.* 773, 775
  South Sea and other Annuities Commutation, Com. *cl.* 2, [126] 334; *cl.* 32, 369

Barnstaple Election Committee,
  c. Report, [126] 157;
    Address moved (Hon. W. O. Stanley), [127] 136
  l. Conference, [127] 197;
    Address moved (Earl of Aberdeen), [128] 789

BARRINGTON, Viscount, *Berkshire*
  County Rates and Expenditure, Com. *cl.* 4, [125] 1109

BARROW, Mr. W. H., *Nottinghamshire, S.*
  Aggravated Assaults, Com. *cl.* 1, Amend, [125] 669, 671, 673, 684, 685
  Blackburn Election, New Writ moved, [125] 231
  Commercial Legislation—Free Trade, [123] 528
  County Rates and Expenditure, 2R. [124] 484; Com. [125] 261; *cl.* 1, 270; *cl.* 4, 1100; [129] 148
  Elections, Expenses of, Com. [128] 1326; *cl.* 1, Amend. 1330, 1332; *cl.* 3, 1335; *cl.* 6, 1337
  Examiners, Office of (Court of Chancery), Rep. *cl.* 2, [124] 776
  Health, General Board of, Rep. Proviso, [129] 240
  Income Tax, Com. *cl.* 25. [127] 757; *cl.* 26, Proviso, 789
  Poor Law (Medical Relief), [129] 144
  Savings Banks, Com. postponed, [129] 543
  Succession Duty, Com. *cl.* 1, [128] 313; *cl.* 5, 323, 324; *cl.* 9, 396; *cl.* 19, 411, 433; *cl.* 33, 1174; *cl.* 43, 1185; *cl.* 48, 1382; Rep. Amend. [129] 205
  Transportation, 3R. [129] 1693
  West London Waterworks Company, 2R. Amend. [124] 798

BASS, Mr. M. T., *Derby*
  Attorneys and Solicitors' Certificate Duty (No. 2), 2R. [126] 622
  Australia, Establishment of Mints in [124] 1290
  Blackburn Election, New Writ moved, [125] 232
  Eastern Union Railway, 3R. [129] 274
  Financial Statement, Res. [123] 1362
  Health, General Board of, Rep. 241
  Rye Election, New Writ moved, [126] 1008, 1218; [127] 291, 374, 377
  Silver Coinage—The Mint, [124] 1223
  Succession Duty, Rep. [129] 205

BATEMAN, Lord
  County Elections Polls, 3R. [125] 288
  Railway Legislation, [123] 238

BATH, Marquess of
  Address in Answer to the Speech, [123) 33
  Church Buildings Act Amendment, Com. [128] 1158
  Great Western Railway Company, [127] 1359

Battersea Park Bill,
  c. 1R.* [127] 706; 2R.* 1380; 3R.* [128] 1087
  l. 1R.* [128] 1142; 2R.* [129] 157; Rep.* 433; 3R.* 512
  Royal Assent, 1243

Battersea Park—Supply,
c. [129] 1407

Battersea and Chelsea Embankment — Supply,
c. [129] 1407, [A. 94, N. 27, M. 67] 1412

Beaumont, Lord
Business, Private, [129] 879
Canterbury Election, Address, [125] 921
Carolina, South—Imprisonment of British Subject, Address moved, [128] 136
Cemetery Association, Great Extramural, 2R. [128] 133, 134
Chicory, Petition, [129] 1149
Chimney Sweepers Regulation, Report, [127] 497, 502
Clitheroe Election, [127] 211, 215
Commercial Legislation — Free Trade, Res. [213] 935; Amend. 942, 968
Denmark, Succession to the Crown of, [127] 1079
Eastern Union Railway, 2R. Amend. [129] 1498
House, Rules of the, [126] 1290
Income Tax, 3R. [128] 805
India, Government of, Com. *cl.* 6, [129] 1438
Incumbered Estates (Ireland) Act Continuance, Rep. [128] 1085
Land Improvement (Ireland), 2R. [125] 589; Com. [126] 1300; *cl*, 4, Amend. 1313
Lodging Houses, Common, 2R. [127] 297; Com. 554
Maynooth College, Com. moved for, [125] 1321
Poor Removal and Local Assessment, 2R. [125] 1195; [127] 1032
Railway Legislation, [123] 235
Railways, Accidents on, [125] 187
Registration of Assurances, 2R. [124] 975; That the Bill do pass, [126] 1229
Russia and Turkey, [127] 657; [126] 380, 381; [129] 346, 348, 1636
Soap Duties, 3R. [128] 1366
Statutes, Revision of the, [125] 296
Succession Duty, That the Bill do pass, [129] 862

Bedford Charity Estate Bill,
c. 1R.* [129] 744;
2R. 1252; Amend. (Sir J. Walmsley), [*o. q.* A. 70, N. 8, M. 62] 1254

Belfast Municipal Boundaries Bill,
c. 1R.* [127] 1036; 2R.* [128] 143; 3R.* [129] 166
l. 1R.* [129] 244; 2R.* 795; 3R.* 1497
Royal Assent, 1824

Belgium, Commerce of, with Holland,
c. Question (Mr. A. Pellatt), [124] 350

Bell, Mr. J., *Guildford*
National Gallery, The, Com. moved for, [124] 1315

Bellew, Mr. J., *Galway*
Income Tax, The, Com. [126] 720
Maynooth College, Com. moved for, [124] 895

Benefices, Sequestration of,
l. Petition (Lord Berners), [128] 695

Benefices, Union of Bill,
c. 1R.* [124] 83;
2R. [124] 884; Amend. (Rt. Hon. S. Herbert), 888; Amend. and Motion withdrawn, 889

Bentinck, Mr. J. W. P., *Norfolk, W.*
Commercial Legislation — Free Trade, [123] 559
Durham Election Petitions, Com. moved for, [127] 138, 146, 957, 962, 963, 964; Nomination of Committee, [123] 231, 232
Keogh, Mr., Appointment of, Explanations, [128] 305

Beresford, Rt. Hon. W., *Essex, N.* (Secretary at War, Earl of Derby's Administration)
Keogh, Mr., Appointment of, Explanations, [128] 281
Tower, Constableship of the, [128] 348

Berkeley, Rear-Adm. M. F. F., *Gloucester* (Lord of the Admiralty, Earl of Aberdeen's Administration)
Dockyard Appointments and Promotions, Com. moved for, [126] 85; [128] 1298
Maury, Lieut. his Plan—Navigation, [129] 146
Merchant Shipping, Com. *cl.* 29, [129] 110; 3R. *add. cl.* 1126
Navy Estimates, [124] 384, 387
Ports and Harbours, Regulation of, [123] 350
Seamen, Entry of, Com. [129] 750

Berkeley, Hon. C. F. H., *Cheltenham*
Customs Acts, Com. Res. [127] 371
Dockyard Promotion, [128] 1324
Elections, Expenses of, 2R. [127] 373; Com. *cl.* 6, [128] 1337; Re-Com. [129] 1236; *cl.* 6, 1238, 1242
Greek Armour, The Suit of, [124] 545
Nunneries, Inspection of, Leave, [127], 95
Personal Liberty, Recovery of, 2R. [128] 679; [129] 511
Supply—National Gallery, [123] 1032

Berkeley, Mr. C. L. G., *Evesham* (Secretary to the Poor Law Commission, Earl of Aberdeen's Administration)
Burial Grounds, Metropolitan, [128] 384
Election Petitions—West Gloucestershire Election, [123] 978, 1152
Elections, Expenses of, Rep. [129] 342

Berkeley, Mr. F. F. H., *Bristol*
Ballot, The, Leave, [128] 155, 162, 185, 188, 259
Elections, Expenses of, Com. [128] 1329; Re-Com. *cl.* 1, [129] 1240
Liverpool Election, New Writ moved, [228] 1078

Bermudas—Supply,
c. [127] 442

BERNARD, Viscount, *Bandon*
- Call of the House, [123] 269
- Communication between England and Ireland, Com. moved for, [126] 556
- Land, &c., Sale of (Ireland), Leave, [126] 654
- Ministers' Money (Ireland) Com. moved for, [123] 797

BERNERS, Lord
- Benefices, Sequestration of, [128] 695
- Income Tax, 2R. [128] 492
- Poor Removal and Local Assessment, 2R. [125] 1188, 1195; [127] 1030, 1032
- Succession Duty, That the Bill do pass, [129] 863
- Transportation, [126] 671

Berwick-upon-Tweed Election Committee,
- *c.* Report, [126] 450; New Writ moved, Amend. (Mr. Phinn), 1125; Com. moved for (Mr. Mitchell), 1381; [127] 647; Amend. (Sir W. Jolliffe), 648

BETHELL, Sir R., *see* SOLICITOR GENERAL, The

Bethlehem Hospital,
- *c.* Question (Hon. H. Fitzroy), [123] 128; (Sir B. Hall), [125] 33

Betting Houses,
- *c.* Question (Sir J. Duke), [124] 24

Betting Houses Bill,
- *c.* Leave, [129] 87;
  - 1R.* 166; 2R.* 744; 3R.* 1598
- *l.* 1R.* [129] 1602; 2R.* 1751; Rep.* 1811; 3R.* 1816
- Royal Assent, 1824

BIGGS, Mr. W., *Newport* (*Isle of Wight*),
- Wages, Payment of, 2R. [126] 1090

Bills of Exchange and Notes (*Metropolis*) *Bill,*
- *c.* Notice (Rt. Hon. S. Walpole), [123] 142;
  - Leave, 147;
  - 1R.* 148; 2R.* *ib.*; Com.* *ib.*;
  - 3R. 148
- *l.* 1R. 143;
  - 2R. 165; 3R.* *ib.*;
- Royal Assent, 217

Birch, Mr.—Case of,
- *l.* Petition (Lord Campbell), [128] 906

Blackburn Election Committee,
- *c.* Report, [124] 545; That the Evidence be laid on the Table (Sir J. Shelley), 1045; Adj. Debate, 1268; Amend. (Mr. Sotheron), 1278; Amend. withdrawn, 1286; New Writ moved (Mr. W. Patten), [125] 223; Amend. (Sir J. Shelley), 226; Amend. withdrawn, 233

BLACKETT, Mr. J. F. B., *Newcastle-on-Tyne*
- Charitable Trusts, 3R. [129] 1494
- Commercial Legislation—Free Trade, [123] 633
- Danish Succession [129] 1679, 1681

[*cont.*

BLACKETT, Mr. J. F. B.—*continued.*
- Education Leave, [125] 568, 576
- Income Tax, The, Com. [126] 484; [127] 536; *cl.* 5, 725; *add. cl.* 810, 815, 816, 817
- India, Affairs of, [125] 55
- India, Government of, Leave, [127] 1195, 1300, 1301; 2R. [128] 759; Com. 1433; *cl.* 1, 1450; *cl.* 22, [129] 424; *cl.* 26, 559, 562, 564; *cl.* 32, 668, 671, 678; *add. cl.* 765, 775; Rep. 951; *add. cl.* 959, 960, 963, 964; That the Bill do pass, 1015, 1037
- India, Legislative Council of, [128] 603
- Lombardy, Austrian Government in, [125] 446
- Metropolitan Improvements, Leave, [124] 91; 2R. 692; That the Bill do pass, *add. cl.* [125] 166
- Russia and Turkey, [129] 1796
- Smoke Nuisance Abatement, Com. [129] 1496
- Supply—Oxford and Cambridge Professors, [127] 418;—Polish Refugees, &c. 466

BLAIR, Col. J. H., *Ayrshire*
- Edinburgh and Canongate Annuity Tax Abolition, 2R. [129] 461
- Financial Statement, Res. [123] 1613
- Income Tax, Com. *cl.* 33, [127] 800; *cl.* 35, 803
- Ordnance Estimates, [124] 758
- Ordnance Survey (Scotland), [125] 1115
- Sheriff Courts (Scotland), Com. [126] 752
- Sheriff Courts (Scotland), (No. 2), 2R. [127] 167; Com. *cl.* 10, [128] 327; *cl.* 28, 918
- Supply—Portpatrick Harbour, [127] 398
- Universities (Scotland), 2R. [129] 184
- Wages, Payment of, 2R. [126] 1116

BLANDFORD, Marquess of, *Woodstock*
- Episcopal and Capitular Property, Leave, [128] 505, 533; 2R. [129] 1220, 1236

Bode, Baron de, Case of
- *l.* Motion (Lord Lyndhurst), [129] 1050, [Content, 6, Not Content, 16, M. 10] 1098

BOLDERO, Col. H. G., *Chippenham,*
- Blackburn Election Committee, [124] 1286
- Navy Estimates, [124] 382, 384, 387
- Ordnance Estimates, [124] 765

Bolton Election Committee,
- *c.* Report, [126] 908

BOOKER, Mr. T. W., *Herefordshire*
- Commercial Legislation—Free Trade, [123] 532
- Dockyard Promotion, [128] 1310
- Factories, Leave, [128] 1286
- Income Tax, The, Com. [126] 465
- Succession Duty, Com. *cl.* 2, [128] 319; *cl.* 25, 1136; *add. cl.* 1406
- Zollverein, The—Duty on Iron, [124] 181

Borneo, Piracy in—Sir James Brooke,
- *c.* Observations (Mr. Drummond), [125] 723; [129] 1160; Question (Mr. T. Baring), [126] 909

BOUVERIE, Hon. E. P., *Kilmarnock, &c.* (Chairman of Committees)
- Advertisement Duty, Res. [128] 1128
- Blackburn Election Committee, [124] 1276; New Writ moved, [125] 230

[*cont.*

Bouverie, Mr. E. P.—*continued.*
Bridgenorth Election Committee, [124] 180 ; Report, 734, 877, 881 ; New Writ moved, [125] 235
Business of the House, Amend. [129] 1463, 1468
Canterbury Election, Address moved, [125] 215, 219
Charitable Trusts, 3R. [129] 1494
Clare Election, New Writ moved, [127] 1298
Common Law, Courts of (Ireland), 3R. [129] 238
Duffy, Mr., Case of, [126] 1193, 1194, 1198, 1297
Eastern Union Railway, 3R. [129] 272
Ecclesiastical Courts, Com. moved for, [124] 873
Edinburgh and Canongate Annuity Tax Abolition, 2R. [129] 465
Income Tax, Com. *cl.* 5, [127] 731 ; [126] 713, 1193, 1247, 1254 ; *cl.* 16, [127] 1056
India, Government of, Com. *cl.* 32, [129] 670 ; *add. cl.* 774
Judges' Exclusion, Com. [126] 139
Precedence in Resumed Debate, [126] 1241
Rye Election Committee, Absence of Members, [125] 257
Sheriff Courts (Scotland), Com. [126] 752
Sheriff Court (Scotland), (No. 2), 2R. [127] 191
Simony Law Amendment, 2R. Adj. moved, [128] 1344, 1347
Sligo Borough, New Writ moved, [128] 127, 681
South Sea Company's Arrangement, &c. 3R. [129] 1396
Specification Repeal, Copies of, Com. [129] 86
Succession Duty, Com. *cl.* 5, [128] 323 ; *cl.* 21, 462
Supply—Public Buildings (Ireland), [127] 400 ; —Theological Professors (Belfast), 421
West London Waterworks Company, 2R. [124] 799

Bowyer, Mr. G., *Dundalk*
Assistant Judge (Middlesex Sessions) 2R. Amend. [128] 1196
Charitable Trusts, Rep. *cl.* 60, [329] 1267
Crime and Outrage (Ireland), 2R. Amend. [129] 794
Diplomatic Service, Examination of Candidates for the, [125] 887
Excise Duties on Spirits, Com. *cl.* 15, [127] 1396 ; 3R. [128] 425 ; *add. cl.* 674
India, Government of, Com. *cl.* 3, [129] 82
Irish Members and the Government, [127] 228, 230
Maynooth College, Com. moved for, [124] 519
Nunneries, Inspection of, Leave, [127] 96, 103
Personal Liberty, Recovery of, 2R. [129] 484, 485, 502, 503
Religious Persecution—The Madiai, [124] 227
Sligo Borough, New Writ moved, [128] 683
Supply—New Houses of Parliament, [129] 1316, 1317

Brady, Mr. J., *Leitrim*
Ballot, The, Leave, [128] 180
Land Improvement (Ireland), Com. *cl.* 36, Proviso, [124] 1348
Six-Mile Bridge Affray, [129] 306
Vaccination Extension, 2R. [129] 473

Bramston, Mr. T. W., *Essex, S.*
Athlone Election Committee, Report, [125] 1015
Chatham Election Committee, Report, [124] 1286, 1433, 1436 ; [126] 872, 1059
Durham Election Committee, Report, [127] 1299

Bread, Army,
c. Observations (Sir W. Jolliffe), [124] 668

Breadalbane, Marquess of
Foreign Affairs—The French Empire, [123] 976
Juvenile Mendicancy (No. 2), Com. [129] 100

Brecon Collegiate Church Bill,
c. Leave, [125] 620 ;
1R.* 674 ; 2R.* [126] 32 ; 3R.* [129] 29
l. 1R.* [129] 89 ; 2R.* 795 ; 3R.* 1416
Royal Assent, 1709

Bribery at Elections,
l. Observations (Lord Brougham), [124] 630, 1382

Bridgenorth Election Committee,
c. Mr. F. Dundas ordered to be discharged, [124] 179 ; Report, 734 ; That the Evidence be laid on the Table (Sir J. Shelley), 875 ; That the Writ be suspended till 15th March, 881 ; Adj. Debate, 1287 ; Petition (Sir J. Shelley), [125] 36 ;
New Writ moved (Col. Forester), [125] 233 ; Amend. (Sir J. Shelley), 235, [*o. q.* A. 184, N. 50, M. 134] 246

Bright, Mr. J., *Manchester*
Advertisement Duty, Res. [128] 1093, 1114, 1126
Ballot, The, Leave, [128] 162, 190, 215, 218, 224
Berwick-upon-Tweed Election, Com. moved for, [127] 648
Blackburn Election Committee, [124] 1285
Bridgenorth Election Committee, [124] 882
Budget, The, [123] 858 ; Financial Statement, Res. 1250, 1516, 1576
Burmese War—Mortality of the Troops, [128] 381
Carriages, Duty on, Leave, [125] 1037
Church Rates, Leave, [127] 639
Clergy Reserves (Canada), Com. *cl.* 3, [125] 499, 805
Clitheroe Election, Address moved, [125] 1025
Commercial Legislation—Free Trade, [123] 412, 425, 496, 531
Customs, &c. Acts, Com. Res. [127] 371
Duffy, Mr., Case of, [126] 1203, 1210
Ecclesiastical Courts, [124] 24
Ecclesiastical Revenues (Ireland), Com. moved for, [127] 946
Gibraltar, Complaint against the Governor of, [123] 1719
Hackney Carriages (Metropolis), Com. [127] 428
Hop Duty, [124] 191
"Household Narrative," The, [125] 162, 163
Hutchinson's Claims, 2R. [126] 1516
Import Duties, [124] 1030
Income Tax, The, Com. [126] 1348, 1379 ; [127] 246, 247, 251 ; *cl.* 5, 716, 723 ; *cl.* 26, 790 ; *add. cl.* 814

[*cont.*

BRIGHT, Mr. J.—*continued.*
India, Affairs of, [125] 37, 51, 65
India, Government of, Leave, [127] 1124, 1169, 1246, 1322; 2R. [128] 777, 870, 1193; Com. 1436; *cl.* 2, 1459, 1461; *cl.* 3, [129] 72, 78, 80, 81; Amend. 82, 83; *cl.* 4, 84; *cl.* 5, 229; *cl.* 9, Amend. 230, 231, 232; *cl.* 10, 311, 312; *cl.* 12, 331, 334, 338; *cl.* 13, 339, 340; *cl.* 14, 340; *cl.* 26, 563; *cl.* 31, 572, 578, 579; *cl.* 32, 669, 670, 672, 679, 680, 681; *add. cl.* 778, 783, 812, 816, 818; 3R. 1009; That the Bill do pass, 1024; *add. cl.* 1029, 1037, 1041
India—Growth of Opium, [127] 955
Jewish Disabilities, 3R. [125] 1255
Knowledge, Taxes on—The Advertisement Duty, [125] 1157, 1159, 1172
Kossuth M.—Seizure of Warlike Stores, [125] 1212; [126] 797, 800, 1155, 1159
Legacy Duty, The, [126] 681, 682
Militia, Enlistment for the—The Peace Society, [124] 358
Newspaper Stamp Duties, [124] 351, 352
Parsee Merchants, Case of, Address moved, [129] 1199
Pegu, Annexation of, [127] 435
Peterborough Election, Com. moved for, [129] 381, 390, 391, 544, 549, 556, 656, 759, 761
Probate and Legacy Duties, [124] 830
Registration of Assurances, [127] 714, 715
Southampton Election Committee, [125] 36
Speaker, Office of the, [129] 1270
Succession Duties, The, [127] 286, 365
Supply—Indian Department (Canada), [127] 443;—Africa, Civil Establishments on the West Coast, 447;—Falkland Islands, 451;—Hong Kong, 452, 453;—Consular Establishments, 458, 459;—Miscellaneous Charges, 467, 468;—Nonconforming Ministers (Ireland), 470;—Slave Trade, Suppression of, [129] 1306, 1307;—Patent Law Amendment, 1312, 1313;—New Houses of Parliament, 1316;—Militia, 1471, 1476

British Ambassador's House, Paris—Supply,
c. [129] 1300

British Museum—Supply,
c. [127] 422; [129] 1297

BROCKLEHURST, Mr. J., *Macclesfield*
Income Tax, Com. *cl.* 25, Amend. [127] 748

BROOKE, Sir A. B., *Fermanagh*
Customs, &c. Acts, Com. (Butter), [127] 1070
Excise Duties on Spirits, 3R. [128] 426
Income Tax, Com. *cl.* 15, [127] 743; *cl.* 13, 1050
Landlord and Tenant (Ireland), Com. *cl.* [128] 65; Amend. 1417; *cl.* 70, 1419
Leasing Powers (Ireland), Com. [124] 626, 627; *cl.* 10, [128] 728
Tenants' Compensation (Ireland), Com. *cl.* 14, [129] 639

Brooke, Sir James—Piracy in Borneo,
c. Observations (Mr. Drummond), [125] 723; [129] 1160; Question (Mr. T. Baring), [127] 909

BROTHERTON, Mr. J., *Salford*
Assurance Associations, Com. moved for, [124] 1329
Durham Election, Mr. Duncan's Case, [127] 708
Examiners, Office of (Court of Chancery), Com. *cl.* 3, [124] 465
Hackney Carriages (Metropolis), 3R. (127) 835
Health, Public, Act of 1848, [124] 1357
Holme Reservoirs (No. 2), 3R. [128] 603
Midnight Legislation, [123] 158, 163
Newspaper Stamps, Returns moved for, [124] 393
Parliamentary Papers, Com. moved for, [123] 1070
Partnerships of Limited Liability, Com. moved for, [123] 1082
Supply—Royal Parks, [127] 392; Criminal Prosecutions (Ireland), 413
Taxing Officer, Common Law Business (Ireland), Com. [127] 1399
Tenant-Right (Ireland), 2R. Adj. moved, [123] 1132
West London Waterworks Company, 2R. [124] 800

BROUGHAM, Lord
Address in Answer to the Speech, [123] 41
Arbitration Law Amendment, 1R. [129] 833, 850
Bankrupt Law (Scotland), [128] 1142; Com. [129] 433, 435
Bankruptcy and Insolvency (Scotland), 1R. [125] 194
Bankruptcy Bills, Minutes of Evidence, [127] 197
Bankruptcy, County Courts, [124] 1288
Barnstaple Election, Address moved, [128] 789
Bills of Exchange, &c. (Metropolis), 2R. [123] 167
Bribery at Elections, [124] 630, 1382
Charitable Trusts, 2R. [126] 1019, 1021
Commercial Law, [125] 122
Common Law, Courts of (Ireland), 2R. [129] 795
County Courts—Costs, [127] 1074, 1077
County Courts, Fees in, Return moved for, [128] 253, 255, 256
County Courts, Further Extension, Order for 2R. discharged, [129] 833
County Elections Polls, Com. [125] 143, 145
Criminal Law Amendment, 2R. [124] 525; Bill postponed, [129] 159
Crystal Palace, Sydenham, [127] 650
Cuba, Importation of Slaves into, [127] 775; [129] 1817
Drummond's (Duke de Melfort's) Restitution, 2R. [127] 1282
Education, National, [129] 972
Elections, 2R. [129] 975
Evidence and Procedure, 1R. [127] 293, 294; 2R. 556, 557; 3R. 1196, 1198; Observations, [129] 244, 247, 249
Evidence and Procedure, Law of, 2R. [124] 1363, 1382; [126] 1222, 1223
Evidence, Law of (Scotland), 1R. [124] 176; 2R. 394, 396; 3R. 789
Examiners (Court of Chancery), Office of, Petition, [125] 175
Income Tax, 2R. [128] 493; 3R. 793
[*cont.*

Brougham, Lord—*continued.*
India, State of, [125] 17
Jewish Disabilities, 2R. [126] 792
Juvenile Mendicancy (No 2), Com. *cl.* 1, [128] 1215 ; [129] 101
Keogh, Mr., Appointment of, Com. moved for, [128] 30
Law, Improvements in the Administration of, [123] 193
Law Reform, [123] 126 ; [124] 244, 245
Liberia, Free Labour from, [128] 942, 945
Maldon Election, Address moved, [127] 778
Navy, Manning the, [123] 164, 165
Oaths, Alteration of, 2R. [127] 858, 860 ; [128] 249, 252
Owen, Mr., his Plans, Petition. [125] 175
Perjury, Alleged Increase of, Returns moved for, [127] 548
Polling at Elections Amendment, 1R. [128] 1412
Railways, Accidents on, [125] 194
Real Property, Law of, [128] 476
Refugees, Foreign, [124] 1052
Registration of Assurances, 2R. [124] 950, 977
Russia and Turkey, [127] 659 ; [128] 1348
Slave Trade, [127] 488, 492
Sheriff Courts (Scotland), [129] 586 ; 2R. 978
Small Debts (Scotland) Act Amendment, 1R. [127] 1294
South Eastern, &c. Railway, 3R. [129] 162
Statutes, Consolidation of the, [125] 141
Suffrage, Extension of the, Explanation, [123] 217
Transportation, 2R. [129] 19
Transportation to the Colonies, [124] 168, 788
Tynemouth Election, Address moved, [128] 789 791, 792.
Wages, Arrestment of (Scotland), [127] 1282

Broughton, Lord
India, Government of, Com. *cl.* 2, [129] 1430 ; *cl.* 3, 1432, 1433; *cl.* 6, 1439 ; *cl.* 22, 1444, 1445 ; *cl.* 30. *cl.* 33. 1447
India, State of, [125] 22, 30

Brown, Mr. H. *Tewkesbury*
Railways, Accidents on, [125] 173, 174 ; Res. 601, 620.

Brown, Mr. W., *Lancashire, S.*
County Elections Polls, 2R. [123] 470
Customs, Com. *cl.* 1, [129] 1483
Customs Reform, [126] 214
Elections, Expenses of Re-Com. [129] 1237, 1239
Import Duties, [124] 1022
Lancaster, New Writ moved for, [125] 642
Partnerships of Limited Liability, Com. moved for, [123] 1071, 1086
Probate of Wills, Leave, [124] 1319
Supply—British Museum, [129] 1299 ;—Battersea and Vauxhall Embankment, 1407

Bruce, Mr. C. L. C., *Elgin and Nairnshire* (Secretary Board of Control, Earl of Derby's Administration)
Clergy Reserves (Canada), Com. *cl.* 1, [125] 470
Dockyard Promotion, [128] 1324
[*cont.*

Bruce, Mr. C. L. C.—*continued.*
Entails (Scotland), Consideration, [126] 1285
Income Tax, That the Bill do pass, *add. cl.* [127] 1226
India, Government of, 2R. [128] 989, 1031 ; Com. *cl.* 2, 1461 ; *cl.* 3, [129] 62
Jewish Disabilities, 3R. Amend. [125] 1217
Public Houses (Scotland) Com. *cl.* 1, [126] 125, 128 ; Rep. [128] 1201
Sheriff Courts (Scotland), Leave, [124] 96
Sheriff Courts (Scotland) (No. 2), Leave, [124] 1306; 2R. [127] 161, 165 ; Com. *cl.* 28, [128] 918
Succession Duty, Com. *cl.* 21, [128] 458 ; Com. *add. cl.* 1408

Bruce, Mr. H. A., *Merthyr Tydvil*
Church Rates, Leave, [127] 588

Buccleuch, Duke of
Schoolmasters (Scotland), [129] 973, 975
Sheriff Courts (Scotland), 2R. [129] 979
Transportation, Com. *cl.* 8, [129] 353

Buck, Mr. L. W., *Devonshire, N.*
County Elections Polls, Com. [123] 805
County Rates and Expenditure, 2R. [124] 486 ; Com. *cl.* 4, [125] 281
Income Tax, The, Com. [126] 483, 1344
Succession Duty, Com. [128] 311 ; *cl.* 48, 1383 *add. cl.* 1403
Supply—Holyhead Harbour, [127] 395

Buckingham Palace—Supply,
c. [129] 1407

Buddhism in Ceylon,
c. Question (Sir R. H. Inglis), [123] 713 ; Papers moved for (Mr. Hume), [123] 824 Motion withdrawn, 826

Budget, The—Financial Statement (Earl of Derby's Administration)
c. [123] 835 ; Question (Mr. Hume), 1154 ; That Mr. Speaker do leave the Chair, 1214 ; Res. (Chancellor of the Exchequer), 1245 ; Amend. (Mr. W. Williams), 1248 ; Amend. withdrawn, 1254 ; Adj. Debate, 1315, 1435, 1570 ; Amend. (Mr. Spooner)) 1586 ; Amend. withdrawn, 1588, [A. 286, N. 305, M. 19] 1693

Budget, The—Financial Statement (Earl of Aberdeen's Administration),
c. Res. (Chancellor of the Exchequer), [125] 1350 ; Com. [126] 453 ; Amend. (Sir E. B. Lytton), 462 ; Adj. Debate, 682, 804, 912 [*o. q.* A. 323, N. 252, M. 71] 1004, 1167 ; Amend. (Hon. C. Lawless), 1168 ; Motion (Mr. J. Ball), 1193 ; Adj. Debate, 1239, [*o. q.* A. 286, N. 61, M. 225], 1240, 1245 ; Amend. (Mr. J. D. Fitzgerald), 1258 ; Motion neg. 1279 ; Amend. (Mr. Mitchell), *ib.* ; Amend. withdrawn, 1283 ; Amend. (Mr. R. Palmer), 1331, [A. 201, N. 276, M. 75] 1375 ; —*Income Tax*, [127] 235 ; Amend. (Mr. Vansittart), 239, [A. 60, N. 120, M. 60] 256 ;—*Succession Duties*, [127] 258, 325 ; Amend. (Mr. Freshfield), 341 ; Motion *neg.* 370

BULKELEY, Sir R. B. W., *Anglesea*
Communication between England and Ireland, Com. moved for, [126] 555

BULLER, Sir J. Y., *Devonshire, S.*
County Elections Polls, 2R. [123] 470
Derby Election Petition, 256; Com. moved for, [123] 744, 752
Plymouth Election, New Writ moved, [127] 647
Precedence in Resumed Debate, [126] 1245
South Sea and other Annuities Commutation, 3R. [126] 620, 621
Succession Duty, Rep. [129] 227

Bullion, Sales of, Bill,
c. 1 R.* [126] 679; 2R.* 796; 3R.* 1314
l. 1R.* [127] 1; 2R.* 758; Rep.* 835; 3R.* 1018
Royal Assent, [128] 132

Burghs (Scotland) Bill,
c. 1R.* [124] 1069; 2R.* [125] 254;
Res. *add. cl.* (Mr. E. Ellice), 1077; *cl.* withdrawn, *ib.*; 3R.* 1115
l. 1R.* [125] 1187; 2R.* [126] 1009; Res.* 1286; 3R.* [127] 293
Royal Assent, [128] 132

Burghs Boundaries (Scotland) Bill,
c. 1R.* [129] 1598

Burghs Harbours (Scotland) Bill,
c. 1R.* [127] 215; 2R.* 503; 3R.* 862
l. 1R.* [127] 1018; 2R.* [129] 972; Rep.* 1045; 3R.* 1243
Royal Assent, 1824

Burials beyond the Metropolis Bill,
c. 1R.* [129] 376; 2R.* 534; 3R.* 1098
l. 1R.* [129] 1248; 2R.* 1605; Rep.* 1708; 3R.* 1811
Royal Assent, 1824

Burial Grounds Bill,
l. 1R.* [127] 194; 2R.* 835;
Com. [127] 1090; 3R.* 1359
c. 1R.* [128] 57;
Question (Mr. G. Berkeley), [128] 384

Burmese War—The,
l. Question (Earl of Ellenborough), [124] 526; [125] 1187; [127] 1199
c. Address moved (Sir H. Willoughby), [124] 658; —*Mortality of the Troops*, Question (Mr. Cobden), [128] 377

BURRELL, Sir C. M., *Shoreham*
Customs, &c. Acts, Com. (Oranges and Lemons), [127] 1354
India, Government of, Com. *add. cl.* [129] 826
Rye Election, New Writ moved, Amend. [127] 290
Succession Duty, Com. *cl.* 48, [128] 1388
Westminster Bridge, 3R. Adj. moved, [128] 1142

Bury St. Edmunds Election Committee,
c. Mr. Martin's Attendance dispensed with, [127] 708; Report, 1207

Business of the Day,
l. Observations (Earl Granville), [123] 920

Business of the House,
l. Observations (Earl of Derby), [125] 429
c. Observations (Mr. J. Wilson), [125] 155; Motion (Lord J. Russell), 437, [A. 171, N. 139, M. 32] 446; 2nd Motion, [129] 1463; Amend. (Hon. E. P. Bouverie), 1464; Amend. neg. 1469, [*m. q.* A. 105, N. 52, M. 53] *ib.*

Business of the Session,
l. Question (Marquess of Clanricarde), [123] 279

Business, Private,
l. Observations (Lord Beaumont), [129] 879
c. Com. moved for (Mr. Whalley), [125] 252; Motion withdrawn, 253

Business, Public,
c. Observations (Lord J. Russell), [124] 17; Question (Rt. Hon. B. Disraeli), [127] 138; Observations (Chancellor of the Exchequer), [128] 426; (Mr. W. Williams), 733; [129] 201

BUTLER, Mr. C. S., *Tower Hamlets*
Sewerage, Improvement of, [124] 1069
Sewers, Metropolitan, [128] 59
Sewers, Metropolitan, Act Continuance, Com. [129] 1581

BUTT, Mr. G. M., *Weymouth*
Combination of Workmen, 3R. [126] 1117
Common Law, Courts of (Ireland), Com. *cl.* 10, [127] 1287; *cl.* 32, 1288; *cl.* 38, 1291
County Elections Polls, Com. [123] 808, 811; 3R. [124] 157
Durham Election Petitions, Com. moved for, [127] 963
Elections, Leave, [124] 162; 2R. [127] 148; Com. *cl.* 1, [128] 233, 234, 235, 236; *cl.* 3, 236; *add. cl.* 237, 238, 239
Examiners, Office of (Court of Chancery), Com. *cl.* 3, [124] 465, 466
Income Tax, Com. *add. cl.* [127] 813, 816, 819; 1058
Simony Law Amendment, 2R. [128] 1344, 1347; Amend. [129] 153
Succession Duty, Com. *cl.* 21, [128] 454; *cl.* 23, 1131; *cl.* 25, 1133, 1134; *cl.* 26, 1137, 1138; *cl.* 41, 1177; *cl.* 46, 1377; *cl.* 48, 1379

BUTT, Mr. I., *Youghall*
Arms Act (Ireland), [128] 731, 1429
Canterbury Election, Papers moved for, [129] 1729
Charitable Trusts, 3R. [129] 1490
Commercial Legislation—Free Trade, [123] 676
Consolidated Annuities (Ireland), [125] 778
Courts of Common Law (Ireland), 2R. [123] 769
Education (Ireland), Com. moved for, [126] 611
Factories, Leave, [128] 1277
Hackney Carriage Duties, Rep. [129] 1136; 3R. *add. cl.* 1597
Income Tax, The, Com. [126] 938; *cl.* 5, [127] 730; *cl.* 13, 741; *cl.* 20, Amend. 747; *cl.* 25,

[*cont.*

Butt, Mr. I.—*continued.*

Amend. 749, 753, 754, 756; *add. cl.* 808, 810, 819; *cl.* 13, Amend. 1040, 1046; *cl.* 15, 1055; *add. cl.* 1060, 1061; That the Bill do pass, *add. cl.* 1227
Incumbered Estates (Ireland) Act Amendment, Com. Amend. [129] 691
India, Government of, Com. *cl.* 12, [129] 334
Keogh, Mr., Appointment of, Explanations, [128] 286
Kilmainham Hospital, Address moved, [125] 1054; [127] 437
Landlord and Tenant (Ireland), Com. *cl.* 44, [128] 1416
Leasing Powers (Ireland), Com. *cl.* 5, [128] 244, 245, 246
Malta, Criminal Code at, Address moved [129] 1741
New Trials (Criminal Cases), 2R. [127] 964, 980, 988, 992
Personal Liberty, Recovery of, 2R. [128] 550, 569
Public Works Act Amendment (Ireland), Com. [129] 1318
Sligo Borough, New Writ moved, Amend. [128] 125, 130; Petition, [129] 1818, 1819
Taxing Officer, Common Law Business (Ireland), Com. Amend. [127] 1396, 1397

Butter—Customs Acts,
c. Com. [127] 1068, [A. 141, N. 49, M. 92] 1371

Cables—Customs Acts,
c. Com. [127] 1062, [A. 194, N. 68, M. 126] 1065

Cairns, Mr. H. M., *Belfast*
Australian Direct Steam Navigation Company, [129] 653
Customs, &c. Acts, Com. (Paper), [127] 1358
Excise Duties on Spirits, 3R. [128] 417
Income Tax, The, Com. [126] 863; *cl.* 15, [127] 743, 745; *cl.* 13, Amend. 1046, 1050, 1054
Leasing Powers (Ireland), Com. *cl.* 5, [128] 245
Merchant Shipping, 3R. Amend. [129] 1130
Six-Mile Bridge Affray, Papers moved for, [125] 360, 361
Succession Duty, Com. *cl.* 5, [128] 323; *cl.* 19, 410; *cl.* 48, 1381
Supply—Nonconforming, &c. Ministers (Ireland), [127] 482

Call of the House,
c. Motion (Mr. Hume), [123] 266, [A. 147, N. 142, M. 5] 271;
Motion (Sir J. Walmsley), [123] 302; Motion withdrawn, 305

Cambridge Election Committee,
c. Report, [124] 800; Address moved (Rt. Hon. R. V. Smith), [125] 728
l. Conference, 713; Address moved (Earl of Aberdeen), [126] 904

Cambridge, University of,
l. Observations (Lord Lyndhurst), [123] 1060

Campbell, Lord
Adair's, Sir R., Alleged Mission to St. Petersburg, [125] 687
Aggravated Assaults, 2R. [127] 552
[*cont.*

Campbell, Lord—*continued.*

Armenians, The—Government of India, [125] 518, 521
Bail in Error, 1R. [124] 3; Com. 789; 3R. [125] 585
Benefices, Sequestration of, [128] 697
Bills of Exchange, &c. (Metropolis), 2R. [128] 165, 166
Birch, Mr., Case of, [128] 906
Cambridge Election, Address moved, [126] 904
Canterbury Election, Address, [125] 912, 921
City Address to the Emperor of the French, [125] 506, 514, 516
Clitheroe Election Committee, Address, [125] 1111; [126] 146
Common Law Procedure, Observations, [124] 1
County Courts, Fees in, Returns moved for, [128] 254, 255, 256
County Elections Polls (Scotland), Com. *cl.* 2, [127] 553
Criminal Law Amendment, 1R. [124] 9, 25; 2R. 524; Bill postponed, [129] 158
Criminals, Surrrender of—Convention with France, [126] 144
Crystal Palace (Sydenham), The, [123] 277; [125] 1000
Drummond's (Duke de Melfort's) Restitution, 2R. [127] 1282
Evidence and Procedure, 1R. [127] 293; 2R. 557; 3R. 1198, [129] 249
Evidence and Procedure, Law of, [126] 1223
Great Western Railway Company, [127] 1361
Hackney Carriages (Metropolis), Rep. [128] 136
Income Tax, Com. *cl.* 56, [128] 599; 3R. 811
Incumbered Estates (Ireland) Act Continuance, Rep. [128] 1083
India, Government of, [124] 647
Juvenile Mendicancy (No. 2), 2R. [128] 908; Com. 947; *cl.* 1, 1215, 1217; [129] 96, 100; Rep. 164
Keogh, Mr., Appointment of, Com. moved for, [128] 374
Kingston-upon-Hull Election, Commission moved for, [126] 145
Law of Evidence (Scotland), 2R. [124] 395, 396
Law Reform [124] 245
Lunacy, Com. [126] 903, 904
Maldon Election, Address moved, [127] 780, 783
Oaths, Alteration of, 2R. [127] 858; [128] 251, 252
Perjury, Alleged Increase of, [127] 550
Poor Removal, 2R. [127] 1031
Registration of Assurances, 1R. [124] 48, 73; 2R. 937; Amend. 961, 963; That the Bill do pass, [126] 1228
Six-Mile Bridge Affray, Correspondence moved for, [128] 731
Transportation, 2R. [129] 28
Transportation to the Colonies, [124] 168, 783, 785; [126] 669, 671; Address moved, [127] 36, 68, 69
Tynemouth Election, Address moved, [128] 791
Vaccination Extension, Com. *cl.* 9, [125] 1114, 1115
Wages, Arrestment of (Scotland), [127] 1283
Wilson's (Hampstead) Estate, 2R. [128] 1359

CAMPBELL, Sir A. T., *Argyllshire*
Edinburgh and Canongate Annuity Tax Abolition, 2R. [129] 468
Income Tax, That the Bill do pass, *add. cl.* [127] 1221
Universities (Scotland), 2R. [129] 191

Canada, Clergy Reserves in,
l. Question (Lord Wodehouse), [123] 775; Address moved (Bishop of Exeter), [124] 98; Petitions (Earl of Derby), [124] 697
c. Question (Rt. Hon. Sir W. Molesworth), [123] 835

Canada Clergy Reserves, Bill,
c. Leave, [124] 133; 1R.* 179;
2R. [124] 1070; Amend. (Rt. Hon. Sir J. Pakington), 1071, [*o. q.* A. 275, N. 192, M. 83] 1155;
Com. *cl.* 1, [125] 450;
cl. 2, [125] 478;
cl. 3, [125] 481; Amend. (Lord J. Russell), 486; Amend. (Rt. Hon. B. Disraeli), 496; Amend. withdrawn, 502, [*o. q.*, A. 108, N. 176, M. 68], 504;
Question (Rt. Hon. Sir J. Pakington), [125] 804, 922;
3R. [125] 923; Amend. (Rt. Hon. S. Walpole), 939, [*o. q.*, A. 288, N. 208, M. 80] 995
l. 1R.* [125] 1000;
2R. [126] 234; Amend. (Bishop of Exeter), 269; Amend. withdrawn, 303;
Com. *cl.* 1, [126] 311; Amend. (Earl of Derby), 401 [Content 78, Not Content 117, M. 39] 450;
3R. 658
Royal Assent, 1286

CANNING, Viscount (Postmaster General, Earl of Aberdeen's Administration)
Australian Mail Packets, [125] 301, 306, 307; [126] 516, 520, 521
Cathedral Appointments, 3R. [127] 317
Foreign Affairs—The French Empire, [123] 975
Land Improvement (Ireland), 2R. [155] 586, 590; Com. [126] 1295, 1302; *cl.* 3, 1312; *cl.* 5, 1314
Post Office Appointments, [124] 28

CANTERBURY, Archbishop of
Benefices, Sequestration of, [128] 696
Cathedral Appointments, 3R. [127] 317
Church in the Colonies, [125] 420
Colonial Church Regulation, Com. *cl.* 1, [129] 512, 517; *cl.* 5, 529

Canterbury Election Committee,
c. Report, [124] 347; Address moved (Mr. K. Seymer), [125] 204; New Writ moved (Sir W. Jolliffe), [129] 1414; Amend. (Lord J. Russell), 1415; Papers moved for (Mr. Craufurd), 1726; Motion withdrawn, 1732
l. Conference, [125] 286; Question (Earl of Derby, 307; Motion (Earl of Aberdeen), 901

Cape of Good Hope,
Constitution for the Colony, l. Question (Lord Panmure), [128] 247
c. Observations (Mr. F. Peel), [123] 298; [129] 1828
Kafir War, c. Question (Lord J. Russell), [123] 249; (Mr. Adderley), 1432; [124] 40, 737; —*Supply,* [129] 1455
Military Emigration to, l. Petition (Duke of Richmond, [123] 1204

CARDIGAN, Earl of
Lord Lieutenancy of Ireland, [124] 170
Six-Mile Bridge Affray, [124] 28, 335, 341; Papers moved for, [125] 396, 399; [128] 699, 726

CARDWELL, Rt. Hon. E., *Oxford, City* (President of the Board of Trade, Earl of Aberdeen's Administration)
Agricultural Statistics, [127] 379
Australian Direct Steam Navigation Company, [129] 652
Corn Averages, [124] 1224
Customs, &c. Acts, Com. Res. [127] 823, 825; (Watches), 1359
Eastern Union Railway, 3R. [129] 273, 886
Her Majesty's Theatre Association, 2R. (124) 401
Import Duties, [124] 1036
Income Tax, The, Com. [126] 847, 856
Limited Liability of Public Companies, [124] 348, 349
Merchant Shipping, Com *cl.* 4, [128] 1218; *cl.* 5, 1219; *cl.* 6, 1220; *cl.* 7, 1221; *cl.* 20, 1222; *cl.* 29, 1229; [129] 117; *cl.* 38, 289, 290; 3R. *add. cl.* 1118, 1128, 1131, 1133, 1134
Meteorological Observations at Sea, [129] 1722
Metropolitan Improvements, That the Bill do pass, *add. cl.* [125] 166
Partnership, Law of, [129] 1598
Pilotage, Leave, [124] 1227, 1255, 1256, 1266; 2R. [125] 579, 582, 585; Com. [126] 218, 228; [129] 640
Railway Accidents, [124] 1224; [125] 173, 611
Railway Amalgamations—Railway and Canal Bills, Res. [124] 122, 124; [125] 1200, 1208
South Sea and other Annuities Commutation, 3R. *add. cl.* [126] 640
South Sea Company's Arrangement, &c. 3R. [129] 1398
Supply—Electric Telegraph (Continental), [129] 1412, 1414
Wages, Payment of, 2R. [126] 1108
Zollverein, The—Duty on Iron, [124] 182

CARLISLE, Earl of
County Elections Polls, Com. [125] 147; 3R. 286, 287, 289
Cuba, Importation of Slaves into, [127] 762
Dwellings for the Labouring Classes, Res. [125] 415

Carolina, South—Imprisonment of British Subjects,
l. Address moved (Lord Beaumont), [128] 136
c. Correspondence moved for (Mr. F. French), [128] 131, 1088

Carriages, Duty on,
c. Leave [125] 1034; Motion withdrawn, 1041

CARTER, Mr. J. B., *Winchester*
Aggravated Assaults, Com. *cl.* 1, [125] 673
Ballot, The, Leave, [128] 920
Charitable Trusts, 3R. [129] 1489
Hackney Carriages (Metropolis), Com. [127] 429 ; *cl.* 1, 487

CARTER, Mr. S., *Tavistock*,
Call of the House, [123] 270
Supply—Funeral of the Duke of Wellington, [123] 1039, 1040
Wellington, Duke of—Funeral of the, [123] 213

Cathedral Appointments Bill,
c. 1R.* [124] 977 ; 2R.* 1220 ;
3R. *add cl.* (Mr. Frewen), 1437, [A. 23, N. 65, M. 42] 1438
l. 1R.* [125] 1 ;
2R. [126] 1022 ;
3R. [127] 316
Royal Assent, [128] 1409

CAULFIELD, Col. J. M., *Armagh, Co.*
Duffy, Mr., Case of, [126] 1210

CAYLEY, Mr. E. S., *Yorkshire, N.R.*
Budget, The, [123] 866, 915 ; Financial Statement, Res. 1282, 1307
Business of the House, [125] 157
Chicory and Coffee, [124] 548
Commercial Legislation—Free Trade, [123] 490
Customs, &c., Acts, Com. (Cables), [127] 1063
Drainage, Great London, 2R. [124] 1339
Eastern Union Railway, 3R. [129] 272, 888
Income Tax, Com. *cl.* 5, [127] 729
India, Government of, Com. *cl.* 3, [129] 81 ; *cl*, 10, 311
Leadership of the House of Commons, [124] 548, 549
Leasing Powers (Ireland), Com. [124] 767
Malt Duties, The, [129] 1480
Ministry, Resignation of the, [123] 1715
"Novello." The Ship, Com. moved for. [124] 840
Succession Duties, The, [127] 356
Succession Duty, Com. *add. cl.* [128] 1398 ; Rep. [129] 222 ; 3R. Amend. 409

Cemetery Association, Great Extramural, Bill,
c. 1R.* [124] 32 ; 2R.* 179 ; 3R.* [127] 503
l. 1R. [127] 548 ;
2R. Amend. (Earl of Harrowby), [128] 133, [*o. q.* Content 37, Not Content 36, M. 1] 135

Ceylon, Buddhism in,
c. Question (Sir R. H. Inglis), [123] 713 ;
Papers moved for (Mr. Hume), [123] 824 ; Motion withdrawn, 826

CHAMBERS, Mr. M., *Greenwich*
Combination of Workmen, 3R. [126] 1120
Common Law Courts of (Ireland), Com. *cl.* 10, [127] 1287
Durham Election Petitions, Com. moved for, [127] 138
Income Tax, Com. *add. cl.* [127] 817
Navy Estimates, [124] 378
Supply—National Gallery, [123] 1035

CHAMBERS, Mr. T., *Hertford*
Assurance Associations, Com. moved for, [124] 1330
Charitable Trusts, 3R. [129] 1491, 1493
Maldon Election, New Writ moved, [127] 377, 378
Malta, Criminal Code at, Address moved, [129] 1734
Nunneries, Inspection of, Leave, [127] 79, 130
Personal Liberty, Recovery of, 2R. [128] 582 ; [129] 1465
Transportation, 3R. [129] 1694

CHANCELLOR, The LORD (The Rt. Hon. Lord ST. LEONARDS §) (Earl of Derby's Administration)
§ Bankruptcy, 1R. [124] 7
§ Bankruptcy Bills, Minutes of Evidence, [127] 196, 197
§ Benefices, Sequestration of, [128] 696
§ Birch, Mr. Case of, [128] 907
§ Canterbury Election, Address, [125] 909, 914, 919
Chancery, Oaths in, 2R. [123] 775
§ Chancery Suitors, Further Relief, 1R. [124] 3, 5 ; 2R. 524
§ Charitable Trusts, 2R. [126] 1020, 1021
§ Chimney Sweepers Regulation, 2R. [127] 199 ; Report, 498, 499
§ Clergy Reserves, (Canada) 2R. [126] 275 ; Com. *cl.* 1, 406, 409, 427, 432, 434
§ Clitheroe Election, [127] 214
§ County Courts Costs, [127] 1078
§ Criminal Law Amendment, 1R. [124] 8 ; Explanation, 24 ; 2R, 524 ; Bill postponed, [129] 157
§ Criminal Law Reform, Address moved, [125] 129
§ Eastern Uunion Railway, 2R. [129] 1499
§ Examiners, Court of Chancery, Office of, [125] 175
§ Incumbered Estates (Ireland) Act Continuance, Com, [128] 782 ; Rep. *cl.* 10. Amend. 1083, 1085, 1086
§ Kingston-upon-Hull Election, Commission moved for, [126] 145
§ Kirwan, Mr., Case of—The Irish Magistracy, Address moved, [126] 28
§ Land Improvement (Ireland) 2R. [125] 588; Com. *cl.* 3, [126] 1312
§ Landlord and Tenant (Ireland), 2R. [129] 1529
Law, Improvement in the Administration of, [123] 167
Law Reform, [123] 126
§ Lodging Houses, Common, 2R. [127] 298
§ Lunacy, Com. [126] 904 ; Rep. 1026, 1029
§ Lunacy Regulations, 1R. [124] 5
§ Maldon Election, Address moved, [127] 777, 779 ; Protest, 784
Parliament, Opening of the, [123] 2
§ Registration of Assurances, 1R. [124] 66 ; 2R. Amend. 943, 950, 970, 977 ; Com. [126] 515 ; Rep. 663 ; 3R. 1225 ; That the Bill do pass, 1229
§ South Sea and other Annuities Commutation, Com. [126] 905, 907 ; [129] 1045, 1049
Speaker of the House of Commons, Approval of, [123] 13, 14
§ Statutes, Consolidation of the, [125] 139, 299, 295, 296

[*cont.*

Chancellor, The Lord—*continued.*
§ Stock, Conversion of, Funds in Chancery, [126] 151, [127] 761, 762, 835, 837; [129] 1045, 1049
§ Succession Duties; Com. moved for, [127] 687
§ Succession Duty, 2R. [129] 633; Com. *cl.* 1, 697; *cl.* 2, 734; That the Bill do pass, Amend. 854
§ Transportation, [124] 169, 170
Wellington, Duke of, Funeral of the, [123] 127

Chancellor, The Lord (The Rt. Hon. Lord Cranworth) (Earl of Aberdeen's Administration)
Arbitration, Law Amendment, 1R. [129] 849
Bankruptcy Bills, Minutes of Evidence, [127] 196, 197
Bankruptcy (Scotland), Com. [129] 433, 434, 435
Bode, Baron de, Case of, [129] 1063, 1071, 1082, 1098
Canterbury Election, Address, [125] 907
Chancery Suitors, Further Relief, 1R. [124] 4; 2R. 524
Charitable Trusts, 2R. [126] 1009, 1022; Commons Amends. [129] 1799
Church in the Colonies, [125] 424
City Address to the Emperor of the French, [125] 515
Colonial Church Regulations, Com. *cl.* 1, [129] 525; *cl.* 4, 527; *cl.* 5, 533
Combination of Workmen, 2R. [129] 1324
Common Law, Courts of (Ireland), 2R. [129] 806
Copyholds, Re-Com. [129] 375
Criminal Law Amendment, 2R. [124] 525; Bill Postponed, [129] 158
Criminal Law Reform, Address moved, [125] 122
Criminals, Surrender of,—Convention with France, [126] 143
County Courts—Costs, [127] 1078;—Fees in, Returns moved for, [128] 256
Drummond's (Duke de Melfort's) Restitution, 2R. [127] 1278
Evidence and Procedure, 2R. [127] 555; 3R 1197; [129] 247
Evidence and Procedure, Law of, 2R. [124] 1377
Evidence, Law of (Scotland), 1R. [124] 177; 2R. 396
Examiners (Court of Chancery), Office of, Com. [125] 148, 175
Incumbered Estates (Ireland) Act Continuance, 2R. [128] 501; Com. 785; Rep. 1083, 1086
Juvenile Mendicancy (No. 2), Com. *cl.* 1, [128] 1215, 1216, 1217; [129] 92, 98, 100
Kirwan, Mr., Case of—The Irish Magistracy, Address moved, [126] 31
Land Improvement (Ireland), Com. *cl.* 5, [126] 1313
Lunacy, Com. [126] 903, 904; Rep. 1029
Maldon Election, Address moved, [127] 780
Parsee Merchants, Case of, [129] 1663
Real Property, Law of, [128] 474
Refugees, Foreign, [124] 1059
Registration of Assurances, 1R. [124] 41; 2R. 929; Com. [126] 515; Rep. 663; 3R. 1223
Salisbury, Revenues of the Diocese of, Returns moved for, [129] 878
[*cont.*

Chancellor, The Lord—*continued.*
Six-Mile Bridge Affray, Correspondence moved for, [128] 717
Small Debts (Scotland) Act Amendment, 1R. [127] 1294
South Sea and other Annuities Commutation, Com. [126] 906;—Suitors in Chancery [129] 1049
Statute Law, Revision of the, Report, [129] 1811
Statutes, Consolidation of the, [125] 137, 293
Stock, Conversion of—Funds in Chancery, [127] 761, 836, 1018; [129] 1049
Succession Duties, Com. moved for, [127] 694
Succession Duty, 2R. [129] 633; Com. *cl.* 1, 704; *cl.* 2, 738; *cl.* 10, 739; *cl.* 26, 740; *cl.* 34, 742; That the Bill do pass, 862
Transportation, Address moved, [127] 72
Transportation, 2R. [129] 7, 19; Com. *cl.* 8, 349, 351
Wages, Arrestment of (Scotland), [127] 1283

Chancellor of the Exchequer (Rt. Hon. B. Disraeli §), *Buckinghamshire*, (Earl of Derby's Administration)
Address in Answer to the Speech, [123] 85; Report, 139
Adjournment of the House, [123] 1719
§ Austria and Turkey—Montenegro, [125] 153, 154
§ Bridgenorth Election, New Writ moved, [125] 242
Budget, The, [123] 835, 908, 910, 917, 920, 1154, 1155; Financial Statement, 1238, 1243; Res. 1245, 1311, 1415, 1435, 1487, 1488, 1523, 1525, 1526, 1572, 1574, 1579, 1581, 1585, 1587; (Reply), 1629, 1632, 1677, 1678, 1685, 1688, 1697
§ Budget, The—Financial Statement, Res. [125] 1399
§ Business of the House, [125] 437
§ Business, Public, [127] 318, 319
Call of the House, [123] 270
§ Chicory and Coffee, [124] 548
Cleopatra's Needle, [123] 979
§ Clergy Reserves (Canada), Com. *cl.* 3, Amend. [125] 496, 502
§ Clitheroe Election, Address moved, [125] 1031
§ Coinage, State of the, [125] 1349, 1350
Commercial Legislation—Free Trade, [123] 216; Amend. 249, 381, 498, 531, 586, 587;—The Income Tax, 988, 989, 990, 993
§ Committees, Chairmanship of—Resignation of (Mr. W. Patten), [125] 592
§ Consolidated Fund and National Redemption Acts, Res. [125] 809, 864, 865, 866, 874
§ Customs, &c. Acts, Com. Res. [127] 439, 821, 825; (Tea Duties), 826, 829, 831, 833
Customs, Board of, [123] 200
Derby Election Petition, [123] 256
§ Diplomatic Service, Examination of Candidates for the, [125] 886
§ Dockyard Appointments and Patronage, [125] 594; Com. moved for, [126] 113, 117; [128] 1290, 1291, 1292, 1315, 1319, 1324
§ Duffy, Mr., Case of, [126] 1198, 1208
§ Durham Election Petitions, [127] 956, 962, 963
§ Excise Duties upon Spirits, [127] 217
§ France, Relations with, [124] 246
French Empire, The, [123] 980, 981
[*cont.*

CHANCELLOR of the EXCHEQUER—*cont.*
§ Gold, Circulation of, in India, [125] 436
§ Harwich Election, New Writ moved, Adj. moved, [126] 1321
Home-Made Spirits in Bond, [123] 586
§ Import Duties, [124] 1032
Income Tax—Clerical Exemption, [123] 980
§ Income Tax, The, Com. [126] 732, 871, 963, 1269, 1283, 1284, 1364, 1377, 1378; 2R. [127] 438
§ India, Affairs of, [125] 66
§ India, Government of, [127] 1155, 1194, 1195; 2R. [128] 1032; Com. *cl.* 3, [129] 83; *cl.* 4, 84; *add. cl.* 764; Rep. 953, 955, 960
§ Keogh, Mr., Appointment of, Explanation, [128] 288
§ Knowledge, Taxes on—The Advertisement Duty, [125] 1173
§ Maidstone Election, New Writ moved, [126] 875
§ Metropolitan Improvements, 2R. [124] 694, 695
Midnight Legislation, [123] 160
Ministry, Resignation of the, [123] 1709
Navy Estimates, [123] 999
Parliamentary Papers, Com. moved for, [123] 1068
Parliamentary Reform, [123] 821, 822
Patten, Mr. Wilson, to be Chairman of Committees, [123] 215; Resignation of, [125] 592
§ Prince, Birth of a, Address to Her Majesty, [125] 728
§ Russia and Turkey, [127] 709, 787, [128] 58, 14, 24; [129] 33, 34, 203, 1163, 1469
§ South Sea and other Annuities Commutation, Com. [126] 161, 163; *cl.* 2, 344, 354, 357
§ South Sea Annuities Dissentients, Res. [129] 895, 902, 995, 1007
Speaker, Choice of a, [123] 10
§ Speaker, Office of the, [129] 1271
§ Succession Duties, The, [127] 258, 282, 370
§ Succession Duty, Com. *cl.* 45 [128] 1192, 1193; *cl.* 49, 1391; *cl.* 55, 1392, 1396; 3R [129] 414
Supply—National Gallery, [123] 1020, 1033, 1034, 1335, 1036;—British Ambassador's House, Paris, [129] 1302, 1304;—Battersea and Vauxhall Embankment, 1407, 1410, 1411
Tenant Right (Ireland), Leave, [123] 530; 2R. 1043, 1045, 1132, 1143
Wellington, Duke of, Funeral of the, [123] 129, 130; Address moved, 149; Res. 155, 212
§ Wood, Sir C., his Speech at Halifax, [124] 83

CHANCELLOR OF THE EXCHEQUER (Rt. Hon. W. E. GLADSTONE §), *Oxford University* (Earl of Aberdeen's Administration)
§ Address in Answer to the Speech, [123] 91
Advertisement Duty Res. [128] 1091, 1093, 1096, 1097, 1106, 1111, 1113, 1121, 1123, 1127, 1128
Attorneys and Solicitors' Certificate Duty, Leave, [124] 1391; 2R. Amend. [129] 479
Budget, The—Financial Statement, Res. [125] 1350, 1399, 1424, 1426
Business, Public, [127] 318, 319, 322, 323; [128] 427
Carriages, Duty on, Leave, [125] 1040
Chicory and Coffee, [124] 546, 548

CHANCELLOR of the EXCHEQUER—*cont.*
Civil Servants of the Crown, [127] 215
Clergy Reserves (Canada), 2R. [124] 1138; Com. *cl.* 3, [125] 492
Coal Dues in the Metropolis, Com. moved for, [124] 97
Coffee and Chicory, [125] 314
Colonial Church Regulation, 2R. [129] 1211
§ Commercial Legislation—Free Trade, [123] 484, 519, 531, 680, 695;—The Income Tax, 981, 989
Consolidated Annuities (Ireland), [125] 754, 762; [126] 33
Consolidated Fund and National Redemption Acts, Res. [125] 809; 810, 834, 836, 840, 851, 872, 876, 878; Rep. 998, 999
Criminal Prosecutions (Ireland), Expense of, [127] 441
Currants and Raisins—The New Customs Tariff, [126] 304
Custom House Reform, [124] 405; [126] 212, 216
Customs, &c. Acts, Com. Res. [127] 370, 371, 372, 439, 440, 820; (Tea Duties), 825, 826, 827, 831, 832, 834; (Raisins), 1061, 1354, 1355; (Cables), 1063; (Pictures), 1065; (Apples), 1068; (Butter), 1069, 1071; (Oranges and Lemons), 1353; (Printed Books), 1356; (Stockings), 1357; (Linen and Cotton Manufactures), 1357; (Post Horse Duties), [129] 584; (Hackney Carriages), 585
Decimal Coinage, [125] 596
Education, Leave, [125] 573, 576
Exchequer Bills, Reduction of the Interest on, [124] 403
Exchequer Loan Fund, [124] 735
Excise Duties on Spirits, [127] 216, 218, 430; Com. *cl.* 1, 1394; *cl.* 15, 1395, 1396; 3R. [128] 412, 413, 418, 423, 425, 426; *add. cl.* 675, 677
Expenditure of Public Money, [125] 1049
§ Financial Statement, Res. [123] 1232, 1311, 1523, 1575, 1666, 1677, 1678 1686
Gold, the value of, [124] 1385
Guards, Colonelcies of the, [124] 746
Hackney Carriage Duties, Com. *add. cl.* [129] 967, 969
Hop Duty, [124] 186
"Household Narrative," The, [125] 159, 163
Import Duties, [124] 1014, 1032
Income Tax, The, Com. [126] 681, 911, 1265, 1270, 1281, 1283, 1353, 1378; [127] 239; 2R. 439; Com. 515; *cl.* 1, 538, 540, 543; *cl.* 3, 544, 545, 546, 547, 716; *cl.* 5, 719, 724, 726, 730, 734; *cl.* 7, 735, 736; *cl.* 12, 738, 740, 741, 742; *cl.* 15, 743, 744, 746; *cl.* 20, 747; *cl.* 25, 748, 753, 754, 757, 758; *cl.* 26, 789, 790; *cl.* 29, 790; *cl.* 31, 792, 794, 795; *cl.* 33, 795, 796, 797, 798, 801; *cl.* 35, 802, 803; *cl.* 38, 804; *cl.* 41, 804; *add. cl.* 805, 809, 811, 813, 815, 817, 818, 819, 1037; *cl.* 9, 1038; *cl.* 13, 1039, 1045, 1046, 1048, 1050; *cl.* 15, 1055; *cl.* 16, 1056; *add. cl.* 1057, 1058, 1059, 1060, 1061; 3R. 1208, 1210, 1212; That the Bill do pass, *add. cl.* 1216, 1224, 1228, 1229
Indian Territories Committee, [124] 1423
Knowledge, Taxes on — The Advertisement Duty, [125] 1147, 1156, 1159
Lancaster, New Writ moved for, [125] 644
Land Tax Commissioners' Names, Com. [124] 89

CHANCELLOR of the EXCHEQUER—*cont.*

Land Tax Redemption Act Amendment, Leave, [129] 1707

Legacy Duties, [126] 159, 681, 682, 912

Malt Duties, Com. moved for, [129] 126, 1480

Metropolitan Improvements, Leave, [124] 90, 91, 92; Com. 1359, 1360, 1440, 1442, 1445; 3R. [125] 164; That the Bill do pass, *add. cl.* 165

National Gallery, The, Com. moved for, [124] 1317; Pictures in the, [125] 806; Reply, 1116

Newspaper Stamp Duties, [124] 351, 352; Returns moved for, 393; [127] 218, 219

Newspaper Stamp Duties, 2R. [129] 243

Oaths, Com. moved for, [124] 1407

Ordnance Estimates, [124] 758

Ordnance Survey (Scotland), [125] 1115

Probate and Legacy Duties, [124] 815, 817, 818, 819, 821, 822

§ Railway Canal Bills, Com. moved for, [123] 831, 832, 1055

Savings Banks, 2R. [128] 124; Com. postponed [129] 534

Savings Banks Investments, [129] 379

Silver Coinage—The Mint, [124] 1223

South Sea, &c. Annuities Commutation, 2R. [125] 1427; Com. [126] 163; *cl.* 2, 318, 320, 321, 322, 323, 327, 330, 344, 354; *cl.* 32, 369; 3R. 619, 620, 625, 626; *add. cl.* 630, 644, 645, 646

South Sea Annuities Dissentients, Res. [129] 890, 902, 904, 905, 906, 912, 980, 981, 994, 995, 1007, 1008, 1009

South Sea and other Annuities (Provision for Payment), Com. [129] 1403; *cl.* 1, 1404; *cl.* 2, 1405; *cl.* 3, 1406

Spirit Duties (Scotland), [126] 160

Stamp Duties, Res. [128] 1090; Com. 1194

Succession Duties, The, [127] 258, 282, 286, 287, 288, 289, 290

Succession Duty, 1R. [127] 548; 2R. 1380, 1384, 1385, 1386, 1387; Com. [128] 94, 306, 309; *cl.* 2, 315, 320, 321, 322, 323; *cl.* 5, 323; *cl.* 6, 324; *cl.* 7, 325, 385, 387, 388, 390, 392; *cl.* 9, 396, 397; *cl.* 10, 399; *cl.* 16, 401; *cl.* 18, 402; *cl.* 19, 403, 404, 406, 411, 431, 432, 434, 437; *cl.* 20, 440, 445, 446, 447; *cl.* 21, 448, 450, 452, 455, 456, 458, 460, 463, 466, 1129, 1133; *cl.* 22, 1131; *cl.* 23, 1132; *cl.* 25, 1133, 1134, 1135, 1136, 1137; *cl.* 26, 1138; *cl.* 27, 1139; *cl.* 29, 1167; *cl.* 33, 1170, 1171, 1173, 1174; *cl.* 39, 1176; *cl.* 41, 1177, 1178; *cl.* 43, 1183; *cl.* 44, 1186, 1187, 1188, 1190; *cl.* 45, 1191, 1192, 1193; *cl.* 46, 1376; *cl.* 48, Amend. 1377, 1379, 1380, 1385, 1387, 1388, 1389, 1390; *cl.* 49, 1391; *cl.* 55, 1392, 1395, 1397; *add. cl.* 1398, 1400, 1404, 1408; Rep. [129] 205, 209, 210, 212, 215, 219, 220, 221, 223, 225; Amend. 226, 227; Proviso, 229; 3R. 398, 400, 401, 409, 411, 417, 418

Supply—Household of the Lord Lieutenant, [127] 408, 409;—Board of Public Works (Ireland), 411;—Polish Refugees, &c. 465; Miscellaneous Charges, 467, 468; — New Houses of Parliament, [129] 1315

Tea Duties, [126] 911

§ Tenant Right (Ireland), 2R. [123] 1043

Tobacco Licence Duties, [126] 680, 681

Trade Licences, [128] 427

Wine Duties, The, [126] 160

Wines, Foreign and Colonial, Com. moved for, [125] 633

Chancery, Oaths in, Bill,

l. 1R.* [123] 164;
2R. [123] 775; Rep.* 1058; 3R.* 1152

c. 1R.* [124] 245; 2R.* 648; 3R.* [125] 521

l. Royal Assent, [129] 1709

Chancery Suitors Further Relief Bill,

l. 1R. [124] 3;
2R. 524; 3R.* [129] 157

c. 1R.* [129] 534; 2R.* 885; 3R.* 1679

l. Royal Assent, [129] 1824

CHANDOS, Marquess of, *Buckingham* (Lord of the Treasury, Earl of Derby's Administration)

Civil Servants of the Crown, [127] 215

Charitable Trusts Bill,

l. 1R.* [126] 1;
2R. 1009; 3R.* [128] 779

c. 1R.* [128] 1087; 2R.* [129] 534;
Com. 1153;
cl. 28, 1156;
cl. 44, [A. 71, N. 39, M. 32] 1157;
cl. 52, Amend. (Rt. Hon. J. Henley), 1157; Amend. neg. 1158;
cl. 60, Amend. (Lord J. Russell), 1158;
Rep. Amend. (Solicitor General), 1255;
cl. 60, Amend. (Lord J. Russell), 1255; [A. 87, N. 76, M. 11], 1268;
3R. 1485; Amend. (Mr. Hutt), 1487, [*o. q.* A. 113, N. 32, M. 81] 1490; Amend. (Lord J. Russell), 1491, [A. 65, N. 70, M. 5] 1492; Amend. Mr. Thornely), *ib.* [A. 64, N. 79, M. 15] 1495

l. Commons Amends. [129] 1709
Royal Assent, 1824

Chatham Election Committee,

c. Report, [124] 1286, 1358; Motion (Hon. L. King), 1431; New Writ moved (Mr. Collier), [126] 71; Motion (Sir J. Shelley), 1049, [A. 78, N. 188, M. 110] 1075;—see *Dockyard Appointments and Promotions*

Cheese—Customs Acts,

c. Com. [A. 135, N. 40, M. 95] [127] 1071

CHEETHAM, Mr. J., *Lancashire, S.*

Charitable Trusts, 3R. [129] 1493

Income Tax, Com. *add cl.* [127] 814

Wages, Payment of, 2R. [126] 1115

CHELSEA, Viscount, *Dovor*

Pilotage, Leave, [124] 1261; 2R. [125] 581; Com. [126] 228

Chelsea Bridge—Supply,

c. [129] 1407

CHICHESTER, Earl of

Charitable Trusts, 2R. [126] 1019

Colonial Church Regulation, Com. *cl.* 1, [129] 523

Ecclesiastical Commission, Returns moved for, [127] 1033

Salisbury, Revenue of the Diocese of, Returns moved for, [129] 877

Transportation, Address moved, Amend. [127] 37, 68

Chicory and Coffee,
l. Petition (Visct. Torrington), [129] 1141
c. Question (Mr. Hume), [124] 546; (Mr. Alexander Hastie), [125] 313; (Lord C. Hamilton), [127] 324

Child, Mr. S., *Staffordshire, N.*
Clergy Reserves (Canada), 3R. [125] 960
Jewish Disabilities, 3R. [125] 1242

Chimney Sweepers Regulation Act Amendment Bill,
l. 1R.* [126] 1009;
2R. [127] 198; Amend. (Earl of Wicklow), *ib.*; Amend. neg. 200; Report, Amend. (Earl of Clancarty), 493

China, Rebellion in,
c. Question (Viscount Jocelyn), [127] 436;—see *Hong Kong*

Christopher, Rt. Hon. R. A., *Lincolnshire, N.* (Chancellor of the Duchy of Lancaster, Earl of Derby's Administration)
Address in Answer to the Speech, [123] 99
Succession Duties, The, [127] 288
Succession Duty, Com. *add. cl.* [128] 1405

Christy, Mr. S., *Newcastle-under-Line*
Succession Duty, Rep. [129] 221

Church Building Acts Amendment Bill,
l. 1R.* [127] 1018; 2R.* [128] 906;
Com. 1151;
cl. 6, 1159

Church in the Colonies,
l. Petition (Lord Monteagle), [125] 419

Church Rates,
c. Leave, [127] 567; Amend. (Sir W. Clay), 605,* [*o. q.* A. 185, N. 207, M. 22] 643; [*m. q.* A. 172, N. 220, M. 48] 647

Church, The Established, in Ireland,
c. Question (Mr. G. H. Moore), [124] 352

City Address to the Emperor of the French,
l. Question (Lord Campbell), [125] 506

Civil Contingencies—Supply,
c. [129] 1451

Civil Servants of the Crown,
c. Question (Marquess of Chandos), [127] 215

Clancarty, Earl of
Chimney Sweepers Regulation Act Amendment, 2R. [127] 198; Report Amend. 493
Crime in Ireland, Returns moved for, [127] 1087
Education, National (Ireland), [123] 833; Address moved, [124] 1162, 1219; Observations, [119] 866, 1247, 1251
Income Tax, Com. [128] 588, 589; 3R. 813
[*cont.*

Clancarty, Earl of—*continued.*
Justice, Administration of (Ireland)—Appointment of Mr. Keogh, Address moved, [127] 1379
Kirwan, Mr., Case of—The Irish Magistracy, Address moved, [126] 32; Correspondence moved for, 153
Oaths, Alteration of, 2R. [127] 854
Six-Mile Bridge Affray, Correspondence moved for, [128] 722
Succession Duty, 3R. [129] 851
Summary Jurisdiction (Ireland), That the Bill do pass, *add. cl.* [129] 245

Clanricarde, Marquess of
Business of the Session, [123] 279, 287, 288
Commercial Legislation—Free Trade, [123] 772, 774, 775, 816, 820, 821; Res. 922, 961, 968
Consolidated Annuities, Irish, [124] 343; Petition, [125] 1196
Criminals, Surrender of—Convention with France, [126] 144
Eastern Union Railway, 2R. [129] 1499
Exhibition (Sydenham), The, [123] 276
House, Rules of the, [126] 1290
Income Tax, 2R. [128] 496; Com. *cl.* 42, 599; 3R. 810
Incumbered Estates (Ireland) Act Continuance, Com. [128] 787; Rep. 1084
India, Government of, [124] 646; Correspondence moved for, [128] 55
Keogh, Mr., Appointment of, Address moved, [127] 1369; Com. moved for, [128] 374, 375
Land Improvement (Ireland), Com. [126] 1304; *cl.* 1, 1311
Landlord and Tenant (Ireland), 1R. [129] 435, 1416, 1417; 2R. 1515, 1519, 1534
Lodging Houses, Common, 2R. [127] 297
Maynooth College, Com. moved for, [125] 1326
Oaths, Alteration of, 2R. [127] 861
Petty Sessions (Ireland), 2R. [129] 268, 270
Post Office Appointments, [124] 25
Railway Legislation, [123] 237
Russia and Turkey, [128] 1, 1353, 1354, 1357; [129] 347, 1137, 1418, 1645
Soap Duties, 3R. [128] 1365
Summary Jurisdiction (Ireland), 2R. [129] 268, 270
Transportation, [127] 315; 2R. [129] 29
Turkey, Affairs of, [126] 371
Tynemouth Election, Address moved, [128] 791
Wilson's (Hampstead) Estate, 2R. [128] 1360
Wood, Sir C., his Speech at Halifax, [124] 78 83

Clare Election Committee,
c. Report, [127] 1297; New Writ moved (Mr. J. D. Fitzgerald), 1298

Clarendon, Earl of (Secretary for Foreign Affairs, Earl of Aberdeen's Administration)
African Squadron, The, [129] 883
Carolina, South—Imprisonment of British Subjects, Address moved, [128] 140
City Address to the Emperor of the French, [125] 511
Clergy Reserves (Canada), Com. *cl.* 1, [126] 449
[*cont.*

Clarendon, Earl of—*continued.*
- Criminals, Surrender of—Convention with France, [126] 142
- Cuba—Importation of Slaves into, [127] 771; [129] 1817
- Denmark, Succession to the Crown of, [127] 1084
- Education, National (Ireland), [123] 770; Address moved, [124] 1192
- Fisheries, Colonial, [126] 148
- La Plata, Affairs of, [127] 1073, 1074
- Russia and Turkey, [126] 376, 381; [127] 654, 760; [128] 2, 3, 1349, 1353, 1356; [129] 90, 91, 345, 347, 348, 1138, 1422, 1425, 1426, 1624
- Slave Trade, [127] 489, 490

Clay, Sir W., *Tower Hamlets*
- Church Rates, Leave, Amend. [127] 588
- Commercial Legislation—Free Trade, [123] 471, 472, 525
- Dockyard Promotion and Patronage, [125] 1016, 1017
- Hackney Carriage Duties, Rep. [129] 1136; 3R. *add. cl.* [129] 1595
- Income Tax, [126] 871, 912; Com. *add. cl.* [127] 815
- Maynooth College, Com. moved for, Amend. [124] 443
- Midnight Legislation, [123] 160
- Partnerships of Limited Liability, Com. moved for, [123] 1075, 1077
- Sewers, Metropolitan Act Continuance, Com. [129] 1571, 1572, 1590
- Supply—National Gallery, [123] 1034;—Nonconforming, &c. Ministers (Ireland), [127] 473

Clay, Mr. J., *Hull*
- Budget, The, [123] 918
- Her Majesty's Theatre Association, 2R. [124] 400

Cleopatra's Needle,
- *c.* Question (Mr. Hume), [123] 979

Clergy in North America—Supply,
- *c.* [127] 442

Clergy Reserves (Canada),
- *l.* Address moved (Bishop of Exeter), [124] 98; Petitions (Earl of Derby), [124] 697

Clergy Reserves (Canada) Bill,
- *c.* Leave, [124] 133; 1R.* 179;
  - 2R. 1070; Amend. (Rt. Hon. Sir J. Pakington), 1071, [*o. q.* A. 275, N. 192, M. 83] 1155;
  - Com. *cl.* 1, [125] 450;
  - *cl.* 2, 478;
  - *cl.* 3, 481; Amend. (Lord J. Russell), 486; Amend. (Rt. Hon. B. Disraeli), 496; Amend. withdrawn, 502, [*o. q.* A. 108, N. 176, M. 68] 504;
  - Question (Rt. Hon. Sir J. Pakington), 804, 922;
  - 3R. 923; Amend. (Rt. Hon. S. Walpole), 939, [*o. q.* A. 288, N. 208, M. 80] 995
- *l.* 1R.* [125] 1000;
  - 2R. [126] 234; Amend. (Bishop of Exeter), 269; Amend. withdrawn 303;

[*cont.*

Clergy Reserves (Canada) Bill—cont.
- Com. *cl.* 1, 311; Amend. (Earl of Derby), 401, [Content, 78; Not Content, 117, M. 39,] 450;
- 3R. 658
- Royal Assent, 1286

Clerical Exemption—Income Tax,
- *c.* Question (Mr. Rich), [123] 980

Cleveland, Duke of
- Charitable Trusts, 2R. [126] 1019
- Succession Duty, Com. *cl.* 2, [129] 729
- Wellington, Duke of, Funeral of the, Res. [123] 144

Clitheroe Election Committee,
- *c.* Report, [124] 733; That the Writ be suspended till 11th April, 928;
  - Address moved (Mr. M. Gaskell), [125] 1019, [A. 141, N. 58, M. 83] 1032; Report, [129] 1098
- *l.* Address, [125] 1110; Question (Lord Lyndhurst), [126] 146;
  - Observations (Lord Beaumont), [127] 211

Coal Dues in the Metropolis,
- *c.* Com. moved for (Sir J. Shelley), [124] 197; Nomination of Com. 242

Coal Trade, The,
- *c.* Question (Mr. Liddell), [123] 147

Cobbett, Mr. J. M., *Oldham*
- Factories, Leave, [128] 1251
- Succession Duty, Com. *cl.* 10, [128] 398

Cobbold, Mr. J. C., *Ipswich*
- Eastern Union Railway, 3R. [129] 274

Cobden, Mr. R., *Yorkshire, W. R.*
- Address in Answer to the Speech, [123] 111
- Advertisement Duty Res. [128] 1105, 1106, 1124
- Ballot, The, Leave, [128] 196, 225
- Bridgenorth Election Committee, [124] 879; [125] 37; New Writ moved, 238
- Budget, The —Financial Statement, Res. [125] 1426
- Burmese War—Mortality of the Troops, [128] 377, 380
- Call of the House, [123] 304
- Clitheroe Election—Address moved, [125] 1021
- Commercial Legislation—Free Trade, [123] 472, 513, 666
- Examiners, Office of (Court of Chancery), Res. *cl.* 2, 776
- Financial Statement, Res. [123] 1311, 1317
- France—The Naval Force of, [124] 85;—Relations with, 288, 296
- Holme Reservoirs (No. 2), 3R. Amend. [128] 600, 603
- "Household Narrative," The, [125] 161
- Income Tax, The, Com. [126] 515, 682
- India, Affairs of, [125] 63
- India Government of, 2R. [128] 814; *cl.* 10, [129] 311, 316; *cl.* 12, 336
- Knowledge, Taxes on—The Advertisement Duty, [125] 1179

[*cont.*

Cobden, Mr. R.—*continued.*
Kossuth, M.—Seizure of Warlike Stores, [126] 800, 1160
Pegu, Annexation of, [127] 431
Russia and Turkey, [129] 1798
Succession Duty, Com. *cl.* 21, [128] 409
Supply—Nonconforming, &c. Ministers (Ireland), [127] 476 ;—Electric Telegraph (Continental), [129] 1414
Windsor, New, Election Petition, [125] 522

Cockburn, Sir A. J. E., *also* Attorney General§, The
§ Assistant Judge (Middlesex Sessions), 2R. [128] 1197 ; Com. [129] 235
§ Bedford Charity Estate, 2R. [129] 1252
§ Betting Houses, Leave, [129] 87
§ Canterbury Election, Address moved, [125] 216
§ Charitable Trusts, Com. *cl.* 52 [129] 1157
§ Clergy Reserves (Canada), Com. *cl.* 1, [125] 453
§ Clitheroe Election, Address moved, [125] 1025, 1027
§ Combination of Workmen, 3R. [125] 1427
Common Law, Courts of (Ireland), 2R. [123] 760 ; § Com. *cl.* 1, [127] 1284 ; *cl.* 10, 1285 ; 1286 ; *cl.* 38, 1288, 1291, 1292 ; *cl.* 63, 1293, 1294 ; 3R. [129] 238
§ Cruelty to Animals, 2R. [124] 1344
Derby Election, Petition, [123] 128, 254, 255, 256 ; Com. moved for, 717, 751
§ Durham Election Petition, Com. moved for, [127] 960, 964
§ Ecclesiastical Courts, Com. moved for, [124] 870, 872
§ Ecclesiastical Courts, Abolition of, Leave, [128] 1250
§ Examiners' Office (Court of Chancery), Res. *cl.* 2, [124] 773
Financial Statement, Res. [123] 1522, 1588, 1600
§ "Household Narrative," The, [125] 164
§ Judges' Exclusion, Com. [126] 135
§ Knowledge, Taxes on—The Advertisement Duty, [125] 1169
§ Newspaper Stamp Duties, [127] 219 ; 2R. [129] 241
Parliamentary Electors, 2R. [123] 1149
§ Six-Mile Bridge Affray, [124] 740 ; Papers moved for, [125] 391, 394, 895, 896
§ Sligo Borough, New Writ moved, [128] 129, 684
§ Specification Repeal, Copies of, Com. [129] 85, 86
§ Statute Laws, Codification of the, [125] 316
§ Succession Duty, Com. *cl.* 7, [128] 387, 394 ; *cl.* 25, 1134
§ Supply—Patent Law Amendment, [129] 1312

Cockermouth Election Committee,
c. Report, [126] 32

Coffee and Chicory,
l. Petition (Visct. Torrington), [129] 1141
c. Question (Mr. Hume), [124] 546 ; Question (Mr. Alexander Hastie), [125] 313 ; (Lord C. Hamilton), [127] 324

Cogan, Mr. W. H. F., *Kildare*
Maynooth College, Com. moved for, [124] 921

Coin, Defacing the, Bill,
c. 1R.* [129] 1153 ; 2R.* 1252 ; 3R.* 1535
l. 1R.* [129] 1602 ; 2R.* 1708 ; Rep.* 1751 ; 3R.* 1811
Royal Assent, 1824

Coinage, Decimal,
c. Question (Mr. J. B. Smith), [125] 595

Coinage Offences (Colonies) Bill,
c. 1R.* [128] 1367 ; 2R.* 1413 ; 3R.* [129] 166
l. 1R.* [129] 244 ; 2R.* 433 ; Rep.* 512 ; 3R.* 586
Royal Assent, 1243

Coinage, State of the,
c. Question (Mr. Divett), [125] 1349 ; (Mr. Thornely), [129] 1758

Colchester, Lord (Paymaster of the Forces and Vice President of the Board of Trade, Earl of Derby's Administration)
Australian Mail Packets, [125] 306
Jewish Disabilities, 2R. [126] 795
La Plata, Affairs of, [127] 1074
Mercantile Marine, [124] 121 ; Returns moved for, [125] 124
Merchant Shipping, Com. [129] 1668
Naval Promotion and Retirement, [129] 7
Navigation—Lieut. Maury's Plan, [126] 543
Navy, Manning the, [129] 165
Railway Legislation, [123] 234, 239
Seamen, Foreign, [125] 798
Wilson's (Hampstead) Estate, 2R. [128] 1357, 1361

Collier, Mr. R. P., *Plymouth*
Chatham Election, New Writ moved, [126] 871
Church Rates, Leave, [127] 605 *
Courts of Common Law (Ireland), 2R. [123] 765 ; Com. *cl.* 10, [127] 1286
Ecclesiastical Courts, Com. moved for, [124] 851, 874
Ecclesiastical Courts, Abolition of, Leave, [128] 1231
Hutchinson's Claim, 2R. [126] 1316
Navy Estimates, [124] 377
Probate of Wills, &c., 2R. [126] 1078
Sheriff Courts (Scotland), (No. 2), 2R. [127] 157

Colonial Bishops Act Extension Bill,
l. 1R.* [128] 474 ;
2R. 945 ;
Rep.* 1348 ; 3R.* 1409
c. 1R.* [129] 145 ; 2R.* 376 ; 3R.* 635
l. Royal Assent, [129] 1243

Colonial Church Regulation Bill,
l. 1R.* [129] 157 ; 2R.* 343 ;
Com. 512 ;
cl. 1, Amend. (Earl of Harrowby), 525 ; Amend. withdrawn, 527 ;
cl. 4, 527 ;
cl. 5, Amend. (Lord Monteagle), 528 ; *cl.* postponed, 533 ;
3R.* 697
c. 1R.* [129] 979 ;
2R. 1207 ; Amend. (Hon. A. Kinnaird), 1208

Colonial Governors—Supply,
c. [127] 444

Colonial Postage,
c. Question (Lord Stanley), [125] 312

Colonies Church, in the,
l. Petition (Lord Monteagle), [125] 419

COLVILE, Mr. C. R., *Derbyshire, S.*
Customs, &c. Acts (Cheese), Com. [127] 1071

Combination of Workmen Bill,
c. 1R.* [125] 254;
2R. 646;
3R. 1427, [A. 57, N. 70, M. 13] 1428; Adj. Debate, [126] 1117; Amend. (Solicitor General), 1119; Adj. moved (Mr. Hume), 1124, [A. 102, N. 121, M. 19], 1125; [127] 1017
l. 1R.* [128] 247;
2R. [129] 1322; Bill withdrawn, 1326

Commercial Law,
l. Question (Lord Brougham), [125] 122

Commercial Legislation—Free Trade,
l. Notice of Motion (Marquess of Clanricarde), [123] 772, 816; Res. (Marquess of Clanricarde), 922; Amend. (Lord Beaumont), 942; Adj. moved (Earl of Radnor), 960; Motion withdrawn, 961; Amend. withdrawn, 969; Amend. (Earl of Harrowby), *ib.*
c. Question (Chancellor of the Exchequer), [123] 216; Res. 220; Amend. (Chancellor of the Exchequer), 249;
Motion (Hon. C. P. Villiers), [123] 351; Amend. (Chancellor of the Exchequer), 411; Explanations, 471, 586; Adj. moved (Sir J. Graham), 472; Motion withdrawn, 529; Adj. Debate, 530; Amendment withdrawn, 531; Amend. (Visct. Palmerston), 532, [*o. q.* A. 256, N. 336, M. 80] 696; Main Question [A. 468, N. 53, M. 415] 701;
The Division—Explanation (Mr. Newdegate), [123] 712

Commissariat Department—Supply,
[129] 1452

Committees, Chairman of,
c. Mr. Wilson Patten appointed, [123] 215; Resignation of, [125] 591; Appointment of Hon. E. P. Bouverie, 808

Committees, Select,
c. Com. moved for (Mr. Ewart), [125] 246; Motion withdrawn, 252

Common Law, Courts of (Ireland) Bill,
c. Leave, [123] 305; 1R.* 348;
2R. 752;
Com. *cl.* 1, [127] 1284;
cl. 10, 1285;
cl. 32, 1288;
cl. 38, 1288;
cl. 63, Amend. (Mr. Whiteside), 1293, [*o. q.* A. 31, N. 70, M. 39] 1294;
3R. [129] 238
l. 1R.* [129] 433;
2R. 795; 3R.* 1709
Royal Assent, 1824

Common Law Procedure,
l. Observations (Lord Campbell), [124] 1

Common Law Procedure Act, 1853, *Second Bill,*
l. 1R.* [129] 1816

Commons Inclosure Bill,
c. 1R.* [123] 821; 2R.* 834; 3R.* 1064
l. 1R.* [123] 1152; 2R.* 1204; 3R.* 1314
Royal Assent, 1568

Commons Inclosure (No. 2) Bill,
c. 1R.* [124] 648; 2R.* 733; Rep.* 977; 3R.* 1069
l. 1R.* [124] 1161; 2R.* [125] 1; Rep.* 122; 3R.* 175

Commons Inclosure (No. 3) Bill,
c. 1R.* [129] 1395; 2R.* 1451; 3R.* 1598
l. 1R.* [129] 1602; 2R.* 1751; Rep.* 1811; 3R.* 1816
Royal Assent, 1824

Company's European Troops (India) Bill,
l. 1R. [128] 1201;
2R. discharged, 1361

COMPTON, Mr. H. C., *Hampshire, S.*
Wight, Isle of, Railway, 2R. [125] 198

CONOLLY, Mr. T., *Donegal*
Duffy, Mr., Case of, [126] 1212
Education (Ireland), Com. moved for, [126] 616
Excise Duties on Spirits, 3R. Adj. moved, [128] 412, 421, 425; That the Bill do pass, 676
Income Tax, Com. [126] 957; [127] 511
Landlord and Tenant (Ireland), Leave, [123] 341; Com. *cl.* 32, [128] 1373; *cl.* 70, [129] 32
Leasing Powers (Ireland), Com. *cl.* 5, [128] 242, 244
Personal Liberty, Recovery of, 2R. [128] 582
Tenants' Compensation (Ireland), Com. *cl.* 14, [129] 639

Consolidated Annuities (Ireland),
l. Question (Lord Monteagle), [124] 341; Petition (Marquess of Clanricarde), [125] 1196
c. Motion (Mr. G. H. Moore), [125] 733, [A. 95, N. 143, M. 48] 790; Question (Mr. H. Herbert), [126] 33

Consolidated Annuities (Ireland) Bill,
c. 1R.* [129] 270; 2R.* 376; 3R.* 744
l. 1R.* [129] 795; 2R.* 1416; Rep.* 1497; 3R.* 1602
Royal Assent, 1709

Consolidated Fund Bill,
c. 1R.* [124] 1332; 2R.* 1383; 3R.* [125] 197
l. 1R.* [125] 175; 2R.* 286; 3R.* *ib.*
Royal Assent, 396

Consolidated Fund (4,000,000*l.*) *Bill,*
c. 1R.* [127] 862; 2R.* 964; 3R.* 1207
l. 1R.* [127] 1278; 2R.* 1294; Rep.* 1359; 3R.* [128] 1
Royal Assent, 132

Consolidated Fund Appropriation, (£10,634,087 2s. 4d.) Bill,
c. 1R.* [129] 1535 ; 2R.* 1598 ; 3R.* 1705
l. 1R.* [129] 1708 ; 2R.* 1751 ; 3R.* 1811
Royal Assent, 1823

Consolidated Fund and National Redemption Acts,
c. Question (Rt. Hon. B. Disraeli), [125] 809 ; Resolutions (Chancellor of the Exchequer), 810 ; Rep. 998

Constabulary, Irish, Functions of the,
l. Com. moved for (Lord Monteagle), [128] 697

Constantinople, Ambassador at,
c. Question (Lord D. Stuart), [124] 41

Consular Establishments Abroad — Supply,
c. Amend. (Captain Scobell), [127] 455, [A. 46 N. 70, M. 24] 459

Conventual Establishments,
l. Petition (Earl of Shaftesbury), [126] 1286 ; —See *Nunneries, Inspection of ;—Personal Liberty, Recovery of, Bill*

Convict Establishments — Supply,
c. [127] 417 ; [129] 1470 ; Rep. 1563

Convicts, Female, Bill,
c. 1R.* [129] 1252 ; 2R.* 1395 ; 3R.* 1535
l. 1R.* [129] 1602 ; 2R.* 1751 ; Rep.* 1811 ; 3R.* 1817
Royal Assent, 1824

Convicted Prisoners Removal and Confinement Bill,
c. 1R.* [127] 79 ; 2R.* 378 ; 3R.* [128] 143
l. 1R.* [128] 247 ; 2R.* 1348 ; Rep.* [129] 89 ; 3R.* 157
Royal Assent, 1243

Convocation, Meeting of,
l. Question (Earl of Shaftesbury), [123] 277
c. Question (Mr. J. A. Smith), [123] 146 ; (Sir J. Shelley), 247 ; (Rt. Hon. Sir J. Pakington), [124] 977 ; Observations (Lord J. Russell), 1070

Copyholds Bill,
c. 1R.* [125] 254 ; 2R.* 922 ; 3R.* [127] 1297
l. 1R.* [127] 1359 ; 2R.* [128] 1142 ; Rep.* [129] 343 ;
Re-Com. 375 ; 3R.* 512
Royal Assent, 1243

Copyholds, &c., Commission Continuance Bill,
c. 1R.* [129] 1395 ; 2R.* 1451 ; 3R.* 1602
l. 1R.* [129] 1605 ; 2R.* 1751 ; Rep.* 1811 ; 3R.* 1817
Royal Assent, 1824

Cork City Election,
l. Petition (Earl of Donoughmore), [123] 776

Corn Averages,
c. Question (Sir G. Pechell), [124] 1224

Corry, Rt. Hon. H. T. L., *Tyrone*
Dockyard Appointments and Promotions, Com. moved for, [126] 88
Eastern Union Railway, 3R. [129] 271, 272, 273, 887
Navy Estimates, [123] 1012
Supply—Public Buildings (Ireland), [127] 400

County Courts—Costs,
l. Petition (Lord Brougham), [127] 1074 ;—*Fees in,* Returns moved for (Lord Brougham), [128] 253 ;—see *Bankruptcy and Insolvency (Scotland) Bill*

County Courts Equitable Jurisdiction Bill,
l. 1R.* [123] 164

County Courts Further Extension Bill,
l. 1R.* [123] 164 ;
Order for 2R. discharged, [129] 849 ;—see *Arbitration Law Amendment Bill*

County Elections Polls Bill,
c. Leave, [123] 205 ; 1R.* 207 ;
2R. 461; Amend. (Mr. R. Palmer), 464 ; Amend. withdrawn, 470 ;
Com. 805 ; Amend. (Mr. Packe), 807 ; Amend. withdrawn, 813 ;
3R. [124] 153 ; Amend. (Col. Sibthorp), 154, [*o. q.* A. 129, N 28, M. 101] 155 ;
add. cl. (Capt. Scobell), 157 ; *cl.* withdrawn, 158
l. 1R.* [124] 165 ; 2R.* [125] 1 ;
Com. 143 ;
3R. 286
Royal Assent, 396

County Elections Polls (Scotland) Bill,
c. 1R.* [124] 545 ; 2R.* 1383 ;
Com. *cl.* 1, Amend. (Hon. J. E. Elliot), [125] 1078 ; *cl.* 2, Amend. (Mr. F. Mackenzie), 1079, [*o. q.* A. 64, N. 53, M. 11] *ib.*;
cl. 4, Amend. (Mr. Hume), 1080, [A. 60, N. 71, M. 11] *ib.*;
3R.* [126] 679
l. 1R.* [126] 753 ; 2R.* [127] 194 ;
Com. 552 ; *cl.* 2, 553 ;
3R.* 650
Royal Assent, [128] 132

County Franchise,
c. Leave, [126] 1045 ; Motion withdrawn, 1049

County Rates and Expenditure Bill,
c. Leave, [123] 1087 ; 1R.* 1088 ;
2R. [124] 466 ;
Com. [125] 258 ; Amend. (Rt. Hon. Sir J. Pakington), 259 ; Amend. withdrawn, 265 ;
cl. 1, 265 ; Amend. (Rt. Hon. J. Henley), 266, [A. 70, N. 142, M. 72] 273 ;
cl. 3, 273 ;
cl. 4, 273, 1097 ; Amend. (Rt. Hon. Sir J. Pakington), 1099, [A. 115, N. 144, M. 29] 1110 ; [127] 192
Order for going into Com. discharged, [129] 146

County Rates, Certain Charges formerly paid out of the—Supply,
c. [127] 414

COWAN, Mr. C., *Edinburgh*
- Attorneys and Solicitors' Certificate Duty, Leave, [124] 1390
- Customs, &c. Acts, Com. (Printed Books), [127] 1356; (Paper) 1358
- Edinburgh and Canongate Annuity Tax Abolition, Leave, [128] 471; 2R. [129] 469
- Income Tax, That the Bill do pass, *add. cl.* [127] 1229
- Probate of Wills, &c., Leave, [124] 1319; 2R. [125] 664
- Public Houses (Scotland), Com. *cl.* 1, [126] 126; Rep. Amend. [128] 1201
- Railway and Canal Bills, Com. moved for, [123] 1056
- Savings Banks Annuities, 3R. Amend. [128] 1199, 1200
- Sheriff Courts (Scotland) (No. 2), Leave, [124] 1306; Com. [126] 751, 1220; 2R. Amend. [127] 156, 160; Com. *cl.* 28, [128] 918
- Specification Repeal, Copies of, Com. [129] 85
- Spirit Duties (Scotland), [126] 160
- Supply—National Gallery, [123] 1036
- Ventilation of the House, [127] 323

COWPER, Hon. W. F., *Hertford* (Lord of the Admiralty, Earl of Aberdeen's Administration)
- Elections, Expenses of, Rep. [129] 343; Re-Com. Amend. 1236; *cl.* 1, Amend. 1237, 1242
- Health, General Board of (No. 3), Com. [129] 87; Rep. Proviso, 241
- Seamen's Savings Banks, Com. Amend. [129] 149
- Supply—Post Office Packet Service, [129] 1453, 1455

CRANWORTH, Lord, *see* CHANCELLOR, The LORD

Crauford, Mr., Expulsion of, from Tuscany,
- *c.* Question (Lord D. Stuart), [125] 1017

CRAUFURD, Mr. E. H. J., *Ayr, &c.*
- Advertisement Duty, Res. [128] 1111; Amend. 1120
- Canterbury Election, Papers moved for, [129] 1726, 1731
- County Elections Polls (Scotland), Com. *cl.* 2, [125] 1079
- Entails (Scotland), Consideration, [126] 1285
- Excise Duties upon Spirits, [127] 216, 218; Com. *cl.* 1, 1393
- Income Tax, 2R. [127] 439; Com. *cl.* 33, 801
- Maidstone Election, New Writ moved, [126] 875
- Public Houses (Scotland), Com. *cl.* 1, [126] 127
- Sheriff Courts (Scotland), Leave, [124] 96
- Sheriff Courts (Scotland) (No. 2), Leave, [124] 1290, 1307; Com. [126] 750, 753, 1220; 2R. [127] 149, 155, 177, 183, 190; Com. *cl.* 4, [128] 326; *cl.* 10, 327; *cl.* 28, 913; 3R. 1140
- Succession Duty, 3R. [129] 417

Crime and Outrage (Ireland) Bill,
- *c.* 1R.* [129] 534;
  - 2R. 792; Amend. (Mr. Bowyer), 794, [*o. q.* A. 141, N. 23, M. 118] 795;
  - 3R.* 1098
- *l.* 1R.* [129] 1137; 2R.* 1322; 3R.* 1497
  - Royal Assent, 1709

Crime in Ireland,
- *l.* Returns moved (Earl of Clancarty), [127] 1087

Criminal Law Amendment Bill,
- *l.* 1R. [124] 8;
  - Explanation (Lord St. Leonards), 24;
  - 2R. 524;
  - Bill postponed, [129] 157

Criminal Law Amendment (No. 2) Bill,
- *l.* 1R.* [129] 1816

Criminal Law Reform,
- *l.* Address moved (Lord St. Leonards), [125] 122

Criminal Prosecutions (Ireland), Expense of,
- *c.* Observations (Mr. Macartney), [127] 441

Criminals, Surrender of—Convention with France,
- *l.* Question (Earl of Sandwich), [126] 142

CROSSLEY, Mr. F., *Halifax*
- Customs, &c. Acts, Com. (Linen and Cotton Manufactures), [127] 1357
- Financial Statement, Res. [123] 1521
- Probate of Wills and Grants of Administration, Com. [128] 1339
- Succession Duty, 3R. [129] 401

CROWDER, Mr. R. B., *Liskeard*
- Aggravated Assaults, Com. *cl.* 1, Amend. [125] 673
- Common Law, Courts of (Ireland), 2R. [123] 762; Com. *cl.* 1, [127] 1284; *cl.* 10, 1287; *cl.* 38, 1292
- Parliamentary Electors, 2R. [128] 1151

Crown Solicitors (Ireland),
- *c.* Papers moved for (Mr. J. D. Fitzgerald), [124] 1042

Crown Suits Bill,
- *c.* 1R.* [129] 1098; 2R.* 1395

Cruelty to Animals Bill,
- *c.* 1R.* [124] 153;
  - 2R. Amend. (Mr. F. Mackenzie), [124] 1340, [*o. q.* A. 17, N. 91, M. 74] 1346

Crystal Palace Company Bill,
- *c.* Consideration, Re-Com. moved (Mr. Spooner), [125] 148; Motion withdrawn, 151

Crystal Palace, Sydenham,
- *l.* Petition (Lord Panmure), [123] 273;
  - Question (Lord Campbell), [125] 1000;
  - Petition (Earl of Shaftesbury), [127] 650

Cuba, Importation of Slaves into,
- *l.* Petition (Earl of Carlisle), [127] 762; (Lord Brougham), [129] 1817

Cubitt, Mr. Ald. W., *Andover*
Hackney Carriages (Metropolis), 3R. *cl.* 6, Amend. [127] 1018

Currants and Raisins—The New Customs Tariff,
c. Question (Mr. Ewart), [126] 304

Custom House Reform,
c. Question (Mr. Horsfall), [124] 405

Customs, &c. Acts,
c. Com. Res. (Chancellor of the Exchequer), [127] 370, 439, 820 ; (*Tea Duties*), 825 ; Adj. moved (Lord A. Vane), 832 ; Motion withdrawn, 834 ; (*Raisins*), 1061, 1354 ; (*Cables*), 1062, [A. 194, N. 68, M. 126] 165 ; (*Pictures*), 1065, [A. 186, N. 46, M. 140] 1068 ; (*Raw Apples*), 1068 ; (*Butter*), 1068, [A. 141, N. 49, M. 92] 1071 ; (*Cheese*), [A. 135, N. 40, M. 95] 1071 ; [*r. p.* A. 11, N. 125, M. 114] 1071 ; (*Oranges and Lemons*), 1352 ; (*Printed Books*), 1356 ; (*Stockings*), 1356 ; (*Linen and Cotton Manufactures*), 1357 ; (*Paper*), 1358 ; (*Watches*), 1358 ; (*Isle of Man*), Res. [128] 903, 1408, 1467 ; (*Stamp Duties*), 1090 ; (*Advertisement Duty*), 1091 ; Amend. (Rt. Hon. T. M. Gibson), 1096, [*o. q.* A. 109, N. 99, M. 10] 1111 ; 2nd Amend. 1113 ; Amend. withdrawn, 1120 ; Amend. (Mr. Craufurd), 1120, [*o. q.* A. 63, N. 68, M. 5] 1128 ; [*m. q.* A. 70, N. 61, M. 9] *ib.* ; (*Post Horse Duties*), [129] 584 ; (*Hackney Carriages*), 585

Customs Acts Consolidation Bill,
c. 1R.* [129] 979 ; 2R.* 1098 ; 3R.* 1598
l. 1R.* [129] 1602 ; 2R.* 1708 ; Rep.* 1752 ; 3R.* 1817
Royal Assent, 1824

Customs Bill,
c. Leave, [128] 903 ; 1R.* 904 ; 2R.* [129] 376
Com. *cl.* 1, Amend. (Mr. A. Pellatt, 1482 ; Amend. withdrawn, 1485 ;
3R. 1599
l. 1R.* [129] 1602 ; 2R.* 1708 ; Rep.* 1752 ; 3R.* 1811
Royal Assent, 1824

Customs, Board of,
c. Question (Mr. W. Williams), [123] 200

Customs Duties on Spirits Bill,
c. 1R.* [127] 318 ; 2R.* 378 ; 3R.* [129] 376
l. 1R.* [129] 433 ; 2R.* 795 ; Rep.* 833 ; 3R.* 972
Royal Assent, 1243

Customs, &c. Duties Bill,
c. 1R.* [129] 534 ; 2R.* 744

Customs Reform,
c. Observations (Mr. J. Wilson), [126] 165

Danish Succession,
l. Observations (Lord Beaumont), [127] 1079
c. Question (Mr. Blackett), [129] 1679

Danube, Navigation of the,
c. Question (Mr. Liddell), [128] 1373 ; (Lord D. Stuart), [129] 543 ;—see *Russia and Turkey*

Darien, Canal through the Isthmus of
c. Question (Mr. Hume), [124] 1222

Darnley, Earl of
Jewish Disabilities, 2R. [126] 770

Dartmouth Election Committee,
c. Report, [125] 1015

Davie, Sir H. R. F., *Haddington, &c.*
Dockyard Appointments and Promotions, [129] 376
Elections, Expenses of, Rep. [129] 342
Public Houses (Scotland), Com. *cl.* 1, Amend. [126] 124, 130

Davison, Mr. R., *Belfast,*
Financial Statement, Res. [123] 1315

Decimal Coinage,
c. Question (Mr. J. B. Smith, [125] 595

Deedes, Mr. W., *Kent, E.*
Aggravated Assaults, Com. *cl.* 1, [125] 684
Blackburn Election Committee, Report, [124] 545, 1045, 1281, 1283, 1286 ; New Writ moved, [125] 226, 230
Bridgenorth Election Committee, [124] 877, 883
Business of the House, Amend. [125] 446
Canterbury Election, Address moved, [125] 215
County Elections Polls, Com. [123] 913 ; 3R. [124] 154
County Rates and Expenditure, Com. *cl.* 1, [125] 271
Cruelty to Animals, 2R. [124] 1344
Crystal Palace Company, Consideration, [125] 150
Hop Duty, [124] 190
Lighting and Ventilating the House, [124] 181
Parish Constables, 2R. [124] 159
Pilotage, Leave, [124] 1263 ; 2R. [125] 580

Denison, Mr. E. B., *Yorkshire, W. R.*
County Elections Polls, 2R. [123] 461 ; Com. 809
County Rates and Expenditure, Com. [125] 261
Eastern Union Railway, 3R. [129] 275
Elections, Com. *add. cl.* [128] 238, 240
Elections, Expenses of, Com. *cl.* 1, [128] 1333 ; *cl.* 2, 1334 ; *cl.* 5, 1336
Hackney Carriages (Metropolis), Com. [127] 427
Holme Reservoirs (No. 2), 3R. [128] 602
Lunatic Asylums, Com. *cl.* 35, [129] 831
Peterborough Election, Com. moved for, [129] 392, 552
Probate of Wills, &c., 2R. [126] 1078
Succession Duty, 3R. [129] 402

Denison, Mr. J. E., *Malton*
Commercial Legislation—The Income Tax, [123] 996
County Rates and Expenditure, Com. [125] 263
Durham Election, Mr. Duncan's Case, [127] 707
Ecclesiastical Commissioners, The, [126] 679, 680
Elections, Com. *cl.* 1, [128] 234

[*cont.*

DENISON, Mr. J. E.—*continued.*
Elections, Expenses of, Com. [128] 1328, *cl.* 1, 1331
Financial Statement, Res. [123] 1573, 1582
Income Tax, The, Com. [126] 462 ; *cl.* 13, [127] 1044
Railway and Canal Bills, Com. moved for, [123] 831, 1057
Rye Election Committee, Absence of Members, [125] 257
Select Committees, Com. moved for, [125] 251
Succession Duties, Rep. [129] 219

Denmark, Succession to the Crown of,
l. Observations (Lord Beaumont), [127] 1079
c. Question (Mr. Blackett), [129] 1679

DERBY, Earl of (First Lord of the Treasury §)
§ Address in Answer to the Speech, [123] 43
Ava, War with, [124] 537
§ Bills of Exchange, &c. (Metropolis), 1R. [123] 143 ; 2R. 165
Business of the House, [125] 429
§ Business of the Session, [123] 281, 288, 292, 293
Canterbury Election, [125] 308, 309
Cape of Good Hope—Constitution for the Colony, [128] 248
Church Buildings Acts Amendment, Com. *cl.* 6, [128] 1159
Clergy Reserves (Canada), Petitions, [124] 697, 733
Clergy Reserves (Canada), 2R. [126] 286, 302, 303 ; Com. *cl.* 1, Amend. 381, 409, 413, 445, 447, 449
Colonial Church Regulation, Com. *cl.* 1, [129] 518, 523, 525
§ Commercial Legislation—Free Trade, [123] 772, 774, 818, 820, 821 ; Res. 934, 942, 959, 961, 963, 966, 968
§ Convocation, Meeting of, [123] 277
§ Cork City Election, [123] 776
County Elections Polls, 3R. [125] 288
Dwellings for the Labouring Classes, Res. [125] 411
§ Education, National (Ireland), [123] 771, 834, 1568 ; Address moved, [124] 1210 ; Papers moved for, [129] 368, 372
Excise Duties on Spirits, 3R. [128] 1165
§ Exhibition (Sydenham), The, [123] 273
Fisheries, Colonial, [126] 150
Hackney Carriages (Metropolis), Rep. [128] 135
Income Tax, 2R. [128] 482
§ Income Tax—Ireland, Returns moved for, [123] 1418
Incumbered Estates (Ireland) Act Continuance, Rep. [128] 1084, 1085
India, State of, [125] 27
Jamaica, Affairs of, [128] 965
Keogh, Mr., Appointment of, Address moved, [127] 1370, 1378 ; Com. moved for, [128] 364, 370
Kirwan, Mr., Case of—The Irish Magistracy, Address moved, [126] 20, 32
Land Improvement (Ireland), Com. [126] 1305, 1311 ; *cl.* 4, 1312
§ Landlord and Tenant (Ireland), Relations of, [123] 1207, 1211, 1212
§ Loans to Ratepayers in Counties, Returns moved for, [123] 1431

[*cont.*

DERBY, Earl of—*continued.*
Maldon Election, Address moved, [127] 781
Maynooth College, Com. moved for, [125] 1333, 1345
§ Military Pensioners, [123] 708, 712
§ Ministerial Arrangements, [123] 1717
§ Ministerial Explanations, [123] 1698, 1709, 1727
Ministerial Policy, [124] 10, 16, 17
Oaths, Alteration of, 2R. [127] 848, 851, 859 ; Com. 1023
Poor Laws, [127] 206, 207, 208
Poor, Removal, and Local Assessment, 2R. [125] 1195
§ Railway Legislation, [123] 235
§ Revenue and Taxation, Returns moved for, [123] 1424, 1430
§ Russia and Turkey, [123] 8, 1351
Six-Mile Bridge Affray—Clare Election, [124] 32 ; Papers moved for, [125] 396 ; [128] 707, 720
Soap Duties, 3R. [128] 1363
South Sea and other Annuities Commutation, 3R. [126] 1030, 1031
Succession Duties, Com. moved for, [127] 673, 703
Succession Duty, 2R. [129] 592, 605, 617, 635 ; Com. *cl.* 2, Amend. 709, 721, 722, 734 ; *cl.* 10, 739 ; *cl.* 27, 740 ; *cl.* 34, 741, 742 ; *cl.* 54, 743
Transportation, [126] 673, 678 ; Address moved, [127] 45
§ University Tests (Scotland), [123] 779
§ Wellington, Duke of, Funeral of the, [123] 127 ; Address moved, 143, 144 ; Observations, 239

Derby Election—Major Beresford,
c. Petition (Sir A. Cockburn), [123] 128, 254 ; Petition withdrawn, 257 ;
Com. moved for, 717, 816 ; Report, 1569 ; [124] 1348

Derby, The Magistracy of,
c. Question (Mr. Hindley), [123] 823

DERING, Sir E. C., *Kent, E.*
Clergy Reserves (Canada), 3R. [125] 954
Financial Statement, Res. [123] 1480
Pilotage, 2R. [125] 580 ; Com. [126] 221
Succession Duty, Com. [128] 114 ; *add. cl.* 1407

De Rose, Leopold, Case of
c. Question (Lord D. Stuart), [123] 834

DESART, Earl of (Under Secretary to the Colonies, Earl of Derby's Administration)
Canada, Clergy Reserves in, [123] 775 ; Address moved, [124] 119, 717
Clergy Reserves (Canada), Com. *cl.* 1, [126] 416
Cape of Good Hope, Military Emigration to, [123] 1205
Incumbered Estates (Ireland), Act Continuance, Rep. [128] 1083
Lord Lieutenancy of Ireland, [124] 176
Maynooth College, Com. moved for, [125] 1317
New Zealand Company and New Ulster, [123] 1058

Desertions from the Navy,
c. Question (Mr. W. Williams), [125] 592

Designs Act Extension Bill,
c. 1R.* [123] 1315; 2R.* [124] 153; 3R.* 1290
l. 1R.* 1362

Diplomatic Service, Education for the,
l. Observations (Earl of Malmesbury), [125] 899
c. Question (Mr. Ewart), [123] 245; [125] 878

DISRAELI, Rt. Hon. B., *Buckinghamshire* (Chancellor of the Exchequer§, Earl of Derby's Administration)
§ Address in Answer to the Speech, [123] 85; Report, 139
§ Adjournment of the House, [123] 1719
Austria and Turkey—Montenegro, [125] 153, 154
Bridgenorth Eelection, New Writ moved, [125] 242
§ Budget, The, [123] 335, 908, 910, 920, 1154, 1155; Financial Statement, 1238, 1243; Res. 1245, 1311, 1415, 1435, 1487, 1488, 1523, 1525, 1526, 1572, 1574, 1579, 1581, 1585, 1587; (Reply), 1629, 1632, 1677, 1678, 1685, 1688, 1697
Budget, The—Financial Statement, Res. [125] 1399
Business of the House, [125] 437
Business, Public, [127] 318, 319
§ Call of the House, [123] 270
Chicory and Coffee, [124] 548
§ Cleopatra's Needle, [123] 979
Clergy Reserves (Canada), Com. *cl.* 3, Amend. [125] 496, 502
Clitheroe Election, Address moved, [125] 1031
Coinage, State of the, [125] 1349, 1350
§ Commercial Legislation—Free Trade, [123] 216; Amend. 249, 381, 498, 531, 586, 587; —The Income Tax, 988, 989, 990, 993
Committees, Chairmanship of—Appointment of Mr. W. Patten, [123] 215; Resignation of, [125] 592
Consolidated Fund and National Redemption Acts, Res. [125] 809, 864, 865, 866, 874
Customs, &c. Acts, Com. Res. [127] 439, 821, 825: (Tea Duties), 826, 829, 831, 833
§ Customs, Board of, [123] 200
§ Derby Election Petition, [123] 256
Diplomatic Service, Examination of Candidates for the, [125] 886
Dockyard Appointments and Patronage, [125] 594; Com. moved for, [126] 113, 117; [128] 1290, 1291, 1292, 1315, 1319, 1324
Duffy, Mr., Case of, [126] 1198, 1208
Durham Election Petitions, [127] 956, 962, 963
Excise Duties upon Spirits, [127] 217
France, Relations with, [124] 246
§ French Empire, The, [123] 980, 981
Gold, Circulation of, in India, [125] 436
Harwich Election, New Writ moved, Adj. moved, [126] 1321
§ Home-Made Spirits in Bond, [123] 586
Import Duties, [124] 1032
Income Tax, Com. [126] 732, 747, 871, 963, 1269, 1283, 1284, 1364, 1377, 1378; 2R. [127] 438
§ Income Tax—Clerical Exemption, [123] 980
India, Affairs of, [125] 66
India, Government of, Leave, [127] 1155, 1194, 1195; 2R. [128] 1032; Com. *cl.* 3, [129] 83; *cl.* 4, 84; *add. cl.* 764; Rep. 953, 955, 960
[*cont.*

DISRAELI, Rt. Hon. B.—*continued.*
Keogh, Mr., Appointment of, Explanation, [128] 288
Knowledge, Taxes on—The Advertisement Duty, [125] 1173
Maidstone Election, New Writ moved, [126] 875
Metropolitan Improvements, 2R. [124] 694, 695
§ Midnight Legislation, [123] 160
§ Ministry, Resignation of the, [123] 1709
§ Navy Estimates, [123] 999
§ Parliamentary Papers, Com. moved for, [123] 1068
§ Parliamentary Reform, [123] 821, 822
§ Patten (Mr. Wilson), to be Chairman of Committees, [123] 215; Resignation of, [125] 592
Prince, Birth of a, Address to Her Majesty, [125] 728
Russia and Turkey, [127] 709, 787; [128] 58, 1424; [129] 33, 34, 203, 1163, 1469
South Sea and other Annuities Commutation, Com. [126] 161, 163; *cl.* 2, 344, 354, 357
South Sea Annuities Dissentients, Res. [129] 895, 902, 995, 1007
§ Speaker, Choice of a, [123] 10
Speaker, Office of the, [129] 1271
Succession Duties, The, [127] 258, 282, 370
Succession Duty, Com. *cl.* 45, [128] 1192, 1193; *cl.* 49, 1391; *cl.* 55, 1392, 1396; 3R. [129] 414
§ Supply—National Gallery, [123] 1020, 1033, 1034, 1035, 1036;—British Ambassador's House, Paris, [129] 1302, 1304;—Battersea and Vauxhall Embankment, 1407, 1410, 1411
§ Tenant Right (Ireland), Leave, [123] 530; 2R. 1043, 1045, 1132, 1143
§ Wellington, Duke of, Funeral of the, [123] 129, 130; Address moved, 149; Res. 155, 212
Wood, Sir C., his Speech at Halifax, [124] 83

District Courts of Bankruptcy Abolition Bill,
l. 1R.* [123] 164

DIVETT, Mr. E., *Exeter*
Coinage, State of the, [125] 1349, 1350
Drainage, Great London, 2R. [124] 1339
Lancaster Election Committee, Report, [124] 347
"Melbourne" Steamer, The, [123] 815
Peterborough Election, Com. moved for, [129] 390
Sligo Borough, New Writ moved, [128] 130

Divisions of the House,
c. Observations (Mr. Speaker), [129] 1112

Dockyard Appointments and Promotions,
c. Notice (Sir B. Hall), [125] 591, 726, 802, 1015; Question (Rt. Hon. B. Disraeli), 594; Com. moved for (Sir B. Hall), [126] 33; Amend. (Sir F. Thesiger), 104; Nomination of Com. 369; Motion (Mr. Keating), [128] 1290; Adj. moved (Rt. Hon. Sir J. Pakington), 1311, [A. 79, N. 95, M. 16] 1317; Adj. moved (Sir T. Acland), [A. 0, N. 172]; 2nd Division, [A. 70, N. 98, M. 28] 1320; Amend. (Mr. Drummond), 1321; Adj. moved, [A. 64, N. 98, M. 34] 1324; Adj. moved (Viscount Galway), [A. 130, N. 59, M. 41] 1325; Question (Sir H. Davie), [129] 376

Dockyards, Disfranchisement of Persons employed in,
c. Question (Rt. Hon. Sir F. Baring), [126] 1330; (Mr. Masters Smith), [127] 1036

DONOUGHMORE, Earl of,
Address in Answer to the Speech, [123] 21
Constabulary, Irish, Functions of the, Com. moved for, [128] 698
Cork, City Election, [123] 776
Eastern Union Railway, 2R. [129] 1497
Education, National (Ireland), Papers moved for, [129] 357, 373, 871, 872
Incumbered Estates (Ireland) Act Continuance, Rep. [128] 1087
Land Improvement (Ireland), Com. [126] 1297; *cl.* 25, Amend. 1314
Landlord and Tenant (Ireland), 1R. [129] 440; 2R. 1534
Polling at Elections Amendment, 2R. [129] 267
Revenue Police Force (Ireland), [126] 1231
Transportation, [126] 671

Drainage, Great London, Bill,
c. 1R.* [124] 977;
2R. 1332; Amend. (Sir B. Hall), 1333, [*o. q.* A. 111, N. 16, M. 95] 1339

Drainage of Land (Ireland) Act Amendment Bill,
c. 1R.* [129] 376; 2R.* 534; 3R.* 1153
l. 1R.* [129] 1243; 2R.* 1497; 3R.* 1752
Royal Assent, 1824

DRUMLANRIG, Viscount, *Dumfriesshire*
Election Expenses, Com. *cl.* 1, [128] 1332, 1333
Financial Statement, Res. [123] 1611
Jewish Disabilities, Leave, [124] 616
Kilmainham Hospital, Her Majesty's Answer to Address, [127] 149
Prince, Birth of a—Her Majesty's Answer to Address, [126] 623
Sheriff Courts (Scotland), (No. 2), Leave, [124] 1300
Universities (Scotland), 2R. [129] 179, 190

DRUMMOND, Mr. H., *Surrey, W.*
Army Estimates, [124] 692
Brooke, Sir J.—Piracy in Borneo, [125] 723, 724, 725; [129] 1160
Chatham Election, [126] 1069, 1074
Clergy Reserves (Canada), 3R. [125] 943
Combination of Workmen, 2R. [125] 646; 3R. 1427; [126] 1119; [127] 1017
Commercial Legislation—Free Trade, [123] 614
County Elections Polls, Com. [123] 807
County Rates and Expenditure, Com. [125] 262; *cl.* 4, 282, 1100
Dockyard Promotion, Amend. [128] 1320
Ecclesiastical Revenues (Ireland), Com. moved for, [127] 913
Financial Statement, Res. [123] 1272
Gold, The Value of, [124] 1384
Income Tax, The, Com. [126] 504, 1347
Jewish Disabilities, 2R. [125] 94
Judges' Exclusion, Com. [126] 130; 3R. Amend. [127] 993

[*cont.*

DRUMMOND, Mr. H.—*continued.*
Lancaster, New Writ moved for, [125] 645
Land, Sale and Purchase of, Leave, [124] 125
Leasing Powers (Ireland), Com. [124] 767
Maynooth College, Com. moved for, [124] 518
"Melbourne" Steamer, The, Reports moved for, [123] 813
Murray, Edward, Case of, [124] 350
Nunneries, Inspection of, Leave, [127] 117
Parliament, Sitting of the, [129] 644
Personal Liberty, Recovery of, 2R. [129] 500
Public Houses (Scotland), Com. *cl.* 1, [126] 129
Religious Persecution—The Madiais, [124] 332
Succession Duties, The, [127] 341
Succession Duty, Com. *cl.* 1, [128] 312; *cl.* 7, 388; *cl.* 19, 436; *cl.* 20, 445; *cl.* 21, 447, 459; *cl.* 25, 1136; *cl.* 48, 1379; *cl.* 55, 1392; 3R. [129] 408
Supply—National Gallery, [123] 1030;—Royal Parks, [127] 390;—Oxford and Cambridge Professors, 420;—Hong Kong, 454
Tenant Right (Ireland), 2R. [123] 1557
Tenants' Compensation (Ireland), Com. *cl.* 14, [129] 639

Drummond's (Duke de Melfort's) Restitution Bill,
l. 1R.* [127] 1018;
2R. 1278

DUBLIN, Archbishop of
Conventual Establishments, [126] 1286
Jewish Disabilities, 2R. [126] 772

Dublin Carriage Bill,
c. 1R.* [128] 1367; 2R.* [129] 270; 3R.* 1153
l. 1R.* [129] 1243; 2R.* 1416; 3R.* 1709
Royal Assent, 1824

Dublin Parliamentary Registration Bill,
c. 1R.* [128] 426; 2R.* 1367; 3R.* [129] 534
l. 1R.* 586; 2R.* 795; Rep.* 833; 3R.* 972
Royal Assent, 1243

Dublin, Post Office, Appointment in,
c. Question (Mr. J. Ball), [123] 1718

DUCKWORTH, Sir J. T., *Exeter*
Assistant Judge (Middlesex Sessions), 2R. [128] 1198
County Rates and Expenditure, Com. [125] 263
Financial Statement, Res. [123] 1472
Lunatic Asylums, Com. *cl.* 44, [129] 832
Supply—Militia, [129] 1475

DUFFERIN, Lord
Maynooth College, Com. moved for, [125] 1313, 1324

DUFFY, Mr. C. G., *New Ross*
Explanation, 1234, 1237, 1239
Income Tax, The, Com. [126] 1188, 1189, 1193, 1194, 1202, 1207
Landlord and Tenant (Ireland), Com. *cl.* 20, Amend. [128] 1370
Leasing Powers (Ireland), Com. [124] 630
Maynooth College, Com. moved for, [124] 454

Duffy, Mr. C. G., Case of,
c. Motion (Mr. J. Ball), [126] 1193; (Rt. Hon. J. S. Wortley), 1209; (Hon. W. O. Stanley), 1208; Explanation (Mr. Duffy), 1234

Duke, Sir J., *London*
Betting Houses, [124] 24
Budget, The, [123] 918

Duncan, Mr. G., *Dundee*
Durham Election Committee, [127] 708
Letter Carriers, [124] 848
Merchant Shipping, 3R. *add. cl.* [129] 1130
Ordnance Estimates, [124] 766
Public Houses (Scotland), Com. *cl.* 1, [126] 129
Select Committees, Com. moved for, [125] 247
Sheriff Courts (Scotland), Leave, [124] 96
Sheriff Courts (Scotland) (No. 2), Leave, [124] 1306; Com. [126] 752; 2R. [127] 188; Com. *cl.* 41, [128] 920
Supply—Battersea and Vauxhall Embankment, [129] 1412
Wines, Foreign and Colonial, Com. moved for, [125] 641

Duncombe, Hon. Capt. A., *Yorkshire, E.R.* (Lord of the Admiralty, Earl of Derby's Administration)
Dockyard Appointments and Promotions, Com. moved for, [126] 120
Engledue, Lieut., his Case [126] 883
"Melbourne" Steamer, The, [123] 815
Navy Estimates, [123] 1016

Duncombe, Hon. W. E., *East Retford*
Succession Duty, Com. [128] 113

Duncombe, Mr. T. S., *Finsbury*
Business of the House, [125] 442
Canterbury Election Committee, Report, [124] 348; Address moved, [125] 212, 220
Chatham Election, [126] 1062
Combination of Workmen, 3R. [126] 1122, 1124
Commercial Legislation—Free Trade, [123] 488, 494
County Franchise, Leave, [126] 1048
Cruelty to Animals, 2R. [124] 1340, 1344
Drainage, Great London, 2R. [124] 1334
Durham Election Petitions, Com. moved for, [127] 145, 146
Election Petitions—West Gloucestershire Election, [123] 1153
Financial Statement, [123] 1214, 1241, 1245, 1578
Harwich Election, New Writ moved, [126] 1320, 1321; [128] 146
Hutchinson's Claim, 2R. [126] 1317
Italy—French and Austrian Occupation, [128] 61
Kossuth, M.—Seizure of Warlike Stores, [125] 1210, 1212, 1213; [126] 451, 452, 1142, 1152
Leasing Powers (Ireland), Com. [128] 240, 241
Letter Carriers, [124] 841, 849; [126] 156, 157
Norwich Election Petition, [124] 549, 550, 552, 553, 649; Com. moved for, 740
Parliamentary Electors, Leave, [123] 824
Waterford Election Committee, Absence of one of the Members, Com. discharged, [124] 648

Dunlop, Mr. A. M., *Greenock*
Burghs (Scotland), Rep. *add. cl.* [125] 1077; *cl.* 4, 1079
County Elections Polls (Scotland), Com. Instruction, [125] 1078
Ecclesiastical Courts, Abolition of, Leave, [128] 1251
Entails (Scotland), Consideration, Amend. [126] 1284, 1285
Income Tax, Com. *cl.* 33, [127] 800; That the Bill do pass, *add. cl.* 1227
Juvenile Offenders, 2R. [129] 1108
Landlord and Tenant (Ireland), Com. *cl.* 24, [128] 1371; *cl.* 70, [129] 30
Maynooth College, Com. moved for, [124] 891
Merchant Shipping, Com. *cl.* 29, [129] 104
Public Houses, (Scotland), Com. *cl.* 1, [126] 127
Sheriff Courts (Scotland) (No. 2), Leave, [124] 1302; Com. [126] 1220; 2R. [127] 189; Com. *cl.* 5, [128] 326; *cl.* 10, 328; *cl.* 28, 919; *cl.* 41, 919
Stamp Duties, Res. [128] 1091
Succession Duty, Com. *cl.* 1, [128] 313, 314; *cl.* 48, 1388; *add. cl.* 1408
Tenants Compensation (Ireland), Com. *cl.* 10, [129] 637; *cl.* 20, 639

Dunne, Lieut.-Col. F. P., *Portarlington* (Clerk of the Ordnance, Earl of Derby's Administration)
Consolidated Annuities (Ireland), [125] 768
Criminal Prosecutions (Ireland), Expenses of, [127] 441
Excise Duties on Spirits, Com. *cl.* 1, [127] 1391; 3R. [128] 417, 420; Adj. moved, 425
Government, The, and the Irish Members, [126] 1326
Income Tax, Com. [126] 1171, 1174; Amend. [127] 504; *cl.* 1. 541; *cl.* 5, 727; *cl.* 7, 735; *cl.* 15, 745, 746; *cl.* 21, 748; *cl.* 26, 790; *cl.* 31, 793; *cl.* 35, 804; *cl.* 13, 1054; *cl.* 16, 1056, 1057
Incumbered Estates (Ireland) Act Continuance, 2R. [129] 237; Com. 695
Landlord and Tenant (Ireland), Com. *cl.* 7, [128] 730; *cl.* 36, 1413
Leasing Powers (Ireland), Com. *cl.* 5, [128] 242, 244, 246; *cl.* 10, 727
Merchant Shipping, Com. *cl.* 5, [128] 1220; 3R. [129] 1134
Ordnance Estimates, [123] 1017, 1018, 1019
Ordnance, Iron, Return moved for, [123] 1716
Specification Repeal, Copies of, Com. [129] 86
Succession Duty, Com. *cl.* 48, [128] 1383
Supply—Holyhead Harbour, [127] 395;—Harbours of Refuge, 396;—Household of the Lord Lieutenant, 408, 409;—Board of Public Works (Ireland), 410;—Criminal Prosecutions (Ireland), 413;—Colonial Governors, 444;—Hong Kong, 453;—Foundling Hospital (Dublin), 469
Turkey and Greece, [128] 430

Durham Election Petitions,
c. Com. moved for (Mr. Bentinck), [127] 137; Adj. moved (Visct. Palmerston), [A. 107, N. 74, M. 33] 148; Attendance of Mr. Duncan dispensed with, 706; Adj. Debate, 956; Adj. moved (Visct. Palmerston), [A. 80, N. 89, M. 9] 962; Adj. moved (Hon. J. E. Elliott), 963; Motion withdrawn, 964; Report, 1299; Nomination of Committee, [128] 231; Amend. (Mr. Hutt), 232

Dwellings for the Labouring Classses,
l. Res. (Earl of Shaftesbury), [125] 400; Motion withdrawn, Select Com. appointed, 418

Eastern Union Railway Bill,
c. 1R.* [124] 179; 2R.* [125] 1348;
3R. [129] 270; Amend. (Sir G. Pechell), 271, [*o. q.* A. 82, N. 26, M. 56] 275; Bill recom. *ib.*; 3R. 885; Amend. (Sir G. Pechell), 886, [*o. q.* A. 88, N. 64, M. 24] 890; Bill passed, *ib.*
l. 1R.* [129] 833;
2R. 1497; Amend. (Lord Beaumont), 1498, [*o. q.* Content 31, Not Content 14, M. 17] 1499;
3R.* 1816
Royal Assent, 1824

Ecclesiastical Commission,
l. Returns moved (Earl Powis), [127] 1032
c. Question (Mr. J. E. Denison), [126] 679

Ecclesiastical Commissioners for England —Supply,
c. [127] 406, [A. 63, N. 44, M. 19] 407

Ecclesiastical Courts—Church Reform,
c. Question (Sir B. Hall), [123] 295; (Mr. Bright), [124] 24; (Mr. Hume), [127] 715; Com. moved for (Mr. Collier), [124] 851; Motion withdrawn, 875

Ecclesiastical Courts, Abolition of the,
c. Leave, [128] 1231

Ecclesiastical Jurisdiction Bill,
c. 1R.* [129] 1252; 2R.* 1395; 3R.* 1598
l. 1R.* [129] 1602; 2R.* 1751; Rep.* 1811
3R.* 1817
Royal Assent, 1824

Ecclesiastical Leasing Act Amendment Bill,
c. 1R.* [129] 885; 2R.* 1098

Ecclesiastical Revenues (Ireland),
c. Com. moved for (Mr. G. H. Moore), [127] 862, [A. 98, N. 260, M. 162] 955

Edinburgh and Canongate Annuity Tax Abolition Bill,
c. Leave, [128] 471; 1R.* 600;
2R. [129] 440; Amend. (Mr. J. B. Smith), 451

Education,
l. Question (Bishop of Salisbury), [128] 328; (Lord Brougham), [129] 972
c. Question (Rt. Hon. S. Walpole), [128] 909; (Mr. A. Pellatt), [129] 1820

Education Bill,
c. Leave, [125] 522; 1R.* 722

Education, National (Ireland),
l. Petition (Earl of Clarendon), [123] 770; Question (Earl of Clancarty), 833, [129] 866, 1247; Address moved (Marquess of Lansdowne), [123] 1568; (Earl of Clancarty), [124] 1162; Papers moved for (Earl of Donoughmore), [129] 357
c. Question (Mr. B. Osborne), [123] 247; Com. moved for (Mr. G. A. Hamilton), [126] 558; Adj. moved (Mr. Fagan, 616, [A. 28, N. 262, M. 234] 617; [*m. q.* A. 109, N. 170, M. 70] *ib.*; Question (Lord Stanley), [129] 653

Education, Public—Supply,
c. [127] 417

Egerton, Mr. E. C., *Macclesfield*
Address in Answer to the Speech, [123] 65
Durham Election Petitions, Com. moved for, [127] 144
Income Tax, Com. *add. cl.* [127] 814

Egerton, Mr. W. T., *Cheshire, N.*
Durham Election, Mr. Duncan's Case, [127] 706
India, Government of, Rep. [129] 943
Succession Duty, Com. *cl.* 7, [128] 391; *cl.* 19, 412
Wages, Payment of, 2R. [126] 1107

Eglintoun, Earl of (Lord Lieutenant of Ireland, Earl of Derby's Administration)
County Elections Polls (Scotland) Com. *cl.* 2, [127] 553
Education, National (Ireland), Address moved, [124] 1189, 1205
Keogh, Mr., Appointment of, Address moved, [127] 1376, 1378, 1379; [128] 132; Com. moved for, 356, 361, 374, 375
Kirwan, Mr., Case of—The Irish Magistracy, Address moved, [126] 1
Land Improvement (Ireland), Com. [126] 1300
Magistracy (Ireland), Address moved, [124] 1362
Six-Mile Bridge Affray, Correspondence moved for, [128] 720

Egmont, Earl of
Navy, Manning the, [124] 346

Elcho, Lord, *Haddingtonshire* (Lord of the Treasury, Earl of Aberdeen's Administration)
Sheriff Courts (Scotland) (No. 2.) Com. [126] 1221; 2R. [127] 170; Com. *cl.* 28, [128] 914
Universities (Scotland) 2R. [129] 166, 184, 193, 195, 199

Election Committees and Petitions,
Athlone, *c.* Report, [125] 1015
Barnstaple, *c.* Report, [126] 157; Address moved (Hon. W. O. Stanley), [127] 136;
l. Conference, [127] 197; Address moved (Earl of Aberdeen), [128] 789

[*cont.*

Election Committees and Petitions—cont.

Berwick-on-Tweed, c. Report, [126] 450 ; New Writ moved, Amend. (Mr. Phinn), 1125, [*o. q.* A. 218, N. 60, M. 158] 1141 ; Com. moved for (Mr. Mitchell), 1381 ; [127] 647 ; Amend. (Sir W. Jolliffe), 648

Blackburn, c. Report, [124] 545 ; That the Evidence be laid on the Table (Sir J. Shelley), 1045 ; Adj. Debate, 1268 ; Amend. (Mr. Sotheron), 1278 ; Amend. withdrawn, 1286 ; New Writ moved (Mr. W. Patten), [125] 223 ; Amend. (Sir J. Shelley), 226 ; Amend. withdrawn, 233

Bolton, c. Report, [126] 908

Bridgenorth, c. Mr. F. Dundas ordered to be discharged, [124] 179 ; Report, 734 ; That the Evidence be laid on the Table (Sir J. Shelley), 875 ; That the Writ be suspended till 15th March, 881 ; Petition (Sir J. Shelley), [125] 36 ; New Writ moved (Rt. Hon. G. C. Forester), 233 ; Amend. (Sir J. Shelley), 235, [*o. q.* A. 184, N. 50, M. 134] 246

Bury St. Edmunds, c. Mr. Martin's Attendance dispensed with, [127] 708 ; Report, 1207

Cambridge, c. Report, [124] 800 ; Address moved (Rt. Hon. R. V. Smith), [125] 728 ;

l. Address moved (Earl of Aberdeen), [126] 904

Canterbury, c. Report, [124] 347 ; Address moved (Mr. K. Seymer), [125] 204 ; New Writ moved (Sir W. Jolliffe), [129] 1414 ; Amend. (Lord J. Russell), 1415 ; Papers moved for (Mr. Craufurd), 1726 ; Motion withdrawn, 1732

l. Conference, [125] 286 ; Question (Earl of Derby), 307 ; Motion (Earl of Aberdeen), 901

Chatham, c. Report, [124] 1286, 1358 ; Motion (Hon. L. King), 1431 ; New Writ moved (Mr. Collier), [126] 871 ; Motion (Sir J. Shelley), 1049, [A. 78, N. 108, M. 110] 1875 ; —see *Dockyard Appointments and Promotion*

Clare, c. Report, [127] 1297 ; New Writ moved (Mr. J. D. Fitzgerald), 1298

Clitheroe, c. Report [124] 733 ; That the Writ be suspended till 11th April, 928 ; Address moved (Mr. Gaskell), [125] 1019, [A. 141, N. 58, M. 83] 1032 ; Report, [129] 1089

l. Question (Lord Lyndhurst), [126] 146 ; Observations (Lord Beaumont), [127] 211

Cockermouth, c. Report, [126] 32

Dartmouth, c. Report, [125] 1015

Derby, c. Petition (Sir A. Cockburn), [123] 128, 254 ; Petition withdrawn, 257 ; Com. moved for, 717, 816 ; Report, 1569 ; [124] 1348

Durham, c. Com. moved for (Mr. Bentinck), [127] 137 ; Adj. moved (Visct. Palmerston), [A. 107, N. 74, M. 33] 148 ; Attendance of Mr. Duncan dispensed with, 706 ; Adj. Debate, 956 ; Adj. moved (Visct. Palmerston). [A. 80, N. 89, M. 9] 962 ; Adj. moved (Hon, J. E. Elliott), 963 ; Motion withdrawn, 964 ; Report, 1299 ; Nomination of Committee, [128] 231 ; Amend. (Mr. Hutt), 232

Frome, c. Report, [124] 734

Gloucestershire, West, c. Observations (Mr. Thornely), [123] 977 ; Petition (Mr. Hume), 1152

Guildford, c. Report, [124] 1220

Harwich, c. Report, [126] 1234 ; New Writ moved (Sir J. Tyrell), 1318 ; Adj. moved (Rt. Hon. B. Disraeli), 1321, [A. 177, N. 116, M. 61] 1322 ; [128] 143 ; Amend. (Sir J. Shelley), 144 ; Amend. withdrawn, 154, [A. 247, N. 102, M. 145] 155

[*cont.*

Election Committees and Petitions—cont.

Huddersfield, c. Report, [125] 202

Kingston-upon-Hull, c. Report, [124] 1220 ; Address moved (Rt. Hon. H. Labouchere), [125] 596

l. Commission moved for (Earl of Aberdeen), [126] 145

Knaresborough, c. Report, [126] 450

Lancaster, c. Report, [124] 347 ; New Writ moved (Mr. W. Brown), [125] 642 ; Amend. (Mr. Thornely), 643 ; Amend. withdrawn, 646

Liverpool, c. Report, [128] 533 ; New Writ moved (Mr. Freshfield), 940 ; Adj. Debate, 1077

Maidstone, c. Report, [126] 303 ; New Writ moved (Mr. Craufurd), 875

Maldon, c. Report, [125] 433 ; Commission moved for (Lord R. Grosvenor), [126] 122, [A. 69, N. 48, M. 21] 124 ; New Writ moved (Mr. T. Chambers), [127] 377 ; Motion withdrawn, 378

l. Conference, [126] 146 ; Address moved (Earl of Aberdeen), [127] 777

Mayo, c. Report, [126] 130

New Ross, c. Report, [125] 1348

New Windsor, c. Report, [125] 521 ; Petition (Mr. Cobden), 522

Newry, c. Report, [124] 553

Norwich, c. Petition (Mr. T. Duncombe), [124] 549 ; Question (Mr. F. Mackenzie), 649 ; Com. moved for, 740

Peterborough, c. Com. moved for (Mr. Bright), [129] 381, 544, 656, 759 ; Report, 1726

Plymouth, c. New Writ moved (Sir J. Buller), [127] 647

Rye, c. Report [124] 1221 ; New Writ moved (Rt. Hon. H. Tufnell), [126] 1008 ; Adj. Debate, 1218 ; [127] 290 ; Amend. (Sir C. Burrell), *ib.* ; Adj. moved (Mr. Spooner), 292, 374 ; Adj. moved (Sir J. Shelley), [A. 52, N. 193, M.. 141] 375, [*o. q.* A. 118, N. 99, M. 19] 377

Sligo (Borough), c. Report, [127] 1207 ; New Writ moved (Mr. J. D. Fitzgerald), [128] 125 ; Amend. (Mr. I. Butt), 127 ; Adj. moved (Mr. V. Scully), 129, [A. 160, N. 21, M. 139] 130 ; Adj. Debate, Adj. moved (Mr. Macartney), 680, [A. 19, N. 86, M. 67] 684 ; Petition (Mr. I. Butt), [129] 1818

Southampton, c. New Writ moved (Rt. Hon. W. G. Hayter), [123] 1742 ; R. E. Bower committed, [124] 1357 ; R. E. Bower's Petition (Mr. H. Herbert), [125] 34 ; Discharged, 36 ; Report, 285 ; New Writ moved (Rt. Hon. W. Hayter) [illegible]

Taunton, c. Report, [124] 1348 ; [128] 603

Tavistock, c. Report, [124] 347

Totness, c. Report, [126] 908

Tynemouth, c. Report, [125] 1208 ; Address moved (Sir B. Hall), [126] 1380

l. Conference, [127] 1 ; Address moved (Earl of Aberdeen), [128] 789

Waterford, c. Absence of one of the Members, Com. discharged, [124] 648 ; Report, 1069

Yarmouth, c. Com. moved for (Rt. Hon. T. M. Gibson), [123] 1199

Elections, Bill,

c. Leave, [124] 162 ; 1R.* 164 ;
2R. [127] 148 ; Com. *cl.* 1, [128] 233 ; Amend. (Mr. Frewen), 234 ; *cl.* postponed, 236, 1362 ;

[*cont.*

Elections Bill—continued.
cl. 3, 236 ; *cl. neg.* 237 ;
add. cl. (Mr. G. Butt), 237 ;
add. cl. (Capt. Scobell), 240 ;
3R.* [129] 270
l. 1R.* [129] 343 ;
2R. 975 ; Rep.* 1045 ; 3R.* 1137
Royal Assent, 1709

Elections, Bribery at,
l. Observations (Lord Brougham), [124] 630, 1382

Elections, Corrupt Practices at, Bill,
c. 1R.* [129] 1451 ;
2R. 1699

Elections, Corrupt Practices at, Commissions of Inquiry—Supply,
c. [129] 1308

Elections, Expenses of, Bill,
c. 1R.* [126] 1314 ;
2R. [127] 373 ;
Com. [128] 1325 ; Amend. (Col. Sibthorp), 1327, [*o. q.* A. 89, N. 10, M. 79], 1330 ;
cl. 1, Amend. (Mr. Barrow), 1330 ; Amend. *neg.* 1331 ;
cl. 2, Amend. [*o. q.* A. 60, N. 70, M. 19] ; [*m. q.* A. 99, N. 17, M. 82] 1334 ;
cl. 3, 1334 ;
cl. 5, 1336 ; *cl.* struck out, 1337 ;
cl. 6 struck out, *ib.* ;
Rep. Amend. (Col. Sibthorp), [129] 342 ; [A. 60, N. 66, M. 67] 343 ;
Re-Com. Amend. (Col. Sibthorp), [*o. q.* A. 85, N. 19, M. 66] 1236 ;
cl. 1, Amend. (Hon. F. Cowper), 1238 ; Amend. (Mr. Malins), [*r. p.* A. 47, N. 84, M. 37] 1242 ; [*o. q.* A. 48, N. 73, M. 25] *ib.* ; Amend. (Mr. W. F. Hume), [*r. p.* A. 66, N. 45 M. 21] 1243

Elections, Polling at, Amendment Bill,
l. 1R.* [128] 1410 ;
2R. [129] 261 ; Order discharged, 268

Electric Telegraph (Continental)—Supply,
c. [129] 1412

ELLENBOROUGH, Earl of
Armenians, The—Government of India, [125] 520, 521
Ava, War with, [124] 526, 544 ; [125] 1187 ; [127] 1199, 1206
City Address to the Emperor of the French, [125] 513, 515
Commercial Legislation—Free Trade, [123] 820
Company's European Troops (India), 1R. [128] 1201 ; 2R. 1361, 1362
Foreign Seamen, [127] 194
India, Affairs of, [124] 631, 646 ; [125] 1, 706 ; [127] 309, 561, 566 ; Correspondence moved for, [128] 3
India, Army in, Returns moved for, [129] 250, 260
India, Government of, 2R. [129] 1349 ; Com. *cl.* 2, Amend. 1427, 1429, 1430, 1431 ; *cl* 3, Amend. 1433, 1434 ; *cl* 6, Amend. *ib.*, 1437, 1438, 1439 ; *cl.* 9, Amend. 1440 ; *cl.* 13, Amend. *ib.*, 1442 ; *cl.* 21, *ib.* ; *cl.* 22, Amend. [*cont.*

ELLENBOROUGH, Earl of—*cont.*
1443, 1445 ; *cl.* 23, Amend. ; *cl.* 26, Amend. *cl.* 30, 1446 ; *cl.* 33, 1447 ; *cl.* 35, 1448 ; *cl.* 44, Amend, 1450
India, Public Works in, [126] 891, 897
Mercantile Marine, Returns moved for, [125] 131 ; [127] 316
Merchant Shipping, Com. [129] 672
Oaths, Alteration of, Com. Amend. [127] 1020
Parsee Merchants, Case of, [129] 1661
Russia and Turkey, [128] 1350 ; [129] 1426, 1647
Sandon, Lieut., Courts Martial upon, [127] 492
Seamen, Entry of, Com. *cl.* 8, [129] 1247
Seamen, Foreign, [125] 791
Soap Duties, 3R. [128] 1362 ; Amend. 1365, 1366
Statutes, Consolidation of the, [125] 138
Transportation, Com. *cl.* 8, [129] 353
Vaccination Extension, 2R. [125] 517, 518 ; Com. 1013 ; *cl.* 8, 1112 ; *cl.* 9, 1114

ELLICE, Rt. Hon. E., *Coventry*
Consolidated Fund and National Redemption Acts, Res. [125] 843
Edinburgh and Canongate Annuity Tax Abolition 2R. [129] 466
Guards, Colonelcies of the, [124] 748
India, Government of, Com. *cl.* 9, [129] 232, 233 ; *cl.* 10, 308 ; *cl.* 12, 332
Kilmainham Hospital, Address moved, [125] 1973
Railway and Canal Bills, [123] 831, 832

ELLICE, Mr. E., *St. Andrews, &c.*
Burghs (Scotland), Rep. *add. cl.* [125] 1077
Bury St. Edmunds Election Committee, Mr. Martin's Attendance dispensed with, [127] 708
Navy Estimates, [124] 374
Public Houses (Scotland), Rep. [128] 1201
Sheriff Courts (Scotland), Com. [126] 752 ; 2R. [127] 168

ELLIOT, Hon. J. E., *Roxburghshire*
County Elections Polls, 2R. [123] 470
County Elections Polls (Scotland), Com. *cl.* 1 ; Amend. [125] 1078, 1079
Durham Election Petitions, Com. moved for, Adj. moved, [127] 963
Election Expenses, Com. [128] 1328 ; *cl.* 5, 1366
India, Government of, Com. *cl.* 3, [129] 53 ; *cl.* 10, 310 ; *cl.* 31, 571, 579 ; *cl.* 32, 665 ; *add. cl.* 771
Public Houses (Scotland), Com. *cl.* 1, [126] 128 ; Rep. *add. cl.* [128] 1201
Sheriff Courts (Scotland) (No. 2), 2R. [127] 186

ELPHINSTONE, Lord
India, Government of, Com. *cl.* 6, [129] 1437

Emigration—Supply,
c. [127] 424

Emigration to Australia,
c. Question (Mr. Hildyard), [124] 36

Enderby, Mr.—The Auckland Islands,
c. Question (Mr. Miller), [123] 1155

Engledue, Lieut., his Case,
c. Motion (Sir G. Pechell), [126] 876

Entails (Scotland) Bill,
c. 1R.* [126] 303; 2R.* 796;
Consideration Amend. (Mr. Dunlop), 1284, [*o. q.* A. 124, N. 24, M. 96] 1285;
3R.* [127] 566
l. 1R.* [127] 650; 2R.* [129] 512; Rep.* 833; 3R.* 1137
Royal Assent, 1824

Episcopal and Capitular Property Bill,
c. Leave, [128] 505; 1R.* 534;
2R. [129] 1214; Amend. (Mr. Wigram), 1218; Amend. and Motion withdrawn, 1236

Evans, Major Gen. Sir De Lacy, *Westminster*
Address in Answer to the Speech, Report, [123] 137
Army Estimates, [124] 686, 688, 691
Assistant Judge (Middlesex Sessions), 3R. [129] 431, 432
Budget, The, 1155; Financial Statement, Res. [123] 1435
Carriages, Duty on, Leave, [125] 1034, 1041
County Franchise, Leave, [126] 1049
Cruelty to Animals, 2R. [124] 1344
Drainage, Great London, 2R. [124] 1334
Elections, Expenses of, Re-Com. *cl.* 1, [129] 1242
Harwich Election, New Writ moved, [126] 1318
Hill, Mary, Case of, [125] 310
India, Government of, Com. *add. cl.* [129] 830; Lords Amends. 1725
Kaffir War, The, [123] 1434
Letter Carriers, [124] 849
Lighting and Ventilating the House, [124] 180
Metropolitan Improvements, Com. [124] 1444
Parliamentary Electors, Leave, [123] 823; 2R. 1144, 1148, 1150
Peace Society, The, and the Militia, [124] 652
Russia and the Porte, [129] 1463
Seamen, Entry of, Com. *cl.* 1, [129] 756
Supply—Oxford and Cambridge Professors, [127] 419;—Kaffir War, [129] 1461
Thames Embankment, Com. [129] 430
University Reform, [123] 822
Wellington, Duke of, Funeral of the, [123] 145
Westminster Bridge, [123] 295; [125] 202

Evelyn, Mr. W. J., *Surrey, W.*
Army Estimates, [124] 689
Health, Public, Act of 1848, [124] 1356
Sewers, Metropolitan, Act Continuance, Com. [129] 1587
Sligo, Borough, New Writ moved, [128] 682, 684

Evidence and Procedure, Law of, Bill,
l. 1R.* [123] 164;
2R. [124] 1363;
Observations (Lord Brougham), [126] 1222;
The Bill is divided, [127] 293

Evidence and Procedure Bill,
l. 1R. [127] 293;
2R. 555;
3R. 1196;

Evidence, Law of, Act Amendment Bill (Evidence and Procedure Bill),
c. 1R.* [128] 143; 2R.* 726
l. Observations (Lord Brougham), [129] 244
c. Rep.* [129] 1598;
3R. 1681
l. Royal Assent, [129] 1823

Evidence, Law of (Scotland) Bill,
l. 1R. [123] 176;
2R. 394; Rep.* 697;
3R. 789;
c. 1R.* [124] 1069; 2R.* [125] 433; 3R.* 922
l. Royal Assent, [126] 1286

Ewart, Mr. W., *Dumfries, &c.*
Attorneys and Solicitors' Certificate Duty, 2R. [129] 484
Burghs (Scotland), Rep. *add. cl.* [125] 1077
Call of the House, [123] 269
Canterbury Election, Address moved, [125] 212
Currants and Raisins—The New Customs Tariff, [126] 304
Customs Acts, [128] 904
Diplomatic Service, Examination of Candidates for the, [123] 245; [125] 879
Education, Leave, [125] 549
Episcopal and Capitular Property, Leave, [128] 531
"Household Narrative," The, [125] 164
Import Duties, [124] 1029
India, Government of, Com. *cl.* 12, [129] 332; That the Bill do pass, 1010
India, Legislative Council of, [128] 382
Judges' Exclusion, 2R. [125] 1089
Knowledge, Taxes on—The Advertisement Duty, [125] 1145
Letter Carriers, [124] 844
Man, Isle of—Fiscal Changes, [126] 908
Midnight Legislation, [123] 159
National Gallery, The, Com. moved for, [124] 1308
New Trials (Criminal Cases), 2R. [127] 977
Parliamentary Papers, Com. moved for, [123] 1066
Public Houses (Scotland), Com. *cl.* 1, [126] 125
Select Committees, Com. moved for, [125] 246, 252
Sheriff Courts (Scotland) (No. 2), Leave, [124] 1297; Com. [126] 753, 1220; 2R. [127] 159, 160
Sugar Duties, Returns moved for, [123] 1190
Supply—National Gallery, [123] 1032, 1034
Transportation, 3R. [129] 1698

Examiners, Office of (Court of Chancery) Bill,
c. Leave, [124] 96; 1R.* 122;
2R. 333; Amend. (Mr. Mullings), 334; Amend. withdrawn, *ib.*;
Com. 390;
cl. 2, 392, [A. 72, N. 30, M. 42] 393; Amend. (Mr. Mullings), 772, [*o. q.* A. 127, N. 61, M. 66] 774; 2nd Amend. *ib.*; Amend. withdrawn, 781
cl. 3, Amend. (Mr. Mullings), 465; Amend. withdrawn, 466; That the blank be filled with "twenty," [A. 37, N. 20, M. 17] *ib.*;
[*cont.*

Examiners' Office, &c. Bill—cont.
3R. [124] 1150
l. 1R.* [124] 1161 ; 2R.* [125] 1 ;
Com. 148 ;
Petition (Lord Brougham), 175 ;
3R.* 286
Royal Assent, [126] 1286

EXCHEQUER, CHANCELLOR OF THE, *see* CHANCELLOR OF THE EXCHEQUER

Exchequer—Supply,
c. [127] 406

Exchequer Bills Bill,
c. 1R.* [126] 908 ; 2R.* 1125 ; 3R.* [127] 79
l. 1R.* [127] 1 ; 2R.* 194 ; 3R.* 194
Royal Assent, 293

Exchequer Bills, Reduction of Interest upon,
c. Question (Mr. Masterman), [124] 403

Exchequer Loan Fund,
c. Question (Mr. Rich), [124] 735

Excise Duties on Spirits Bill,
c. 1R.* [126] 1234 ;
Question (Mr. Craufurd), [127] 216 ; (Capt. Jones), 430 ;
2R. 380 ;
Com. *cl.* 1 ; Amend. (Capt. Jones), 1389, [*o. q.* A. 100, N. 38, M. 62] 1393 ;
cl. 15, 1395 ;
3R. [128] 412 ; Adj. moved (Mr. Conolly), 413, [A. 34, N. 113, M. 79] 418 ; Adj. moved, (Lord Naas), *ib.* [A. 28, N. 109, M. 81] 423 ; 2nd Div. [A. 21, N. 103, M. 82] 425 ; Adj. moved (Col. Dunne), *ib.* [A. 15, N. 94, M. 76] 426 ; Adj. Debate, 674 ; *add. cl.* (Mr. Bowyer), 675 ; *cl. neg.* 676 ;
That the Bill do pass, [A. 121, N. 41, M. 80] 678
l. 1R.* [128] 685 ; 2R.* 779 ; Rep.* 942
3R. 1161
Protest (Lord Monteagle), 1472 ;
Royal Assent, 1409

Excise Prosecutions,
c. Return moved for (Mr. Gregson), [127] 134

EXETER, Bishop of
Canada (Clergy Reserves), Address moved, [124] 98, 718, 727
Church in the Colonies, [125] 422, 424, 427
Clergy Reserves (Canada), 2R. Amend. [126] 258, 302 ; Com. *cl.* 1, 444
Six-Mile Bridge Affray, Papers moved for, [125] 399

Expenditure of Public Money,
c. Motion (Mr. W. Williams), [125] 1041 ; Motion withdrawn, 1054

Factories Act, The,
c. Question (Lord J. Manners), [124] 738

Factories Bill,
c. Leave, [128] 1251 ; 1R.* 1325

Factories, Employment of Children in, Bill,
c. 1R.* [129] 376 ; 2R.* 534 ; 3R.* 1153
l. 1R.* [129] 1243 ; 2R.* 1605 ; Rep.* 1708 ; 3R.* 1752
Royal Assent, 1824

Factories, Inspectors of—Supply,
c. [127] 407

FAGAN, Mr. W. T., *Cork, City*
Address in Answer to the Speech, Report, [123] 130
Education (Ireland), Com. moved for, Adj. moved, [126] 615, 616
Income Tax, The, Com. [126] 475
Maynooth College, Com. moved for, [124] 487
Ministers' Money (Ireland), Com. moved for, [123] 782, 804 ; [124] 181
Nunneries, Inspection of, Leave, [127] 125
Personal Liberty, Recovery of, 2R. [128] 557

Falkland Islands—Supply,
c. [127] 449 ; Amend. (Sir J. Shelley), 450, [A. 33, N. 86, M. 53] 451

FEILDEN, Mr. M. J., *Blackburn*
Factories, Leave, [128] 1265

FELLOWES, Mr. E., *Huntingdonshire,*
County Rates and Expenditure, Com. *cl.* 4, [125] 282

FERGUS, Mr. J., *Fifeshire*
County Elections Polls (Scotland), Com. *cl.* 2, [125] 1079
Merchant Shipping, Com. *cl.* 5, [128] 1219
Public Houses (Scotland), Com. *cl.* 1, [126] 127
Sheriff Courts (Scotland) (No. 2), Leave, [124] 1299

FERGUSON, Sir R. A., *Londonderry, City*
Income Tax, Com. *cl.* 16, [127] 1057
Leasing Powers (Ireland), Com. *cl.* 8, Amend. [128] 246
Metropolitan Improvements, 2R. [124] 696

FERGUSON, Mr. R., *Kirkaldy*
Episcopal and Capitular Property, Leave, [128] 532
Harwich Election, New Writ moved, [128] 144

FEVERSHAM, Lord
Poor Removal, 2R. [127] 1032

FILMER, Sir E., *Kent, W.*
Sligo Borough, New Writ moved, [128] 681

Financial Statement—The Budget (Earl of Derby's Administration),
c. [123] 835 ; Question (Mr. Hume), 1154 ; That Mr. Speaker do leave the Chair, 1214 ; Res. (Chancellor of the Exchequer), 1245 ; Amend. (Mr. W. Williams), 1248 ; Amend. withdrawn, 1254 ; Adj. Debate, 1315, 1435, 1570 ; Amend. (Mr. Spooner), 1586 ; Amend. withdrawn, 1588, [A. 286, N. 305, M. 19] 1693

Financial Statement—The Budget (Earl of Aberdeen's Administration),
c. Res. (Chancellor of the Exchequer), [125] 1350; Com. [126] 453; Amend. (Sir E. B. Lytton), 462; Adj. Debate, 682, 804, 912, [*o. q.* A. 323, N. 252, M. 71] 1004, 1167; Amend. (Hon. C. Lawless), 1168; Motion (Mr. J. Ball), 1193; Adj. Debate, 1239, [*o. q.* A. 286, N. 61, M. 225] 1240, 1245; Amend. (Mr. J. D. Fitzgerald), 1258; Motion *neg.* 1279; Amend. (Mr. Michell), *ib.*; Amend. withdrawn, 1283; Amend. (Mr. R. Palmer), 1331, [A. 201, N. 276, M. 75] 1375;—*Income Tax,* Com. [127] 235; Amend. (Mr. Vansittart), 239, [A. 60, N. 120, M. 60] 258;—*Succession Duties,* [127] 258, 325; Amend. (Mr. Freshfield), 341; Motion *neg.* 370

Fisheries, Colonial,
l. Question (Earl of Malmesbury), [126] 146

Fisheries (Ireland) Bill,
c. 1R.* [124] 977

Fisheries (Ireland, No. 2) Bill,
c. 1R.* [128] 600

FITZGERALD, Sir J. F., *Clare*
India, Affairs of, [125] 69
India, Government of, Com. *cl.* 27, [129] 568; That the Bill do pass, 1011; Lords Amends. 1724
Kilmainham Hospital, Address moved [125] 1064
Maynooth College, Com. moved for, [124] 923
Six-Mile Bridge—Coroner's Inquest, Report moved for, [123] 201
Soldiers at Elections (Ireland), Leave, [126] 1075

FITZGERALD, Mr. J. D., *Ennis*
Attorneys and Solicitors' Certificate Duty, Leave, [124] 1399
Charitable Trusts, 3R. [129] 1486
Clare Election, New Writ moved, [127] 1298
Common Law, Courts of (Ireland), 2R. [123] 752; Com. *cl.* 10, [127] 1285; *cl.* 32, 1288; *cl.* 38, 1290, 1292, 1293; *cl.* 63, 1293, 1294
Crown Solicitors (Ireland), Papers moved for, [124] 1042, 1044
Duffy, Mr., Case of, [126] 1217
Ecclesiastical Courts, Com. moved for, [124] 871
Ecclesiastical Revenues (Ireland), Com. moved for, [127] 951
Income Tax, The, Com. Amend. [126] 1254, 1272
India, Government of, Com. *cl.* 32, [129] 668
Indian Territories Committee, [124] 1429
Land, &c., Sale of (Ireland), Leave, [126] 653
Land Improvement (Ireland), Com. *cl.* 36, [124] 1348; 3R. Amend. [125] 172
Landlord and Tenant (Ireland), Com. *cl.* 7, [128] 730
Leasing Powers (Ireland), Com. *cl.* 5, [128] 243; *cl.* 10, 728
Malicious Injuries (Ireland), 3R. [128] 905
[*cont.*

FITZGERALD, Mr. J. D.—*continued.*
Personal Liberty, Recovery of, 2R. [129] 508
Probate of Wills, &c. 2R. [126] 1078
Six-Mile Bridge Affray, Papers moved for, [125] 343, 361, 898
Sligo Borough, New Writ moved, [128] 125, 128, 681
Supply—Naval Coast Volunteers, [129] 1562
Taxing Officer, Common Law Business (Ireland), Com. [127] 1397, 1399
Tenant Right (Ireland), 2R. [123] 1528
Tenant Compensation (Ireland), Com. *cl.* 10, [129] 636

FITZGERALD, Mr. W. R. S., *Horsham*
India, Government of, Com. *cl.* 6, [129] 229

FITZROY, Hon. H., *Lewes* (Under Secretary for the Home Department, Earl of Aberdeen's Administration)
Assaults, Aggravated, Leave, [124] 1414, 1421; Com. *cl.* 1, [125] 670, 674, 677; Proviso, 684, 685
Bethlehem Hospital, [123] 128; [125] 34
Budget, The, [123] 916
Commercial Legislation—Free Trade, [123] 627
County Rates and Expenditure, Com. [125] 265; Com. *cl.* 4, [127] 192
Cruelty to Animals, 2R. [124] 1342
Elections, Com. *add. cl.* [128] 240
Hackney Carriages (Metropolis), Leave, [126] 231, 910; Com. [127] 426; *cl.* 1, 487; *cl.* 2, 488; 3R. 834, 835, 1018
Jewish Disabilities, 3R. [125] 1282
Militia, Enlistment for the—The Peace Society, [124] 358
Religious Persecution—The Madiais, [124] 235
Supply—Insolvent Debtors Courts, [127] 413

FITZWILLIAM, Earl
House, Rules of the, [126] 1289, 1290, 1291
Ministerial Policy, [124] 14, 16
Poor Laws, [127] 209
Russia and Turkey, [128] 1355; [129] 91
Succession Duties, Com. moved for, [127] 699

FITZWILLIAM, Hon. G., *Peterborough*
Peterborough Election, Com. moved for, [129] 387

FLOYER, Mr. J., *Dorsetshire*
Holme Reservoirs (No. 2), 3R. [128] 603
Lunatic Asylums, Com. *cl.* 95; Amend. [129] 832
Transportation, Com. [129] 1556

FORBES, Mr. W., *Stirlingshire*
Elections, Expenses of, Rep. [129] 342
Sheriff Courts (Scotland) (No. 2), Leave, [124] 1301; 2R. [127] 170
Universities (Scotland), 2R. [129] 190

Foreign Affairs—The French Empire,
l. Question (Lord Stanley of Alderley), [123] 969

FORESTER, Rt. Hon. G. C. W., *Wenlock*
Address in Answer to the Speech, Her Majesty's Reply, [123] 147
Bridgenorth Election, New Writ moved, [125] 233
Durham Election Petitions, Com. moved for, [127] 146
Railway Amalgamation—Railway and Canal Bills, [124] 124
Southampton, New Writ for, [123] 1742
Wellington, Duke of, Funeral of the, [123] 129

FORSTER, Mr. C., *Walsall*
Income Tax, The, Com. [126] 831

FORSTER, Mr. M., *Berwick-on-Tweed*
Assurance Associations, Com. moved for, [124] 1328
Customs Reform, [126] 218
Pilotage, 2R. [125] 580

FORTESCUE, Earl
Polling at Elections, Amendment, 2R. [129] 263

FORTESCUE, Mr. C. S., *Louth*
Communication between England and Ireland, Com. moved for, [126] 557
Income Tax, The, Com. [126] 736; *cl.* 13, [127] 1052
Indian Territories Committee, [124] 1425
Maynooth College, Com. moved for, [124] 505
Ministers' Money (Ireland), Com. moved for, [123] 803
Oaths, Com. moved for, [124] 1413
Parliamentary Papers, Com. moved for, [123] 1068

FOX, Mr. R. M., *Longford*
Income Tax, The, Com. [126] 1278
Landlord and Tenant (Ireland), Com. *cl.* 10, Amend. [128] 1370; *cl.* 36, 1414
Merchant Shipping, Com. *cl.* 5, [128] Amend. 1218, 1219; 3R. [129] 1133
Partnerships of Limited Liability, Com. moved for, [123] 1085
Pilotage, 2R. [125] 585
Sligo Borough, New Writ moved, [128] 128, 130
Supply — Nonconformist, &c. Ministers (Ireland), [127] 483
Tenant Right (Ireland), 2R. [123] 1140, 1143
Tenant Compensation (Ireland), Com. *cl.* 10, [129] 636

FOX, Mr. W. J., *Oldham*
Charitable Trusts, 3R. [129] 1494
Chatham Election, [126] 1061
Education, Leave, [125] 554
Factories, Leave, [128] 1282
Hackney Carriage Duties, 3R. *add. cl.* [129] 1594
Hackney Carriages (Metropolis), Report, [127] 547
Maynooth College, Com. moved for, [124] 898
Supply — Public Buildings (Ireland), [127] 403

France,
l. Question (Lord Stanley of Alderley), [123] 969; Observations (Earl of Malmesbury), 971;—*City Address to the Emperor,* Question (Lord Campbell), [125] 506
Naval Force of, *c.* Question (Mr. Cobden), [124] 85; — *Relations with,* Question (Rt. Hon. B. Disraeli), 246; Observations (Chancellor of the Exchequer), 980

Freight Money (*Greenwich Hospital*),
c. Return moved for (Sir G. Pechell), [123] 221

FRENCH, Mr. F., *Roscommon, Co.*
Army Estimates—Kilmainham Hospital, [124] 770
Ballot, The, Leave, Adj. moved, [128] 926
Bridgenorth Election Committee, [124] 879; New Writ moved, [125] 238
Business of the House, [125] 446
Canterbury Election, Papers moved for, [129] 1731
Carolina, South—Imprisonment of British Subjects, Correspondence moved for, [128] 131
Carriages, Duty on, Leave, [125] 1039, 1041
Clare Election, New Writ moved, [127] 1298
Committees, The Chairmanship of, [125] 808
Consolidated Annuities (Ireland), [125] 748, 758
Crown Solicitors (Ireland), [124] 1044
Election Petitions—West Gloucestershire Election, [123] 978
Hackney Carriage Duties, 3R. [129] 1593
Income Tax, The, Com. [126] 718, 1250, 1251, 1252; [127] 510; *cl.* 31, 791; *cl.* 35, 803; *cl.* 13, 1043, 1044, 1046; *cl.* 16, 1055
Indian Territories Committee, [124] 1422, 1423, 1429
Irish Members and the Government, [127] 221
Kossuth, M.—Seizure of Warlike Stores, [126] 802
Land Improvement (Ireland), Com. *cl.* 23, [124] 1347; 3R. [125] 172
Land Tax Redemption Act Amendment, Leave, [129] 1708
Leasing Powers (Ireland), Com. *cl.* 5, [128] 842; *cl.* 35, 729
Levees of the Lord Lieutenant, [125] 152
Merchant Shipping, Com. *cl.* 4, [128] 1218
"Novello," The Ship, Com. moved for, [124] 840
Precedence in Resumed Debate, [126] 1240, 1243
Railways, Accidents on, [125] 610
Select Committees, Com. moved for, [125] 251
Southampton, New Writ moved for, [123] 1743
Supply—Corrupt Practices at Elections, Commissions of Inquiry, [129] 1310;—Naval Coast Volunteers, 1560

French Empire—Foreign Affairs,
l. Question (Lord Stanley of Alderley), [123] 969; Observations (Earl of Malmesbury), 971;—*City Address to the Emperor,* Question (Lord Campbell), [125] 506
c. *Naval Force of,* Question (Mr. Cobden), [124] 85;—*Relations with,* Question (Rt. Hon. B. Disraeli), 246; Observations (Chancellor of the Exchequer), 980

FRESHFIELD, Mr. J. W., *Penryn and Falmouth*
County Rates and Expenditure, 2R. [124] 475; Com. [125] 262; *cl.* 1, 266, 271; *cl.* 3, 273; *cl.* 4, 285, 1107; [129] 148

[*cont.*

Freshfield, Mr. J. W.—*continued.*
Income Tax, Com. *cl.* 31, [127] 794, 1037
Liverpool Election, New Writ moved, [128] 940
Lunatic Asylums, Com. *cl.* 44, [129] 832
Lunatics, Care and Treatment, 3R. *add. cl.* [129] 1603
Succession Duties, The, [127] 286 ; Amend. 338
Succession Duty, Com. [128] 79 ; *cl.* 19, 432 ; *add. cl.* Amend. 1399, 1400 ; Rep. Amend. [129] 206 ; 3R. Amend. 398

Frewen, Mr. C. H., *Sussex, E.*
Benefices, Union of, 2R. [124] 884, 888, 889
Budget, The—Financial Statement, [123] 919, 1154 ; Res. [125] 1425
Cathedral Appointments, 3R. *add. cl.* [124] 1437
Communication between England and Ireland, Com. moved for, [126] 556
County Elections Polls, 3R. [124] 158
County Rates and Expenditure, Com. *cl.* 1, [125] 271
Elections, Com. *cl.* 1, Amend. [128] 233, 235
Hackney Carriage Duties, Com. *add. cl.* [129] 969 ; Rep. Amend. 1136, 1137
Hop Duty, Res. [124] 182, 194
Income Tax, Com. *cl.* 1, Amend. [127] 543 ; *cl.* 33, 795, 796 ; *cl.* 34, 802 ; *cl.* 9, Amend. 1037, 1039
Land Tax Commissioners' Names, Com. [124] 90
Leicester, Day Mail to, [123] 208
Nunneries, Inspection of, Leave, [127] 103
Parliamentary Electors, 2R. Amend. [123] 1145
Railway and Canal Bills, Nomination of Com. [123] 1203
Rye Election, New Writ moved, [126] 1008 ; [127] 293, 375
Succession Duty, Com. *cl.* 21, [128] 468
Supply—Portpatrick Harbour, [127] 398
Vaccination Extension, 2R. [129] 475
Westminster Bridge, 3R. [128] 1140

Friendly Societies Bill,
c. 1R.* [129] 534 ; 2R.* 1395 ; 3R.* 1602
l. 1R.* [129] 1605 ; 2R.* 1751 ; Rep.* 1811 ; 3R.* 1816
Royal Assent, 1824

Friendly Societies (No. 2) Bill,
c. 1R.* [129] 1720

Frome Election Committee,
c. Report, [124] 734

Fuller, Mr. A. E., *Sussex, E.*
Hop Duty, Res. [124] 186

Galloway, Earl of
South Eastern, &c. Railway, 3R. [129] 163

Galway, Viscount, *East Retford*
Dockyard Promotions, Adj. moved, [128] 1325
Election, Expenses of, Com. *cl.* 2, [128] 1334
Excise Duties on Spirits, 3R. [128] 417
Hackney Carriages (Metropolis), 3R. [127] 834
Succession Duty, Com. *cl.* 7, [128] 324 ; *cl.* 25, 1137 ; *cl.* 48, 1384 ; *cl.* 55, 1393 ; Amend. 1396
Tenants' Compensation (Ireland), Com. *cl.* 20, [129] 640

Gardner, Mr. R., *Leicester*
Ecclesiastical Revenues (Ireland), Com. moved for, [127] 899
Wages, Payment of, 2R. [126] 1113

Gaskell, Mr. J. Milnes, *Wenlock*
Clitheroe Election Committee, Report, [124] 733 ; That the Writ be suspended, 928 ; Address moved, [125] 1019
Commercial Legislation—Free Trade, [123] 598
Peterborough Election Committee, Report, [129] 1726
Windsor, New, Election, Report, [125] 521

Geach, Mr. C., *Coventry*
Assurance Association, Com. moved for, [124] 1329
Business, Private, Com. moved for, [125] 252
Combination of Workmen, 3R. [126] 1124
Crystal Palace Company, Consideration, [125] 149
Elections, Expenses of, Rep. [129] 342 ; Re-Com. *cl.* 1, 1242
Health, General Board of, (No. 3), Com. [129] 87
Landlord and Tenant (Ireland), Com. *cl.* 70, [129] 32
Railway and Canal Bills, Nomination of Com. [123] 1203
Savings Banks, 2R. [128] 125

George, Mr. J., *Wexford, Co*
Common Law, Courts of (Ireland, 3R. [123] 768 ; Com. *cl* 38 [127] 1292
Communication between England and Ireland, Com. moved for, [126] 554
Consolidated Annuities (Ireland), [125] 775
County Elections Polls, Com. [123] 813
Customs, &c., Acts, Com. (Butter), [127] 1069
Excise Duties on Spirits, Com. *cl.* 1, [127] 1393
Income Tax, Com. *cl.* 35, [127] 803 ; *add. cl.* 813
Land, &c., Sale of (Ireland), Leave, [126] 657
Landlord and Tenant (Ireland), Leave [123] 343
Leasing Powers (Ireland), Com. *cl.* 5, [128] 243
New Trials (Criminal Cases), 2R. [127] 992
Pilotage, Com. [126] 226
Probate of Wills, &c. 2R. [125] 668
Tenant Right (Ireland), 2R. [123] 1132, 1144

Gibraltar, Complaint against the Governor of,
c. Question (Mr. Bright), [123] 1719

Gibson, Rt. Hon. T. M., *Manchester*
Advertisement Duty, Amend. [128] 1093, 1094, 1097, 1111, 1112
Business, Public, [127] 319, 321, 322 ; [129] 201
Commercial Legislation—Free Trade, [123] 589
County Rates and Expenditure, Leave, [123] 1087 ; 2R. [124] 466, 487 ; Com. [125] 259 ; *cl.* 1, 268 ; *cl.* 3, 273 ; *cl.* 4, 279, 1103, 1109 ; [127] 193 ; [129] 146, 147

[*cont.*

Gibson, Rt. Hon. T. M.—*continued.*

Drainage, Great London, 2R. [124] 1332, 1333, 1338

Education, Leave, [125] 552

France, Relations with, [124] 300

"Household Narrative," The, [125] 157

India, Government of, Com. *cl.* 10, [129] 324

Jews, Admission of, to Parliament, [127] 380

Knowledge, Taxes on—The Advertisement Duty, [125] 1117, 1156

Newspaper Stamp Duties, Leave, [123] 1047, 1048 ; 2R. [129] 242, 244

Newspaper Stamps, Returns moved for, [124] 393

"Novello," The Ship, Com. moved for, [124] 839

Ocean Penny Postage, [129] 1294, 1295

Ordnance Estimates, [124] 793

Parliamentary Reform, [123] 822

Pegu, Annexation of, [127] 434

Sligo Borough, New Writ moved, [128] 680, 684

Succession Duties, The, [127] 288

Yarmouth Petition, Com. moved for, [123] 1199, 1202

Gladstone, Rt. Hon. W. E., *also* Chancellor of the Exchequer, § *Oxford University*

Address in Answer to the Speech, [123] 91

§ Advertisement Duty, Res. [128] 1091, 1093, 1096, 1097, 1106, 1111, 1113, 1121, 1123, 1127, 1128

§ Attorneys and Solicitors' Certificate Duty, Leave, [124] 1391 ; 2R. Amend. [129] 479

§ Budget, The, Financial Statement, Res. [125] 1350, 1399, 1424, 1426

§ Business, Public, [127] 318, 319, 322, 323 ; [128] 427

§ Carriages, Duty on, Leave, [125] 1040

§ Chicory and Coffee, [124] 546, 548

§ Civil Servants of the Crown, [127] 215

§ Clergy Reserves (Canada), 2R. [124] 1138 ; Com. *cl.* 3, [125] 492

§ Coal Dues in the Metropolis, Com. moved for, [124] 97

§ Coffee and Chicory, [125] 314

§ Colonial Church Regulation, 2R. [129] 1211

Commercial Legislation—Free Trade, [123] 484, 519, 531, 680, 695 ;—The Income Tax, 981, 989

§ Consolidated Annuities (Ireland), [125] 754, 762 ; [126] 33

§ Consolidated Fund and National Redemption Acts, Res. [125] 809, 810, 834, 836, 840, 851, 872, 876, 878 ; Rep. 998, 999

§ Criminal Prosecutions (Ireland), Expense of, [127] 441

§ Currants and Raisins—The New Customs Tariff, [126] 304

§ Custom House Reform, [124] 405 ; [126] 212, 216

§ Customs, &c. Acts, Com. Res. [127] 370, 371, 372, 439, 440, 820 ; (Tea Duties), 825, 826, 827, 831, 832, 834 ; (Raisins), 1061, 1354, 1355 ; (Cables), 1063 ; (Pictures), 1065 ; (Apples), 1068 ; (Butter), 1069, 1071 ; (Oranges and Lemons), 1353 ; (Printed Books), 1356 ; (Stockings), 1357 ; (Linen and Cotton Manufactures), 1357 ; (Post Horse Duties), [129] 584 ; (Hackney Carriages), 585

§ Decimal Coinage, [125] 596

[*cont.*

Gladstone, Rt. Hon. W. E.—*continued.*

§ Education, Leave, [125] 573, 576

§ Exchequer Bills, Reduction of the Interest on, [124] 403

§ Exchequer Loan Fund, [124] 735

§ Excise Duties on Spirits, [127] 216, 218, 430 ; Com. *cl.* 1, 1394 ; *cl.* 15, 1395, 1396 ; 3R. [128] 412, 413, 418, 423, 425, 426 ; *add. cl.* 675, 677

§ Expenditure of Public Money, [125] 1049

Financial Statement, Res. [123] 1232, 1311, 1523, 1575, 1666, 1677, 1678, 1686

§ Gold, The value of, [124] 1385

§ Guards, Colonelcies of the, [124] 746

§ Hackney Carriage Duties, Com. *add. cl.* [129] 967, 969

§ Hop Duty, [124] 186

§ "Household Narrative," The, [125] 159, 163

§ Import Duties, [124] 1014, 1032

§ Income Tax, The, Com. [126] 681, 911, 1295, 1270, 1281, 1283, 1353, 1378 ; [127] 239 ; 2R. 439 ; Com. 515 ; *cl.* 1, 538, 540, 543 ; *cl.* 3, 544, 545, 546, 547, 716 ; *cl.* 5, 719, 724, 726, 730, 734 ; *cl.* 7, 735, 736 ; *cl.* 12, 738, 740, 741, 742 ; *cl.* 15, 743, 744, 746 ; *cl.* 20, 747 ; *cl.* 25, 748, 753, 754, 757, 758 ; *cl.* 26, 789, 790 ; *cl.* 29, 790 ; *cl.* 31, 792, 794, 795 ; *cl.* 33, 795, 796, 797, 798, 801 ; *cl.* 35, 802, 803 ; *cl.* 38, 804 ; *cl.* 41, 804 ; *add. cl.* 805, 809, 811, 813, 815, 817, 818, 819, 1037 ; *cl.* 9, 1038 ; *cl.* 13, 1039, 1045, 1046, 1048, 1050 ; *cl.* 15, 1056 ; *cl.* 16, 1056 ; *add. cl.* 1057, 1058, 1059, 1060, 1061 ; 3R. 1208, 1210, 1212 ; That the Bill do pass ; *add. cl.* 1216, 1224, 1228, 1229

§ Indian Territories Committee, [124] 1423

§ Knowledge, Taxes on—The Advertisement Duty, [125] 1147, 1156, 1159

§ Lancaster, New Writ moved for, [125] 644

§ Land Tax Commissioners' Names, Com. [124] 89

§ Land Tax Redemption Act Amendment, Leave, [129] 1707

§ Legacy Duties, [126] 159, 681, 682, 912

§ Malt Duties, Com. moved for, [129] 126, 1480

§ Metropolitan Improvements, Leave, [124] 90, 91, 92 ; Com. 1359, 1360, 1440, 1442, 1445 ; 3R. [125] 164 ; That the Bill do pass, *add. cl.* 165

§ National Gallery, The, Com. moved for, [124] 1317 ; Pictures in the, [125] 806 ; Reply, 1116

§ Newspaper Stamp Duties, [124] 351, 352 ; Returns moved for, 393 ; [127] 218, 219

§ Newspaper Stamp Duties, 2R. [129] 243

§ Oaths, Com. moved for, [124] 1407

§ Ordnance Estimates, [124] 758

§ Ordnance Survey (Scotland), [125] 1115

§ Probate and Legacy Duties, [124] 815, 817, 818, 819, 821, 822

Railway Canal Bills, Com. moved for, [123] 831, 832, 1055

§ Savings Banks, 2R. [128] 124 ; Com. postponed, [129] 534

§ Savings Banks Investments, [129] 379

§ Silver Coinage—The Mint, [124] 1223

§ South Sea &c. Annuities Commutation, 2R. [125] 1427 ; Com. [126] 163 ; *cl.* 2, 318, 320, 321, 322, 323, 327, 330, 344, 354 ; *cl.* 32, 369 ; 3R. 619, 620, 625, 626 ; *add cl.* 630, 644, 645, 646

[*cont.*

Gladstone, Rt. Hon. W. E.—*continued.*
§ South Sea Annuities Dissentients, Res. [129] 890, 902, 904, 905, 906, 912, 980, 981, 994, 995, 1007, 1008, 1009
§ South Sea and other Annuities (Provision for Payment), Com. [129] 1403; *cl.* 1, 1404; *cl.* 2, 1405; *cl.* 3, 1406
§ Spirit Duties (Scotland), [126] 160
§ Stamp Duties, Res. [128] 1090; Com. 1194
§ Succession Duties, The, [127] 258, 282, 286, 287, 288, 289, 290
§ Succession Duty, 1R. [127] 548; 2R. 1380, 1384, 1385, 1386, 1387; Com. [128] 94, 306, 309; *cl.* 2, 315, 320, 321, 322, 323; *cl.* 5, 323; *cl.* 6, 324; *cl.* 7, 325, 385, 387, 388, 390, 392; *cl.* 9, 396, 397; *cl.* 10, 399; *cl.* 16, 401; *cl.* 18, 402; *cl.* 19, 403, 404, 406, 411, 431, 432, 434, 437; *cl.* 20, 440, 445, 446, 447; *cl.* 21, 448, 450, 452, 455, 456, 458, 460, 463, 466, 1129, 1133; *cl.* 22, 1131; *cl.* 23, 1132; *cl.* 25, 1133, 1134, 1135, 1136, 1137; *cl.* 26, 1138; *cl.* 27, 1139; *cl.* 29, 1167; *cl.* 33, 1170, 1171, 1173, 1174; *cl.* 39, 1176; *cl.* 41, 1177, 1178; *cl.* 43, 1183; *cl.* 44, 1186, 1187, 1188, 1190; *cl.* 45, 1191, 1192, 1193; *cl.* 46, 1376; *cl.* 48, Amend. 1377, 1379, 1380, 1385, 1387, 1388, 1389, 1390; *cl.* 49, 1391; *cl.* 55, 1392, 1395, 1397; *add. cl.* 1398, 1400, 1404, 1408; Rep. [129] 205, 209, 210, 212, 215, 219, 220, 221, 223, 225; Amend. 226, 227; Proviso, 229; 3R. 398, 400, 401, 409, 411, 417, 418
§ Supply—Household of the Lord Lieutenant, [127] 408, 409;—Board of Public Works (Ireland), 411;—Polish Refugees, &c. 465;—Miscellaneous Charges, 467, 468;—New Houses of Parliament, [129] 1315
§ Tea Duties, [126] 911
Tenant Right (Ireland), 2R. [123] 1043
§ Tobacco Licence Duties, [126] 680, 681
§ Trade Licences, [128] 427
§ Wine Duties, The, [126] 160
§ Wines, Foreign and Colonial, Com. moved for, [125] 633

Gladstone, Capt. J. N., *Devizes*
Clitheroe Election, Address moved, [125] 1030

Glanders, Prevention Bill,
c. 1R.* [127] 862; 2R.* 1284

Glenelg, Lord
India, State of, [125] 24

Glengall, Earl of
Kirwan, Mr., Case of—The Irish Magistracy, Address moved, [126] 17
Land Improvement (Ireland), Com. [126] 1302; *cl.* 4, 1312
Railways, Accidents on, [125] 189
Transportation, [127] 315
Tynemouth Election, Address moved, [128] 791

Gloucestershire, West, Election—Election Petitions,
c. Observations (Mr. Thornely), [123] 977; Petition (Mr. Hume), 1152

Glyn, Mr. G. C., *Kendal*
Bills of Exchange, &c. (Metropolis), 3R. [123] 148
Railway Amalgamation, Res. [125] 1207

[*cont.*

Glyn, Mr. C. J.—*continued.*
South Sea and other Annuities Commutation, Com. *cl.* 32, [126] 369
South Sea Annuities Dissentients, Com. Res. [129] 1005

Goderich, Viscount, *Hull*, afterwards *Huddersfield*
Election Expenses, Com. *cl.* 1, [128] 1332
Holme Reservoirs (No. 2), 3R. [128] 602
Merchant Shipping, Com. *cl.* 14, Amend. [128] 1221
Ordnance Estimates, [124] 764
Partnerships of limited Liability, Com. moved for, [123] 1082
Simony Law, Amendment, 2R. [129] 150, 156
Stead, Mr., Case of, [123] 781
Succession Duties, The, [127] 352

Gold, The Value of,
c. Question (Mr. H. Drummond), [124] 1384;—*Circulation of, in India,* Question (Rt. Hon. B. Disraeli), [125] 436

Goodman, Sir G., *Leeds*
Income Tax, Com. [126] 1278; *cl.* 33, [127] 800; That the Bill do pass, *add. cl.* 1219

Goold, Mr. W., *Limerick, Co.*
Communication between England and Ireland, Com. moved for, [126] 556
Eastern Union Railway, 3R. [129] 274, 889

Goulburn, Rt. Hon. H., *Cambridge University,*
Blackburn Election Committee, [124] 1268
Brecknock College, Leave, [125] 620, 624
Budget, The, [123] 907; Financial Statement, Res. 1402, 1577, 1586, 1620
Clergy Reserves (Canada), Com. *cl.* 1, [125] 477
Clitheroe Election Committee, That the Writ be suspended, [124] 928
Commercial Legislation—The Income Tax, [123] 992
Customs Reforms, [126] 217
Derby Election Committee, Report, 1569
Ecclesiastical Commissioners, The, [126] 680
Harwich Election, New Writ moved, [126] 1321
Jewish Disabilities, 3R. [125] 1250
Rye Election, New Writ moved, [127] 374
South Sea and other Annuities Commutation, Com. *cl.* 2, [116] 355, 357

Government, The, and the Irish Members,
c. Question (Mr. E. Ball), [126] 1322

Graham, Lord M. W., *Grantham*
Jewish Disabilities, 2R. [125] 85

Graham, Rt. Hon. Sir J. R. G., *Carlisle* (First Lord of the Admiralty, Earl of Aberdeen's Administration)
Arctic Expeditions, [126] 545
Australian Royal Mail Steam Company's Vessels, [125] 203
Berwick-upon-Tweed Election, Com. moved for, [127] 649

[*cont.*

GRAHAM, Rt. Hon. Sir J. R. G.—*cont.*
Bridgenorth Election Committee, [124] 877, 883; New Writ moved, [125] 240
Borneo, Piracy in, [126] 909
Commercial Legislation—Free Trade, Adj. moved, [123] 472, 529, 637
Dockyard Appointments and Promotions, [125] 595, 727; Com. moved for, [126] 104, 117, 121; [129] 377
Education (Ireland), Com. moved for, [126] 605, 611
Elections, Expenses of, Re-Com. *cl.* 1, [129] 1239, 1241
Financial Statement, Res. [123] 1485, 1488, 1605, 1632
France, Relations with, [124] 296
India, Government of, 2R. [128] 833, 837; Com. *cl.* 3, [129] 68, 77
Juvenile Offenders, 2R. [129] 1107
Landlord and Tenant (Ireland), Com. *cl.* 7, [129] 30, 31
Lunatic Asylums, Com. *cl.* 95, [129] 833
Merchant Shipping, Com. *cl.* 29, [129] 105, 114, 116; *cl.* 38, 277, 284; 3R. *add. cl.* 1115, 1116, 1122
Ministers, Resignation of the, [123] 1710
Naval Coast Volunteers, Com. [129] 1109, 1111
Navy, Deserters from the, [125] 593, 594
Navy Estimates, [124] 311, 328, 332, 333, 363, 366, 367, 369, 371, 373, 375, 376, 377, 382, 387, 388, 389, 390
Ordnance Estimates, [124] 765
Seamen, Entry of, Com. [129] 745; *cl.* 1, 752, 756, 757; *cl.* 2, 758, 759
South Sea and other Annuities Commutation, 3R. *add. cl.* [126] 637
Supply—Holyhead Harbour, [127] 395;—Harbours of Refuge, 396, 397;—Portpatrick Harbour, 397, 398;—Public Buildings (Ireland), 399;—Naval Coast Volunteers, [129] 1452, 1453, 1561, 1562
West Indian Mail Packets, [125] 808

GRANBY, Marquess of, *Leicestershire, N*
Commercial Legislation—Free Trade, [123] 495, 496, 621
Customs, &c. Acts, Com. (Butter), [127] 1069
Income Tax, The, Com. [126] 738, 744; *cl.* 25, [127] 756
Wages, Payment of, 2R. [126] 1099

Grand Jury Cess (Ireland) Bill,
c. 1R.* [124] 122; 2R.* 153; 3R. 347
l. 1R.* 394; 2R.* [125] 122; Rep.* 175; 3R.* 286
Royal Assent, 396

GRANVILLE, Earl (President of the Council, Earl of Aberdeen's Administration)
Aggravated Assaults, 2R. [127] 551
Burmese War, The, [125] 1188; [127] 1206
Business of the Day, [123] 920, 922
Cathedral Appointments, 2R. [126] 1022
Criminals, Surrender of—Convention with France, [126] 144
Crystal Palace, Site of the, [125] 1001
Education, [128] 333
Excise Duties on Spirits, 3R. [128] 1161, 1166
India, Army in, Returns moved for, [129] 257
India, Government of, [127] 564; Correspondence moved for, [128] 26, 48;—Duty on Salt, 780;—Petition, 1082; [129] 1245
India, Government of, 2R. [129] 1326, 1394; Com. *cl.* 2, 1429, 1430; *cl.* 3, 1432, 1433; *cl.* 4, 1434; *cl.* 6, 1435, 1436; *cl.* 9, 1440; *cl.* 13, 1441, 1442; *cl.* 26, 1446; *cl.* 33, *cl.* 36, 1448; *cl.* 38, 1449; Explanation, 1709
India, Public Works in, [126] 826, 903;—Internal Communication in, 1231
Navigation—Lieutenant Maury's Plan, [126] 539
Parsee Merchants, Case of, [129] 1659; Explanation, 1752
Railway Legislation, [123] 238
Sandon, Lieut., Courts Martial on, [127] 493
Savings Banks Annuities, 2R. [128] 1409
Seamen, Entry of, 2R. [129] 1139; Com. *cl.* 8, 1247
Seamen, Foreign, [125] 796
Select Committees, Res. [123] 1061
Soap Duties, 3R [128] 1365
South Sea and other Annuities Commutation, Com. [126] 904, 907; 3R. 1030, 1033, 1044
Succession Duties, Com. moved for, [127] 684, 685, 700
Succession Duty, 2R. [129] 605, 630; Com. *cl.* 2, 725; *cl.* 26, 740; *cl.* 34, 741; That the Bill do pass, 864
Transportation, [126] 677
Vaccination Extension, 2R. [125] 517

Graveyards of the Metropolis,
c. Question (Mr. Whalley), [125] 449; (Mr. H. D. Seymour), 807

Great Western Railway Company,
l. Petition (Marquess of Bath), [127] 1359

Greece and Turkey,
c. Question (Col. Dunne), [128] 430

Greek Armour, The Suit of,
c. Question (Mr. C. Berkeley), [124] 545

GREENE, Mr. T., *Lancaster*
Elections, Expenses of, Com. [128] 1329; *cl.* 1, 1332

GREGSON, Mr. S., *Lancaster*
Excise Prosecutions, Return moved for, [127] 134, 136
India, Government of, Lords Amends. [129] 1724

GREVILLE, Colonel F. S., *Longford*
Income Tax, The, Com. [126] 1249; *cl.* 13, [127] 1046
Irish Members and the Government, [127] 231
Land Improvement (Ireland), Com. *cl.* 23, Amend. [124] 1346, 1347
Landlord and Tenant (Ireland), Leave, [123] 346; Com. *cl.* 10, [128] 1368; *cl.* 43, 1414; *cl.* 44, 1415
Maynooth College, Com. moved for, [124] 447
Tenant Right (Ireland), 2R. [123] 1142
Tenants' Compensation (Ireland), Com. *cl.* 10, Amend. [129] 636

Grey, Earl
- Australian Packet Service, [126] 519
- Clergy Reserves (Canada), 2R. [126] 291, 303; Com. *cl.* 1, 429, 434; 3R 663
- Jamaica, Affairs of, [128] 970
- Juvenile Mendicancy, (No. 2), Com. [129] 97, 98
- Liberia, Free Labour from, [128] 943
- Maynooth College, Com. moved for, [125] 1344, 1345
- New Zealand Company, [125] 713, 719, 722
- Polling at Elections Amendment, 2R. [129] 265
- Russia and Turkey, [128] 1353
- Seamen, Foreign, [125] 799
- Transportation, [126] 664, 667, 668, 675; Address moved, [127] 1, 32, 56, 64, 75; 2R. [129] 13

Grey, Rt. Hon. Sir G., *Morpeth*
- Assistant Judge (Middlesex Sessions), Com. [129] 235
- Business, Public, [129] 202
- Canterbury Election, Address moved, [125] 221
- Church Rates, Leave, [127] 627
- Clergy Reserves (Canada), Com. *cl.* 3, [125] 502
- Clitheroe Election Committee, That the Writ be suspended, [124] 929
- County Elections Polls, 3R. [124] 158
- County Rates and Expenditure, 2R. [124] 482; Com. [125] 261; *cl.* 1, 271
- Cruelty to Animals, 2R. [124] 1341
- Duffy, Mr. Case of, [126] 1200, 1201, 1217
- Elections, Com. *cl.* 1, [128] 233, 234; *add. cl.* 237, 238, 239, 240
- Elections, Expenses of, Com. *cl.* 2, [128] 1334; *cl.* 3, 1335; *cl.* 5, 1336; *cl.* 6, 1337
- Factories, Leave, [128] 1275, 1277
- Harwich Election, New Writ moved, [126] 1318, 1321
- Judges' Exclusion, Com. [126] 133, 139
- Leasing Powers (Ireland), Com. [128] 241
- New Trials (Criminal Cases), 2R. [127] 990
- Norwich Election Petition, [124] 553
- Oaths, Parliamentary, [129] 291
- Personal Liberty, Recovery of, 2R. [128] 585
- Russia and Turkey, [128] 1426
- Rye Election Committee, Absence of Members, [125] 255, 256
- Simony Law Amendment, 2R. [129] 155
- Taunton Election Committee, Report, [125] 1348
- Universities (Scotland), 2R. [129] 197

Grogan, Mr. E., *Dublin, City*
- Army Estimates—Kilmainham Hospital, [124] 771
- Excise Duties on Spirits, Com. *cl.* 15, [127] 1396; 3R. [128] 412; *add. cl.* 670
- Hackney Carriage Duties, Com. *add. cl.* [129] 968, 971
- Income Tax, The, Com. [126] 513; *cl.* 16, [127] 1057; 3R. 1209
- Savings Banks, 2R. [128] 125
- Succession Duty, Com. *cl.* 48, [128] 1387, 1388
- Tenant Right (Ireland), 2R. [123] 1139
- Tenants' Compensation (Ireland), Com. *cl.* 14; Amend. [129] 637, 638

Grosvenor, Rt. Hon. Lord R., *Middlesex*
- Attorneys and Solicitors' Certificate Duty, Leave, [124] 1385, 1401
- Attorneys and Solicitors' Certificate Duty (No. 2), 2R. [126] 621; [129] 475
- Bolton Election Committee, Report, [126] 908
- Business of the House, Amend. [125] 442
- County Elections Polls, Leave, [123] 205, 207; 2R. 461, 465; Com. 806; 3R. [124] 154, 157, 158, 159
- Knowledge, Taxes on—The Advertisement Duty, [125] 1185, 1186
- Maldon Election, Commission moved for, [126] 122; New Writ moved, [127] 378
- Metropolitan Water Supply, [124] 1383
- Speaker, Choice of a, [123] 6
- Tavistock Election Committee, Report, [124] 347
- West London Waterworks Company, 2R. [124] 800

Guards, Colonelcies of the,
- *c.* Observations (Mr. Hume), [124] 741; Question (Col. Lindsay), 801

Guildford Election Committee,
- *c.* Report, [124] 1220

Hackney Carriages (Metropolis) Bill,
- *c.* Leave, [126] 231; 1R.* 303; 2R.* 544;
  - Question (Sir R. H. Inglis), 910;
  - Com. [127] 422; Amend. (Sir R. H. Inglis), 425, [*o. q.* A. 107, N. 23, M. 84] 429
    - *cl.* 1, 485;
    - *cl.* 2, Amend. (Lord D. Stuart), [A. 6, N. 66, M. 60] 488;
  - Report, 547;
  - 3R. Amend. (Lord D. Stuart), [127] 834; Motion withdrawn, 835; Adj. Debate, *cl.* 2, Amend. (Mr. Pigott), [A. 42, N. 79, M. 37] 1018; *cl.* 6, Amend. (Mr. Ald. Cubitt), 1018
- *l.* 1R.* [127] 1072;
  - 2R. 1295;
  - Rep. [128] 135; 3R.* 247
- Royal Assent, [128] 906

Hackney Carriages—Customs, &c. Acts,
- *c.* Res. (Chancellor of the Exchequer), [129] 584

Hackney Carriage Duties Bill,
- *c.* 1R.* [129] 744; 2R.* 831;
- 129] Com. *add. cl.* 967, [A. 88, N. 9, M. 79] 971;
  - Rep *add. cl.* (Mr. Lowe), 1135;
  - *add. cl.* (Mr. F. Scully), 1135; *cl.* withdrawn, 1136;
  - Amend. (Mr. Frewen), [*o. q.* A. 88, N. 14, M. 74] 1137;
  - 3R. *add. cl.* (Col. Sibthorp), 1591; *cl.* neg. 1592;
  - *add. cl.* (Sir D. Norreys), *ib.*; *cl.* neg. 1593;
  - *add. cl.* (Mr. F. Scully), *ib.*;
  - *add. cl.* (Mr. V. Scully), 1595, [A. 27, N. 41, M. 14] 1598
- *l.* 1R.* [129] 1602

Hackney Carriage Duties (No. 2) Bill,
- *c.* 1R.* [129] 1755; 2R.* *ib.*; Rep.* *ib.*; 3R.* *ib,*
- *l.* 1R.* [129] 1811; 2R.* 1816; 3R.* *ib.*
- Royal Assent, 1824

Haddington, Earl of
- Naval Promotions and Retirement, [129] 6
- Schoolmasters (Scotland), [129] 975
- Universities (Scotland), Com. [129] 1716

Hadfield, Mr. G., *Sheffield*
- Address in Answer to the Speech, Report, [123] 138
- Business, Public, [129] 202
- Charitable Trusts, Com. *cl.* 60, [129] 1159; 3R. 1487
- Colonial Church Regulation, 2R. [129] 1208
- County Elections Polls, 3R. [124] 155
- County Franchise, Leave, [126] 1049
- Ecclesiastical Courts, Com. moved for, [124] 872
- Ecclesiastical Courts, Abolition of, Leave, [128] 1245
- Edinburgh and Canongate Annuity Tax Abolition, 2R. [129] 451
- India, Government of, Com. *cl.* 12, [129] 332; Rep. 963; That the Bill do pass, 1010, 1033; Lords Amends. 1726
- Malta, Criminal Code at, Address moved, [129] 1751
- Maynooth College, Com. moved for, [124] 889
- Ocean Penny Postage, [129] 1296
- Probate of Wills, Leave, [124] 1318; 2R. [125] 666, 669; [126] 1076; Com. [128] 1338; [129] 149, 150
- Registration of Assurances, [127] 715
- Succession Duty, Com. *cl.* 10, [128] 399; *cl.* 39, 1176; 3R. [129] 401
- Supply—Public Buildings (Ireland), [127] 402; —Oxford and Cambridge Professors, 417

Halford, Sir H., *Leicestershire, S.*
- Prison Discipline, [126] 909
- Wages, Payment of, 2R. [126] 1079, 1095, 1117

Hall, Sir B., *Marylebone*
- Bethlehem Hospital, [125] 33
- Blackburn Election Committee, [124] 1282, 1283
- Brecknock College, Leave, [125] 622
- Bridgenorth Election Committee, [124] 879; New Writ moved, [125] 235
- Coal Duties Committee, Nomination of Members, [124] 242, 243
- County Rates and Expenditure, 2R. [124] 478
- Dockyard Appointments and Promotions, [125] 591, 595, 726, 802, 1015; Com. moved for, [126] 33, 74, 84, 122, 369; [128] 1317
- Drainage, Great London, 2R. Amend [124] 1332
- Durham Election Petitions, Nomination of Committee, [128] 232
- Ecclesiastical Courts—Church Reform, [123] 295; Com. moved for, [124] 863
- Ecclesiastical Courts, Abolition of, Leave, [128] 1247, 1249
- Episcopal and Capitular Property, Leave, [128] 530; 2R. [129] 1226
- Financial Statement, Res. [123] 1464
- Harwich Election, New Writ moved, [128] 143
- Jewish Disabilities, Com. *cl.* 1, [125] 169
- London, Corporation of, [125] 803
- London (Watford) Spring Water Company, 2R. [125] 199
- Rochester Consistory Court, Returns moved for, [123] 207, 208

[*cont.*

Hall, Sir B.—*continued.*
- Savings Banks, Com. postponed, [129] 539
- Sewers, Metropolitan, Act Continuance, Com. [129] 1572, 1590
- Smithfield Market, Removal of, [128] 1375
- Smoke Nuisance Abatement, Com. [129] 1497
- Tynemouth Election, Report, [125] 1208; Address moved, [126] 1380
- West London Waterworks Company, 2R. [124] 799

Halsey, Mr. T. P., *Hertfordshire*
- Health, General Board of, (No. 3), Com. [129] 87; Rep. 239
- London (Watford) Spring Water Company, 2R. Amend. [125] 200

Hamilton, Rt. Hon. Lord C., *Tyrone*
- Coffee and Chicory, Sale of, [127] 324
- Excise Duty on Spirits, 3R. [128] 415, 423, 426; That the Bill do pass, 678
- Income Tax, Com. [127] 513; *cl.* 1, Amend. 538, 543
- Maynooth College, Com. moved for, [124] 520
- Nunneries, Inspection of, Leave, [127] 127
- Savings Banks, 2R. [128] 125
- Sligo Borough, New Writ moved, [128] 129, 683
- Supply—Nonconforming, &c. Ministers (Ireland), [127] 471;—New Houses of Parliament, [129] 1316
- Tenants' Compensation (Ireland), Com. *cl.* 14, [129] 638

Hamilton, Mr. G. A., *Dublin University* (Secretary of the Treasury, Earl of Derby's Administration)
- Clitheroe Election Committee, Report, [129] 1098
- Cockermouth Election Committee, Report, [126] 32
- Customs, 3R. [129] 1600
- Customs Duties—Isle of Man, Res. [128] 1468
- Customs Reform, [126] 210
- Dublin Post Office, Appointment in, [123] 1718
- Education (Ireland), Com. moved for, [126] 558
- Frome Election Committee, Report, [124] 734
- Income Tax, Com. *cl.* 5, [127] 723; *cl.* 7, 736; *cl.* 15, 744; *cl.* 29, 791; *cl.* 16, 1057
- Landlord and Tenant (Ireland), Com. *cl.* 70, [128] 1419; [129] 32; 3R. 1113
- Leicester, Day Mail to, [123] 209
- Meteorogical Observations at Sea, [129] 1720
- Supply—Funeral of the Duke of Wellington, [123] 1037, 1041;—Consular Establishments, [127] 458

Hanmer, Sir J., *Flint, &c.*
- Succession Duty, Com. *cl.* 21, [128] 449

Harbours of Refuge—Supply,
- c. [127] 396

Harcourt, Col. F. V., *Isle of Wight*
- County Rates and Expenditure, Com. *cl.* 4, [125] 285
- Health, General Board of (No. 3), Com. [129] 86
- Health, Public, Act of 1848, Returns moved for, [124] 1430
- Hop Duty, [124] 191

[*cont.*

HARCOURT, Col. F. V.—*continued.*
Income Tax, The, Com. [126] 824, 1346 ; 3R. [127] 1208
Pilotage, Com. [126] 224
Wight, Isle of, Railway, 2R. [125] 108

HARDINGE, Hon. C. S., *Downpatrick*
India, Government of, 2R. [128] 888

HARDWICKE, Earl of (Postmaster General, Earl of Derby's Administration)
Australian Packet Service, [126] 518
Combination of Workmen, 2R. [129] 1325
Merchant Shipping, Com. [129] 1671
Naval Promotions and Retirement, Observations, [129] 1
Pilotage, Com. *cl.* 10, Amend. [129] 1710, 1711
Polling at Elections Amendment, 2R. [129] 263
Poor Removal, 2R. [127] 1031
Post Office Appointments, [124] 27
Russia and Turkey, [127] 655, 758 ; [129] 1643
Seamen, Entry of, 2R. [129] 1140 ; Com. 1246
Six-Mile Bridge Affray, [124] 32
Succession Duty, Com. *cl.* 2, [129] 724 ; *cl.* 26, 740 ; *cl.* 49, 742
Transportation, Com. *cl.* 8, [129] 352, 353

Harris, Sir William Snow (Compensation)—Supply,
c. [129] 1412

HARROWBY, Earl of
Bode, Baron de, Case of, [129] 1096
Cemetery Association, Great Extramural, 2R. Amend. [128] 133
Church Buildings Act Amendment, Com. [128] 1151 ; *cl.* 6, 1159, 1160
Colonial Church Regulation, Com. *cl.* 1, [129] 517, 520 ; Amend. 525, 527, 531
Commercial Legislation—Free Trade, Res. Amend. [123] 961
Dwellings for the Labouring Classes, Res. [125] 415
Eastern Union Railway, 2R. [129] 1498
Education, National (Ireland), Address moved [124] 1209 ; Papers moved for, [129] 366, 373, 872
India, Affairs of, [125] 689
India, Government of, Com. *cl.* 6, [129] 1436, 1438
Jewish Disabilities, 2R. [126] 784
Juvenile Mendicancy (No. 2), Com. *cl.* 1, [128] 1216 ; [129] 100
Lunacy, Rep. [126] 1029
Maynooth College, Com. moved for, [125] 1342
Oaths, Alteration of, 2R. [127] 861
Parsee Merchants, Case of, [129] 1664
Pilotage, 2R. [129] 1668
Railway Legislation, [123] 238
Railways, Accidents on, [125] 190
South Eastern, &c. Railway, 3R. [129] 162
Succession Duty, 2R. [129] 633
Transportation to the Colonies, [124] 785
Transportation, Com. *cl.* 8, [129] 351
Wages, Arrestment of (Scotland), [127] 1283

Harwich Election Committee,
c. Report, [126] 1234 ; New Writ moved (Sir J. Tyrell), 1318 ; Adj. moved (Rt. Hon. B. Disraeli), 1321, [A. 177, N. 116, M. 61] 1327 ; [128] 143 ; Amend. (Sir J. Shelley), 144 ; Amend. withdrawn, 154, [A. 247, N. 102, M. 145] 155

HASTIE, Mr. A., *Glasgow*
Chicory and Coffee, [124] 548 ; [125] 313
Income Tax, Com. *add. cl.* [127] 814
India, Government of, Leave, [127] 1343
Merchant Shipping, Com. *cl.* 2, [129] 122
Partnerships of Limited Liability, Com. moved for, [123] 1086
Pilotage, Leave, [124] 1265
Public Houses (Scotland), Com. *cl.* 1, [126] 129
Sheriff Courts (Scotland) (No. 2), Leave [124] 1306 ; Com. [126] 1221 ; 2R. [127] 165 ; Com. *cl.* 28, [128] 918 ; 3R. 1140
Supply—Harbours of Refuge, [127] 397 ;—Nonconforming, &c. Ministers (Ireland), 483

HAYTER, Rt. Hon. W. G., *Wells* (Secretary of the Treasury, Earl of Aberdeen's Administration)
Business, Public, [124] 23
Government, The, and the Irish Members, [126] 1328, 1330 ; [127] 223
Southampton, New Writ moved for, [123] 1742, 1743

HEADLAM, Mr. T. E., *Newcastle-on-Tyne*
Canterbury Election, Address moved, [125] 222
Charitable Trusts, Rep. *cl.* 60, [129] 1267 ; 3R. 1486
County Elections Polls, 3R. [124] 158
Durham Election Petitions, Com. moved for, [127] 139
Elections, Expenses of, Com. *cl.* 1, [128] 1333
Episcopal and Capitular Property, Leave, [128] 529
Financial Statement, Res. [123] 1275
Harwich Election Committee, Report, [126] 1234 ; New Writ moved, 1319 ; [128] 144
Land, Sale and Purchase of, Leave, [124] 130
Land, Transfer of (Ireland), 2R. [128] 939
Merchant Shipping, Com. *cl.* 29, [129] 122 ; 3R. *add. cl.* 1121
New Ross Election Committee, Report, [125] 1348
Parliamentary Papers, Com. moved for, Amend. [123] 1066
Pilotage, Leave, [124] 1262
Succession Duty, 2R. [127] 1386 ; Com. [128] 77 ; *cl.* 19, 411, 412, 433 ; *cl.* 33, 1172 ; Rep. Amend. [129] 210

Health, General Board of, Bill,
c. 1R.* [123] 977 ; 2R.* 1213 ;
Com. [124] 87; 3R.* 1069
l. 1R.* [124] 1161 ; 2R.* [125] 1 ; 3R.* 791
Royal Assent, [126] 1286

Health, General Board of (No. 2) Bill,
c. 1R.* [128] 977

Health, General Board of (No. 3) Bill,
c. 1R.* [128] 1087 ; 2R.* 1413 ;
Com. [129] 86 ;
Rep. Clause, (Mr. Halsey), 239 ; *cl.* neg. 240;
Proviso (Mr. Barrow), [A. 23, N. 47, M. 24], 241 ; 3R.* 270
l. 1R.* [129] 343 ; 2R.* 433 ; 3R.* 1605
Royal Assent, 1824

Health, General Board of—Supply,
c. [129] 1300

Health, Public, Act of 1848,
c. Returns moved for (Sir G. Pechell), [124] 1349; [124] (Col. Harcourt), 1430

HEATHCOAT, Mr. J. *Tiverton*
Succession Duties, The, [127] 289

Heligoland—Supply,
c. [127] 449

HENCHY, Mr. D. O., *Kildare*
Personal Liberty, Recovery of, 2R. [128] 579
Supply—Household of the Lord Lieutenant, [127] 409

HENLEY, Rt. Hon. J. W., *Oxfordshire* (President of the Board of Trade, Earl of Derby's Administration)
Aggravated Assaults, Com. *cl.* 1, [125] 670, 683, 685
Charitable Trusts, Com. *cl.* 28, [129] 1156; *cl.* 52, Amend. 1157; *cl.* 60, 1159
Clergy Reserves (Canada), Com. *cl.* 1, [125] 464
Colonial Church Regulation, 2R. [129] 1210
Consolidated Fund and National Redemption Acts, [125] 840
County Elections Polls, Com. [123] 811
County Rates and Expenditure, 2R. [124] 482; Com. [125] 264; *cl.* 1, Amend. 265, 267, 270, 272; *cl.* 4, 273, 275, 280, 1108, 1109
Customs Reform, [126] 215
Elections, Expenses of, Com. *cl.* 1, [128] 1330, 1332; *cl.* 2, 1334; *cl.* 3, 1335; *cl.* 6, 1337
Examiners, Office of (Court of Chancery), Com. *cl.* 3, [124] 466; Rep. *cl.* 2. 772
Health, Public, Act of 1848, [124] 1356
India, Government of, Com. *cl.* 9, [129] 232
Income Tax, The, Com. [126] 858
Jewish Disabilities, 2R. [125] 108
Judges' Exclusion, Com. [126] 137, 141
Juvenile Offenders, 2R. [129] 1105
Maritime Laws, [123] 244
Merchant Shipping, Com, *cl.* 6, [128] 1220; *cl.* 7, 1221; *cl.* 20, 1222; *cl.* 29, [129] 111; *cl.* 38, 287, 290
Metropolitan Improvements, 2R. [124] 696; Com. 1438, 1442, 1444
National Gallery, Nomination of Members of Com. [125] 253
Ordnance Estimates, [124] 763, 764
Parish Vestries, Com. [128] 779
Partnerships of Limited Liability, Com. moved for, [123] 1075, 1084
Pilotage, Leave, [124] 1253, 1255, 1256; Com. [126] 229
Probate and Legacy Duties, [124] 828
Probates of Wills, &c. 2R. [125] 658, 659, 660, 661; Amend. [126] 1078; Com. [128] 1338
Railways, Amalgamation of, [123] 245; Com. moved for, 1048, 1057; Nomination of Com. 1202, 1203
Seamen, Entry of, Com. [129] 750; *cl.* 2, 757
South Sea and other Annuities Commutation, 3R. *add. cl.* [126] 639, 644, 646
South Sea and other Annuities (Provision for Payment), Com. *cl.* 3, [129] 1406
[*cont.*

HENLEY, Rt. Hon. J. W.—*continued.*
South Sea Company's Arrangement, &c. 3R. [129] 1397
Succession Duty, Com. *cl.* 1, [128] 312; *cl.* 2, 320, 321; *cl.* 6, 324; *cl.* 7, 388; *cl.* 11, 400; *cl.* 19, 409, 431; *cl.* 21, 449, 451, 453, 454, 462, 466; *cl.* 22, 1130; *cl.* 23, 1131; *cl.* 25, 1134, 1137; *cl.* 26, 1139; *cl.* 33, 1169, 1172, 1174; *cl.* 41, 1177; *cl.* 43, 1186; *cl.* 44, 1188, 1190; *cl.* 46, 1376; *cl.* 48, 1385, 1389; *add. cl.* 1398, 1405, 1407; Rep. [129] 219
Supply—British Ambassador's House, Paris, [129] 1304;—Battersea and Vauxhall Embankment, 1412
Thames Embankment, Com. [129] 430
Universities (Scotland), 2R. [129] 199
Westminster Bridge, 3R. [128] 1141

HERBERT, Rt. Hon. S., *Wiltshire, S.* (Secretary at War, Earl of Aberdeen's Administration)
Address in Answer to the Speech, Report, [123] 139
Arms Act (Ireland) [128] 1433
Army Bread, [124] 669
Army Estimates, [124] 670, 686, 687, 692;—Kilmainham Hospital 770
Ballot, The, Leave, [128] 183, 185, 188, 199
Benefices, Union of, 2R. Amend. [124] 886
Blackburn Election Committee, [124] 1278
Cathedral Appointments, 3R. *add. cl.* [124] 1437
Commercial Legislation—Free Trade, [123] 602, 612;—The Income Tax, 996
Durham Election Petitions, Com. moved for, [127] 144, 963
Elections, Leave, [124] 164
Episcopal and Capitular Estates, 2R. [129] 1218
Financial Statement, Res. [123] 1583
Guards, Colonelcies of the, [124] 744, 801, 804
Jewish Disabilities, 2R. [125] 99, 104
Kilmainham Hospital, [124] 770; Address moved, [125] 1064; [127] 437
Knowledge, Taxes on—The Advertisement Duty, [125] 1178
Navy Estimates, [123] 1016
Ordnance Estimates, [124] 760
Pensioner Battalions, [124] 657
Portsmouth, Assault Case at—Duties of Sentinels, [128] 59
Supply—Public Buildings (Ireland), [127] 401;—Militia, [129] 1470, 1473, 1474, 1477

HERBERT, Mr. H. A., *Kerry*
Africa, Mortality on the Coast of, [123] 219
Bridgenorth, Election, New Writ moved, [125] 245
Communication between England and Ireland, Com. moved for, [126] 553
Consolidated Annuities (Ireland) [125] 761, 768; [126] 33
Duffy, Mr., Case of, [126] 1201
Excise Duties on Spirits, 3R. [128] 415
Income Tax, The, Com. [126] 826; *cl.* 33, [127] 795; *cl.* 13, 1051; *cl.* 16, 1055
Incumbered Estates (Ireland), [125] 1018
[*cont.*

HERBERT, Mr. H. A.—*continued.*
Landlord and Tenant (Ireland), Com. *cl.* 10, [128] 1369
Leasing Powers (Ireland), Com. *cl.* 10, [128] 728
Savings Banks, 2R. [128] 125; Com. postponed. [129] 538
Southampton Election Committee, Report, [124] 1357; [125] 34, 285
Succession Duty, Com. *cl.* 2, [128] 318; *cl.* 21, 458
Tenants' Compensation (Ireland), Com. [129] 635, 636

HERRIES, Rt. Hon. J. C., *Stamford* (President of the Board of Control, Earl of Derby's Administration)
India, Government of, 2R. [128] 669; Com. *cl.* 3, [129] 43
Indian Territories, Re-appointment of Committee, [123] 155; Nomination of, 210, 211
Railways in India, [123] 979

HEYWOOD, Mr. J., *Lancashire, N.*
Blackburn Election, New Writ moved, [125] 232
Bridgenorth Election Committee, [124] 881
Charitable Trusts, 3R. [129] 1492, 1493
Chatham Election [126] 873, 1064
Supply—Battersea and Vauxhall Embankment, [129] 1407

HEYWORTH, Mr. L., *Derby*
Income Tax, Com. [126] 1342; 3R. [127] 1209
India, Government of, Com. *cl.* 12, [129]; 339; That the Bill do pass, *add. cl.* 1010
Public Houses (Scotland), Com. *cl.* 1, [126] 128
Wages, Payment of, 2R. [126] 1116

Highways (Ireland) Bill,
c. 1R.* [129] 1705

Highway Rates Bill,
c. 1R.* [129] 166; 2R.* 376; 3R.* 744
l. 1R.* [129] 795; 2R.* 1045; Rep.* 1137; 3R.* 1243
Royal Assent, 1709

HILDYARD, Mr. R. C., *Whitehaven*
Australia, Emigration to, [124] 36
Cruelty to Animals, 2R. [124] 1343
Dockyard Promotion, [128] 1323
Eastern Union Railway, 3R. [129] 273
Election Petitions—West Gloucestershire Election, [123] 1153
India, Government of, Com. *cl.* 3, [129] 76
Parliamentary Papers, Com. moved for, [123] 1071
Pilotage, Com. [126] 227
Succession Duty, Com. *cl.* 21, [128] 454; *cl.* 48, 1387

HILL, Lord E., *Downshire*
Ballot, The, Leave, [128] 218, 224

Hill, Mary, Case of,
c. Question (Sir De L. Evans), [125] 310

HINDLEY, Mr. C., *Ashton-under-Lyne*
Clitheroe Election, Address moved, [125] 1030
Derby, the Magistracy of, [123] 823
Financial Statement, Res. 1577, 1578, 1583
Hackney Carriages (Metropolis), Com. *cl.* 1, [127] 487
India, Government of, 2R. [128] 814
Kafir War, The, [123] 1434, 1435
Liverpool Election, New Writ moved, [128] 1078, 1079
Militia, Enlistment for the—The Peace Society, [124] 357
Railway and Canal Bills, Nomination of Com. [123] 1203
Rome, Relations with, [123] 587
Sligo Borough, New Writ moved, [128] 680, 684
Supply—Ministers at Foreign Courts, [127] 462;—Polish Refugees, &c. 466;—Miscellaneous Charges, 467

HOGG, Sir J. W., *Honiton*
Burmese War, The, Address moved, [124] 663
Hutchinson's Claim, 2R. [126] 1317
India, Government of, Leave, [127] 1241, 1247; 2R. [128] 890, 893, 993; Com. *cl.* 3, [129] 59, 62, 79; *cl.* 4, 84; *cl.* 9, 231, 233; *cl.* 10, 321; *cl.* 13, 340; *cl.* 14, 341; *cl.* 26, 562, 564; *cl.* 27, 566, 568; *cl.* 30, 571; *cl.* 31, 576; *cl.* 32, 676, 680; *cl.* 34, 683; *add. cl.* 762, 764, 814, 826; Rep. 936; That the Bill do pass, 1011, 1026
Parsee Merchants, Case of, Address moved, [129] 1194

Holland, Commerce of, with Belgium,
c. Question (Mr. A. Pellatt), [124] 350

Holme Reservoirs (No. 2) Bill,
c. 1R.* [126] 32; 2R.* 303;
3R. [128] 600; Amend. (Mr. Cobden), 602, [*o. q.* A. 129, N. 21, M. 108] 603

Holyhead Harbour—Supply,
c. [127] 395

Home-Made Spirits in Bond,
c. Question (Mr. Roche), [123] 585

Hong Kong—Supply,
c. [127] 451; Amend. (Mr. Maguire), [A. 32, N. 76, M. 44] 454

Hop Duty,
c. Res. (Mr. Frewen), [124] 182, [A. 91, N. 175, M. 84] 194

Horses let for Hire, Duties on, Bill,
c. 1R.* [129] 744; 2R.* 831; 3R.* 1098
l. 1R.* [129] 1243; 2R.* 1497; Rep.* 1605; 3R.* 1709
Royal Assent, 1824

HORSFALL, Mr. T. B., *Derby*, afterwards *Liverpool*
Customs, Com. *cl.* 1, [129] 1484
Custom House Reform, [124] 405
Derby Election, Com. moved for, [123] 749
Merchant Shipping, Com. *cl.* 38, [129] 282; 3R. *add. cl.* 1120, 1130
Supply—Battersea and Vauxhall Embankment, [129] 1412

HOTHAM, Lord, *Yorkshire, E. R.*
- Australian Direct Steam Navigation Company, [129] 652
- Judges' Exclusion, Leave, [124] 999; 2R. [125] 1094; Com. [126] 139, 141; 3R. [127] 1008, 1011

House, Rules of the,
- *l.* Motion (Earl Fitzwilliam), [126] 1289

"Household Narrative," The,
- *c.* Question (Rt. Hon. T. M. Gibson), [125] 157

HOWARD, Rt. Hon. Lord E. G. F., *Arundel*
- Nunneries, Inspection of, Leave, [127] 114, 115

Huddersfield Election,
- *c.* Report, [125] 202

HUDSON, Mr. G., *Sunderland*
- Budget, The, [123] 911; Financial Statement, 1242; Res. 1251
- Import Duties, [124] 1028
- Merchant Shipping, Com. *cl.* 4, Amend. [128] 1218; *cl.* 20, 1222; *cl.* 29, [129] 111; *cl.* 38, 290
- Partnerships of Limited Liability, Com. moved, for, [123] 1086
- Pilotage, Leave, [124] 1265; 2R. [125] 581, 582
- Railway and Canal Bills, Com. moved for, [123] 1054
- Supply—Funeral of the Duke of Wellington, [123] 1039

HUME, Mr. J., *Montrose, &c.*
- Address in Answer to the Speech, [123] 75; Report, 138
- Advertisement Duty, Res. [128] 1111, 1113, 1120, 1121, 1128
- Aggravated Assaults, Com. *cl.* 1, [125] 684
- Army Estimates, [124] 681, 686, 687, 688, 691, 692;—Kilmainham Hospital, 771
- Assurance Associations, Com. moved for, [124] 1330
- Attorneys and Solicitors' Certificate Duty, Leave, [124] 1400; 2R. [129] 478
- Brecknock College, Leave, [125] 621
- Bridgenorth Election, New Writ moved, [125] 242
- Brooke, Sir J.—Piracy in Borneo, [125] 724, 725, 726; [129] 1160
- Budget, The, [123] 897, 1154; Financial Statement, 1243; Res. 1248, 1474, 1572; [125] 1425, 1426
- Burmese War, The, Address moved, [124] 662; Mortality of the Troops, [128] 380
- Business of the House, [125] 445
- Business, Public, [129] 202
- Call of the House, [123] 266, 269, 271
- Canterbury Election, Address moved, [125] 219; Papers moved for, [129] 1732
- Carolina, South, British Subjects in, [128] 1090
- Ceylon, Buddhism in, Papers moved for, [123] 824, 826
- Chatham Election, [126] 1073
- Chicory and Coffee, 546
- Church Rates, Leave, [127] 611
- Cleopatra's Needle, [123] 979

[*cont.*

HUME, Mr. J.—*continued.*
- Clergy Reserves (Canada), Leave, [124] 152; Com. *cl.* 1, [125] 465; *cl.* 2, 481; *cl.* 3, 495, 499, 806; 3R. 939
- Coal Dues in the Metropolis, Com. moved for, [124] 97
- Colonial Postage, [125] 313
- Combination of Workmen, 2R. [125] 647; 3R. 1428; [126] 1123; Adj. moved, 1124
- Commercial Legislation—The Income Tax, [123] 987
- Committees, The Chairmanship of, [125] 808
- Common Law, Courts of (Ireland), Com. *cl.* 38, [127] 1291
- Consolidated Fund and National Redemption Acts, Res. [125] 836, 837
- County Elections Polls, Leave, [123] 206; Com. 811
- County Elections Polls (Scotland), Com. *cl.* 4, [125] 1079, 1080
- County Franchise, Leave, [126] 1049
- County Rates and Expenditure, 2R. [124] 485; Com. *cl.* 4, [125] 281; [127] 193
- Customs, &c. Acts, Com. (Oranges and Lemons), [127] 1352 (Stockings), 1356, 1357
- Darien, Canal through the Isthmus of, [124] 1222
- Eastern Union Railway, 3R. [129] 887
- Ecclesiastical Courts, Com. moved for, [124] 860; [127] 715
- Ecclesiastical Courts, Abolition of, Leave, [128] 1243, 1249
- Education, Leave, [125] 550
- Election Petitions—West Gloucestershire Election, [123] 978, 1152, 1153
- Elections, Com. *cl.* 1, [128] 235; *cl.* 3, 236
- Elections, Corrupt Practices at, 2R. [129] 1703
- Elections, Expenses of, Com. *cl.* 2, [128] 1334; *cl.* 3, 1335; *cl.* 5, 1336; Rep. [129] 342
- Episcopal and Capitular Property, Leave, [128] 529
- Examiners, Office of (Court of Chancery), Rep. *cl.* 2, [124] 775
- Excise Prosecutions, Returns moved for, [127] 135
- Factories Act, The, [124] 739
- France, Relations with, [124] 307, 311
- Gold, Circulation of, in India, [125] 436
- Guards, Colonelcies of the, [124] 741, 803, 804
- Health, Public, Act of 1848, [124] 1357
- Her Majesty's Theatre Association, 2R. [124] 399
- Holme Reservoirs (No. 2), 3R. [128] 603
- Hop Duty, [124] 193
- "Household Narrative," The, [125] 159
- Hutchinson's Claim, 2R. [126] 1317
- Import Duties, [124] 1005, 1025, 1039
- Income Tax, [124] 124, 125; Com. [126] 467, 1247; [127] 252; 3R. 1208
- India, Affairs of, [125] 68
- India, Government of, [124] 1046; Leave, [127] 1195, 1344; 2R. [128] 735; Com. 1438; *cl.* 1, 1450, 1452; *cl.* 2, 1454; *cl.* 3, [129] 57, 76, 77, 83; *cl.* 10, 307, 312; *cl.* 12, Amend. 331; *cl.* 13, 340; *cl.* 14, 341; *cl.* 20, 418; *cl.* 22, Amend. 419, 428; *cl.* 24, 557; *cl.* 26, 561, 565; *cl.* 28, 570; *cl.* 31, 571; Amend. 582; *cl.* 32, Amend. 658; *cl.* 34, 683; *add. cl.* 762, 765, 769, 774, 775; Rep. 945, 960; That the Bill do pass, 1010, 1020, 1028, 1031, 1033
- Indian Despatches, [127] 1299, 1300

[*cont.*

Hume, Mr. J.—*continued.*

Indian Territories, Reappointment of Committee, [123] 157; Nomination of, 210, [124] 1428
Ionian Islands, Papers moved for, [123] 826, 830
Jamaica, Government of, [129] 1292
Jewish Disabilities, Com. *cl.* 1, [125] 168
Judges' Exclusion, Leave, [124] 1005; 2R. [125] 1083; Com. Amend. [126] 130, 131, 133, 138; 3R. [127] 1014
Juvenile Offenders, 2R. [129] 1106
Lancaster, New Writ moved for, [125] 643
Land, Sale and Purchase of, Leave, [124] 132
Land Tax Commissioners' Names, Com. [124] 88, 89
Law Procedure (Ireland), Leave, [123] 266
Letter Carriers, [124] 850
London and Westminster Thames Railway, 2R. [125] 152
Malta, Criminal Code at, Address moved, [129] 1745
Maynooth College, Com. moved for, [124] 413, 414, 894
"Melbourne" Steamer, The, [123] 815
Merchant Shipping, 3R. *add. cl.* [129] 1115, 1119, 1130, 1132, 1133
Metropolitan Improvements, Leave, [124] 91; Com. 1360; 3R. [125] 164
Midnight Legislation, [123] 161
Ministers' Money (Ireland), Com. moved for, [123] 796
Ministry, Resignation of the, [123] 1713
National Gallery, The, Com. moved for, [124] 1315
Navy Estimates, [123] 997, 1007, 1013, 1014; [124] 321, 327, 370, 374, 375, 376, 381, 385, 387, 388
Newspaper Stamps, Returns moved for, [124] 394
Newton, Mr., Case of, [123] 198
Norwich Election Petition, [124] 552
"Novello," The Ship, Com. moved for, [124] 840
Oaths, Com. moved for, [124] 1407
Ordnance Estimates, [123] 1018, 1019, 1020; [124] 754, 755, 756, 760, 761, 767
Ordnance, Iron, Return moved for, [123] 1716
Parliamentary Papers, Com. moved for, [123] 1067
Parliamentary Reform, [123] 821
Parsee Merchants, Case of, Address moved, [129] 1205
Partnerships of Limited Liability, Com. moved for, [123] 1083
Patten, Mr. Wilson, to be Chairman of Committees, [123] 215
Personal Liberty, Recovery of, [129] 1467
Peterborough Election, Com. moved for, [129] 390, 547
Pilotage, Leave, [124] 1250, 1255; 2R. [125] 579
Police, National, Com. moved for, [126] 547
Probate and Legacy Duties, [124] 825, 829
Probates of Wills, &c. 2R. [125] 657, 664; Com. [128] 1338
Public Houses (Scotland), Com. *cl.* 1, [126] 126, 128
Quarantine Laws, The, [125] 722
Railways, Accidents on, [125] 616
Russia and Turkey, [128] 1427
Rye Election Committee, Absence of Members, [125] 256
Septennial Act, The, Repeal of, [128] 533
Sheriff Courts (Scotland), Leave, [124] 95
[*cont.*

Hume, Mr. J.—*continued.*

Sheriff Courts (Scotland) (No. 2), Leave, [124] 1297; Com. [126] 751; 2R. [127] 183; Com. *cl.* 28, [128] 915; *cl.* 41, Amend. 919
Silver Coinage—The Mint, [124] 1223
Six-Mile Bridge Affray, [129] 298
South Sea, &c. Annuities Commutation, 2R. [125] 427; Com. *cl.* 2, [126] 322, 343; 3R. *add. cl.* 633, 644
Southampton Election Committee, Report, [124] 1358
Speaker, Choice of a, [123] 12
Speaker, Office of, Com. moved for, [124] 412; [129] 1272
Succession Duties, The, [127] 287, 332
Succession Duty, 2R. [127] 1385, 1387
Sugar Duties, Returns moved for, [123] 1191
Supply—National Gallery, [123] 1030, 1035, 1036;—Funeral of the Duke of Wellington, 1036, 1039;—British Museum, [129] 1297;—British Ambassador's House, Paris, 1303;—Slave Trade, Suppression of, 1306;—New Houses of Parliament, 1313, 1317;—Battersea and Vauxhall Embankment, 1407, 1412;—Civil Contingencies, 1451;—Naval Coast Volunteers, 1452;—Post Office Packet Service, 1453, 1455;—Convict Establishments, 1470;—Militia, 1475, 1476
Tenant Right (Ireland), 2R. [123] 1042
Transportation, 3R. [129] 1698
Transportation to the Australian Colonies, [124] 589
Wages, Payment of, 2R. Amend. [126] 1099
Wellington, Duke of, Funeral of the, [123] 129, 211, 212, 223
West London Waterworks Company, 2R. [124] 800
Wine Duties, The, [126] 160
Wines, Foreign and Colonial, Com. moved for, [125] 640
Yarmouth Petition, Com. moved for, [123] 1200

Hume, Mr. W. F., *Wicklow*
Elections, Expenses of, Re-Com. Amend. [129] 1243

Hutchins, Mr. E. J., *Lymington*
Hackney Carrriage Duties, Com. *add. cl.* [129] 971
India, Government of, Rep. [129] 965, 966
Supply—Miscellaneous Charges, [127] 468

Hutchinson's Claim Bill,
c. 1R.* [123] 430;
2R. [126] 1314; Amend. (Rt. Hon. Sir C. Wood), 1317, [*o. q.* A. 28, N. 186, M. 38] 1318

Hutt, Mr. W., *Gateshead*
Charitable Trusts, 3R. Amend. 1487, 1489
Clitheroe Election, Address moved, [125] 1029
Durham Election Petitions, Nomination of Committee, Amend. [128] 232
Maidstone Election Committee, Report, [126] 303
Merchant Shipping, 3R. *add. cl.* [129] 1117, 1127
Personal Liberty, Recovery of, [129] 1467
Taunton Election Committee, Report, [128] 603

Hyde Park, Improvements in,
c. Question (Mr. Oliveira), [127] 429

Import Duties,
c. Motion (Mr. Hume), [124] 1005 [A. 101, N. 159, M. 58] 1040

Income Tax—Clerical Exemption,
c. Question (Mr. Rich), [123] 980;—*Commercial Legislation,* Observations (Rt. Hon. W. E. Gladstone), 981; Question (Mr. Hume), [124] 124

Income Tax—Ireland,
l. Returns moved for (Earl of Wicklow), [123] 1415

Income Tax, The—Financial Statement,
c. Com. [126] 453; Amend. (Sir E. B. Lytton), 127] 462; Adj. Debate, 682, 804, 912 [*o. q.* A. 323, N. 252, M. 71], 1004, 1167; Amend. (Hon. C. Lawless), 1168; Motion (Mr. J. Ball), 1193; Adj. Debate, 1239, [*o. q.* A. 286, N. 61, M. 225] 1240, 1245; Amend. (Mr. J. D. Fitzgerald), 1258; Motion neg., 1279; Amend. (Mr. Mitchell), *ib.*; Amend. withdrawn, 1283; Amend. (Mr. R. Palmer), 1331, [A. 201, N. 276, M. 75] 1375; Question (Mr. Vansittart), 681; (Mr. Packe), 911; 127] Com. [127] 235; Amend. (Mr. Vansittart), 239, [A. 60, N. 120, M. 60] 258

Income Tax Bill,
c. 1R.* [127] 318;
127] 2R. 438;
Com. 504; Amend. (Col. Dunne), 510, [*o. q.* A. 194, N. 61, M. 123] 536;
cl. 1, Amend. (Lord C. Hamilton), 538; Amend. withdrawn, 543; Amend. (Mr. Frewen), [*o. q.* A. 223, N. 82, M. 141] 544;
cl. 3, Amend. (Mr. Michell), 544; Amend. (Rt. Hon. S. H. Walpole), 546; 1st Amend. withdrawn, *ib.*, [A. 72, N. 164, M. 92] 547, 716;
cl. 5, 716, [A. 96, N. 27, M. 70] 735;
cl. 7, 735;
cl. 12, 736; Amend. (Lord Naas), 741; Amend. postponed, 742;
cl. 13, 739; *cl.* 15, 743;
cl. 20, Amend. (Mr. I. Butt), 747; Amend. withdrawn, 748;
cl. 25, Amend. (Mr. Brocklehurst), 748; Amend. withdrawn, 749; Amend. (Mr. I. Butt), 753, [*o. q.* A. 205, N. 49, M. 156] 757; Amend. (Mr. Michell), [A. 31, N. 130, M. 99] 758;
cl. 26; Proviso (Mr. Barrow), 788; Proviso, withdrawn, 790;
cl. 29, 790;
cl. 31, Amend. (Mr. Spooner), 792, [A. 69, N. 145, M. 76] 795;
cl. 33, 795; Amend. (Mr. W. Lockhart), 797, [A. 42, N. 101, M. 59] 801;
cl. 34, 802;
cl. 35, Amend. (Lord Naas), 802;
cl. 38; *cl.* 41, 804;
add. cl. (Chancellor of the Exchequer), 805;
add. cl. (Mr. I. Butt), 808; *cl.* withdrawn, 810; *add. cl.* 819; *cl.* neg. 820.
add. cl. (Mr. Blackett), 810; *cl.* neg. 817;
add. cl. (Mr. J. Ball), 817; *cl.* neg. 819;
[*cont.*

Income Tax Bill—continued.
127] *cl.* 9, Amend. (Mr. Frewen), 1037; Amend. withdrawn, 1030;
cl. 13, 1039; Amend. (Mr. I. Butt), 1043, [*o. q.* A. 170, N. 61, M. 109], 1046; Amend. (Mr. Cairns), 1048, [A. 66, N. 94, M. 28] 1054;
cl. 15; *cl.* 16, 1055;
add. cl. (Chancellor of the Exchequer), 1057;
add. cl. (Mr. M'Mahon), 1059; *cl.* withdrawn, 1060;
add. cl. (Mr. I. Butt), 1060;
3R. 1208, [A. 189, N. 55, M. 134] 1212;
That the Bill do pass, *add. cl.* (Sir F. Kelly), 1214, [A. 31, N. 144, M. 113] 1220;
add. cl. (Sir A. Campbell), 1221, [A. 54, N. 98, M. 44] 1228;
add. cl. (Chancellor of the Exchequer), 1228;
Bill *passed,* 1230
l. 1R.* [127] 1294;
128] 2R. 476;
Com. 588;
cl. 42; *cl.* 56, 599;
3R. 793; Amend. (Earl of Wicklow), 801; [Content 18, Not Content 34, M. 16] 813; Amend. (Earl of Lucan), [Content 10, Not Content 21, M. 11] 813
Royal Assent, 905

Incumbered Estates Court (Ireland),
c. Returns moved for (Mr. Macartney), [123] 769; Motion withdrawn, *ib.*; Question (Mr. H. Herbert), [125] 1018

Incumbered Estates (Ireland) Act Continuance Bill,
l. 1R.* [128] 247;
2R. 501;
Com. 782;
Rep. *cl.* 10, Amend. (Lord St. Leonards), 1083, [Content 36, Not Content 45, M. 9] 1085;
3R.* 1201
c. 1R.* [128] 1413;
2R. [129] 236;
Com. 685; Amend. (Mr. Whiteside), 689;
3R.* 979
l. Royal Assent, [129] 1708

Indemnity Bill,
c. 1R.* [124] 1220; 2R.* 1290; 3R.* [125] 33
l. 1R.* [125] 122; 2R.* 175; 3R.* 286
Royal Assent, 396

India,
Affairs of, l. Petition (Earl of Ellenborough), 1; (Earl of Harrowby), [125] 689; (Earl of Albemarle), [129] 353
c. Question (Mr. Bright), [125] 37
Army of, l. Returns moved for, (Earl of Ellenborough), [129] 250
Ava, War with, l. Question (Earl of Ellenborough), [124] 526; [125] 1187; [127] 1199
c. Address moved (Sir H. Willoughby), [124] 658;—*Mortality of the Troops,* Question (Mr. Cobden), [128] 377
Committee, The Select—c. Reappointment of, [123] 155; Nomination of, 210; Motion (Mr. F. French), [124] 1422, [A. 20, N. 95, M. 75] 1430
Despatches, c. Question (Mr. Hume), [127] 1299
[*cont.*

India—continued.
Gold Circulation of, in, c. Question (Rt. Hon. B. Disraeli), [125] 436
Government of, l. Petition (Earl of Ellenborough), [124] 631; (Lord Monteagle), 1061; [127] 558; (Lord Campbell), [125] 518 (Earl of Airlie), [126] 1292; (Earl of Albemarle). [127] 298, 1034; [128] 1079; (Lord Wynford), [129] 1243; Correspondence moved for (Earl of Ellenborough), [128] 3
c. Question (Mr. Baillie), [124] 1045; Observations (Mr. Rich), [127] 381
Internal Communication in, l. Returns moved moved for (Earl of Albemarle), [126] 1230
Judges, Charges Against, c. Question (Mr. J. G. Phillimore), [125] 1216; Question (Mr. Otway), [127] 955; [129] 643
Kerowlee, State of, c. Question (Mr. Otway), [125] 314
Legislative Council of, c. Question (Mr. Ewart), [128] 382; (Mr. Blackett), 603
Opium, Growth of, c. Question, (Mr. Bright), [127] 955
Parsee Merchants (Vicajee Merjee and Pestonjee Merjee), Case of, l. Petition (Lord Monteagle), [129] 1652; Explanation (Earl Granville), 1752
c. Address moved (Mr. J. G. Phillimore), [129] 1166, [A. 69, N. 111, M. 42] 1207
Pegu, Annexation of, c. Question (Mr. Cobden), [127] 431
Public Works in, l. Petition (Lord Wharncliffe), [126] 883
Railways in, c. Question (Sir H. Maddock), [123] 979
Roman Catholic Religion in, c. Question (Mr, Lucas), [129] 1722
Salt Duty, l. Petition (Marquess of Westminster), [123] 779
c. Question (Rt. Hon. Sir J. Pakington), [123] 1419; Observations, [129] 913, 1755
Scinde, Ameers of, c. Question (Visct. Jocelyn), [125] 434
See
Company's European Troops (India) Bill
Hutchinson's Claim Bill
India, Government of, Bill

India, Government of, Bill,
c. Leave, [127] 1092, Adj. Debate, 1230, 1278, 1300; 1R.*1351;
128] 2R. [128] 605; Amend. (Lord Stanley), 630; Adj. Debate. 734, 814, 977, [*o. q.* A. 322, N. 140, M. 182] 1074;
. Com. 1433;
. *cl.* 1, 1440; Amend. (Mr. Phinn), 1443; Amend. withdrawn, 1447; Amend. (Visct. Jocelyn), 1449; Amend. withdrawn, 1453; Amend. (Mr. Phinn), [A. 34, N. 127, M. 93] 1453;
. *cl.* 2, Amend. (Visct. Jocelyn), [128] 1453, [*o. q.* A 186, N. 85, M. 101] 1467;
129] *cl.* 3, [129] 34; Amend. (Rt. Hon. R. V. Smith), 41, [*o. q.* A. 193, N. 111, M. 82] 76; Amend. (Mr. Rich), 77; Amend. neg. 81; Amend. (Mr. Bright), 82;
. *cl.* 4. 84;
. *cl.* 5; *cl.* 6, 229;
. *cl.* 9; Amend. (Mr. Bright), 230
. *cl.* 10, 306; Amend. (Visct. Jocelyn), 307, [*o. q.* A. 90, N. 43, M. 47] 312; [*m. q.* A. 139, N. 79, M. 60] 331;

India, Government of, Bill—continued.
129] *cl.* 12, Amend. (Mr. Hume), 331, [*o. q.* A. 138, N. 99, M. 38] 338; Amend. (Mr. J. B. Smith), 338, [A. 85, N. 124, M. 39] 339;
. *cl.* 13, 339; *cl.* struck out, 340;
. *cl.* 14, 340;
. *cl.* 20, 418;
. *cl.* 22, Amend (Mr. Hume), 419, [A. 39, N. 168, M. 129] 428;
. *cl.* 24, Amend. (Sir H. Maddock), 556; Amend. neg. 559;
. *cl.* 26, 559;
. *cl.* 27, 565, [A. 115, N. 59, M. 56] 569;
. *cl.* 28; *cl.* 30, 570;
. *cl* 31, 571; Amend. (Mr. M. Milnes), 580; Amend. withdrawn, 583
. *cl.* 32, 657; Amend. (Mr. Hume), 659, [A. 39, N. 93, M. 54] 668;
. *cl.* 33, Amend. (Mr. Rich), 682; Amend. neg. 683;
. *cl.* 34; *cl.* 36, 683;
. *add. cl.* (Sir H. Willoughby), 761, 762, [A. 30, N. 72, M. 42] 769;
. *add. cl.* (Mr. Hume), 769, [A. 54, N. 74, M. 20] 775;
. *add. cl.* (Mr. Blackett), 775; *cl.* neg. 777;
. *add. cl.* (Mr. Rich), 777, [A. 47, N. 173, M. 126] 788;
. *add. cl.* (Mr. Newdegate), 788; *cl.* withdrawn, 792;
. *add. cl.* (Mr. J. G. Phillimore), 808; *cl.* neg. 818;
. *add. cl.* (Mr. Bright), 820, [A. 61, N. 74, M. 13] 822;
. *add. cl.* (Rt. Hon. R. V. Smith), 823, [A. 116, N. 29, M 87] 827;
. *add. cl.* (Mr. A. Wise), 830, [A. 29, N. 101, M. 72] 831;
. Rep. 913; *add. cl.* (Rt. Hon. Sir J. Pakington), 926, [A. 117, N. 107, M. 10) 957;
. *add. cl.* (Mr. Blackett), 959; *cl.* neg. 960;
. *add. cl.* (Mr. Wigram), 961;
. *add cl.* (Sir H. Maddock), 962; *cl.* neg. *ib.*;
. *add. cl.* (Rt. Hon. Sir C. Wood), 963;
. 3R. 1009;
. That the Bill do pass, 1010;
. *add. cl.* (Mr. Heyworth), 1010; *cl.* neg. 1012;
. *add. cl.* (Mr. J. G. Phillimore), 1014, (A. 48, N. 99, M. 51] 1028;
. *add. cl.* (Mr. A. Wise), 1028; *cl.* neg. 1029;
. *add. cl.* (Mr. Bright), 1030, [A. 72, N. 100, M. 28] 1033;
. *add. cl.* (Rt. Hon. Sir C. Wood), 1033; Amend. (Mr. Hadfield), 1034, [*o. q.* A. 83, N. 99, M. 16] 1041;
. Bill passed, 1045
l. 1R.* [129] 1045:
129] 2R. 1326;
. Com. *cl.* 1, 1426;
. *cl.* 2, Proviso (Earl of Ellenborough), 1427;
. *cl.* 3, Amend. (Earl of Ellenborough), 1431; Amend. neg. 1433;
. *cl.* 4; *cl.* 5, 1434;
. *cl.* 6, Amend. (Earl of Ellenborough), 1435; Amend. withdrawn, 1440;
. *cl.* 9, 1440;
. *cl.* 13, Amend. (Earl of Ellenborough), 1441;
. *cl.* 21, 1442;
. *cl.* 22, 1443; Amend. (Earl of Ellenborough, 1444;
. *cl.* 23; *cl.* 26, 1446;
. *cl.* 30, Amend. (Earl of Ellenborough), 1446; Amend. neg. 1447;

India, Government of, Bill—continued.
129] *cl.* 33, 1447;
. *cl.* 35; *cl.* 36, 1448;
. *cl.* 38, 1449;
. *cl.* 44, Amend. (Earl of Ellenborough), 1450;
. 3R. 1673; *add. cl.* (Lord Monteagle), 1674; Motion neg. 1675;
. Protest (Lord Monteagle), 1675;
. Explanation (Earl Granville), 1709
. *c.* Lords Amends. 1723
. *l.* Royal Assent, 1823

Indian Department (Canada)—Supply,
c. [127] 442

Industrial Universities—Supply,
c. [123] 1020

Ingham, Mr. R., *South Shields*
Charitable Trusts, 3R. [129] 1492
Coal Duties Committee, Nomination of Members, [124] 243
Derby Election Committee, Report, [124] 1348
Liverpool Election Committee, Report, [128] 533
Merchant Shipping, Com. *cl.* 29, [129] 102; *cl.* 38. Amend. 276, 290; 3R Amend. 1134
Metropolitan Improvements, 2R. [124] 694
Parsee Merchants, Case of, Address moved, [129] 1205
Pilotage, Leave, [124] 1265

Inglis, Sir R. H., *Oxford University*
Adjournment of the House, [123] 1720
Benefices, Union of, 2R. [124] 888
Bridgenorth Election Committee, [124] 179
Business, Public, [127] 322
Call of the House, [123] 303
Ceylon, Buddhism in, [123] 713, 717
Charitable Trusts, 3R. [129] 1489, 1491
Church Rates, Leave, [127] 612
Clergy Reserves (Canada), Leave, [124] 148; 2R. 1107, 1154; Com. *cl.* 1, [125] 73
Clitheroe Election Committee, That the Writ be suspended, [124] 929
Colonial Church Regulation, 2R. [129] 1208
Crystal Palace Company, Consideration, [125] 150
Customs, Leave, [128] 903
Durham Election Petitions, Com. moved for, [127] 963
Ecclesiastical Revenues (Ireland), Com. moved for, [127] 895
Education, Leave, [125] 559
Elections, Com. *add. cl.* [128] 237
Episcopal and Capitular Estates, 2R. [129] 1217
Financial Statement, Res. [123] 1249, 1348, 1576
Hackney Carriages, [126] 910; Com. Amend. [127] 422; 3R. *cl.* 2, 1018
Harwich Election, New Writ moved, [128] 150
Holme Reservoirs (No. 2), 3R. [128] 603
Income Tax, The, Com. [126] 1253
India, Affairs of, [125] 65
India, Government of, 2R. [128] 655; Com. *cl.* 2, 1465; *cl.* 9, [129] 233; *cl.* 12, 333; *cl.* 22, 420; *cl.* 27, 569; *cl.* 32, 675; That the Bill do pass, 1019, 1032, 1035
Irish Members and the Government, [127] 235
[*cont.*

Inglis, Sir R. H.—*continued.*
Jewish Disabilities, Leave, [124] 591; Amend. 601
Judges' Exclusion, Com. [126] 137; 3R. [127] 996, 1011
London and Mid-Western Railway, 2R. [125] 198
Maury, Lieut., his Plan—Navigation, [129] 145
Maynooth College, Com. moved for, [124] 520
Nunneries, Inspection of, Leave, 129
Ordnance, Iron, Return moved for, [123] 717
Parsee Merchants, Case of, Address moved, [129] 1204
Personal Liberty, Recovery of, 2R. [128] 534
Peterborough Election, Com. moved for, [129] 548, 549
Religious Intolerance in Spain, [124] 32, 36
Religious Persecution—The Madiais, [124] 238
Simony Law Amendment, 2R. [128] 1344, 1347
Speaker, Choice of a, [123] 8
Speaker, Illness of a, Case of, [123] 216
Speaker, Office of the, Com. moved for, [124] 406; [129] 1268
Supply—Royal Parks, [127] 392;—Oxford and Cambridge Professors, 419;—Theological Professors, (Belfast), 421;—British Museum, [129] 1298, 1299
Universities (Scotland), 2R. [128] 913; Amend. [129] 166
Westminster Bridge, [123] 977
Wight, Isle of, Railway, 2R. [125] 198

Inland Revenue Office Bill,
c. 1R.* [124] 545; 2R.* 648; 3R.* 798
l. 1R.* [124] 929; 2R.* [125] 1; Rep. 122; 3R.* 175
Royal Assent, 396

Insolvent Debtors Courts—Supply,
c. [127] 412

Insurance on Lives Bill,
c. 1R.* [129] 979; 2R.* 1098; 3R. 1252
l. 1R.* [129] 1322; 2R.* 1602; Rep. 1605; 3R.* 1709
Royal Assent, 1824

Intramural Interments,
c. Question (Mr. Whalley), [125] 449; (Mr. H. D. Seymour), 807

Ionian Islands,
c. Papers moved for (Mr. Hume), [123] 826

Ireland,
Arms Act (Ireland), c. Question (Mr. I. Butt), [128] 731, 1429
Athlone Election Committee, c. Report, [125] 1015
Church, The Established, c. Question (Mr. G. H. Moore), [124] 352
Clare Election Committee, c. Report, [127] 1297; New Writ moved (Mr. J. D. Fitzgerald), 1298
Communication with England, c. Com. moved for (Mr. H. Herbert), [126] 553
Consolidated Annuities, l. Question (Lord Monteagle), [124] 341
c. Motion (Mr. G. H. Moore), [125] 733, [A. 95, N. 143, M. 48] 790; Question (Mr. H. Herbert), [126] 33
Constabulary, Functions of the, l. Com. moved for (Lord Monteagle), [128] 697
[*cont.*

Ireland—continued.

Cork City Election, l. Petition (Earl of Donoughmore), [123] 776

Crime in, l. Returns moved for (Earl of Clancarty), [127] 1187

Criminal Prosecutions, Expenses of, c. Observations (Mr. Macartney), [127] 441

Crown Solicitors (Ireland), c. Papers moved for (Mr. J. D. Fitzgerald), [124] 1042

Dublin Post Office, Appointment in, Question (Mr. J. Ball), [123] 1718

Ecclesiastical Revenues, c. Com. moved for (Mr. G. H. Moore), [127] 862, [A. 98, N. 260, M. 169] 955

Education, Board of, c. Question (Rt. Hon S. Walpole), [128] 909

Education, National, l. Petition (Earl of Clarendon), [123] 770; Question (Earl of Clancarty), 833; [129] 866, 1247; Address moved (Marquess of Lansdowne), [123] 1568; (Earl of Clancarty), [124] 1162; Papers moved for (Earl of Donoughmore), [129] 357

c. Question (Mr. B. Osborne), [123] 247; Com. moved for (Mr. G. A. Hamilton), [126] 558; Adj. moved (Mr. Fagan), 616, [A. 28, N. 262, M. 234], 617; [*m. q.*, A. 109, N. 179, M. 70], *ib.*; Question (Lord Stanley) [129] 653

Government, The, and the Irish Members, c. Question (Mr. E. Ball), [126] 1322; Observations (Capt. Magan), [127] 219

Income Tax, l. Return moved for (Earl of Wicklow), [123] 1415

Incumbered Estates Court, c. Returns moved for (Mr. Macartney), [123] 769; Motion withdrawn, *ib.*; Question (Mr. H. Herbert), [125] 1018

Keogh, Mr., Appointment of, l. Address moved (Marquess of Westmeath), [127] 1362; Motion withdrawn, 1379; Observations (Earl of Eglintoun), [128] 132; Com. moved for (Marquess of Westmeath), 334; Motion withdrawn, 377

c. Explanation (Mr. Keogh), [128] 257

Kilmainham Hospital, c. Res. Amend (Mr. Vance), [124] 770, [A. 66, N. 119, M. 53] 772; Address moved (Mr. I. Butt), [125] 1054, [A. 198, N. 131, M. 67] 1074; Her Majesty's Answer to Address, 149; Question (Mr. I. Butt), [127] 437

Landlord and Tenant, Relations of, l. Question (Earl of Roden), [123] 1206

Levees of the Lord Lieutenant, c. Question (Mr. F. French), [125] 152

Lord Lieutenancy of, l. Question (Earl of Cardigan), [124] 170

Magistracy, l. Address moved (Earl of Eglintoun), [124] 1362;—*Case of Mr. Kirwan,* Address moved (Earl of Eglintoun), [126] 1; Motion withdrawn, 32; Correspondence moved for (Earl of Clancarty, 153

Maynooth College, l. Notice (Earl of Aberdeen), [125] 1199; Com. moved for (Earl of Winchilsea), 1291; Amend. (Earl of Aberdeen), 1306, [*o. q.* Contents 53, Not Contents 110, M. 57] 1347;

c. Petition (Mr. Spooner), [124] 413; Com. moved for (Mr. Spooner), 414; Amend. (Mr. Scholefield), 438; (Sir W. Clay), 447; Adj. Debate, 487, [*o. q.* A. 162, N. 192, M. 30] 521, 889; [*m. q.* A. 68, N. 262, M. 194] 926; Question (Mr. Maguire), [127] 438

Mayo Election Committee, c. Report, [126] 130

[*cont.*

Ireland—continued.

Ministers' Money, c. Com. moved for (Mr. Fagan), [123] 782; Amend. (Rt. Hon. S. Walpole), 794, [*p. q.* A. 94, N. 140, M. 46] 804; Question (Mr. Fagan), [124] 181

New Ross Election Committee, c. Report, [125] 1348

Newry Election Committee, c. Report, [124] 553

Post Office, c. Observations (Mr. J. Wilson), [129] 1828

Revenue Police Force, l. Observations (Earl of Donoughmore), [126] 1231

Six-Mile Bridge Affray—Clare Election, l. Question (Earl of Cardigan), [124] 28, 335; Papers moved for (Earl of Derby), [125] 396; Correspondence moved for (Earl of Cardigan), [128] 699; Motion withdrawn, 726

c. Coroner's Report moved for (Sir J Fitzgerald), [123] 201; Motion withdrawn, 205; Question (Lord A. Vane), [124] 740; Papers moved for (Rt. Hon. J. Napier), [125] 316; Motion (Lord A. Vane), 888; Motion withdrawn, 899; Question (Mr. Miles), [129] 292

Sligo (Borough) Election, c. Report, [127] 1207; New Writ moved (Mr. J. D. Fitzgerald), [128] 125; Amend. (Mr. I. Butt), 127; Adj. moved (Mr. V. Scully), 129, [A. 160, N. 21, M. 139] 130

Soldiers at Elections, c. Leave (Sir J. Fitzgerald), [126] 1075; House counted out, 1076

Supply—Public Buildings (Ireland), [127] 398, Amend. (Mr. Spooner), 399; (Mr. W. Williams), 403, [A. 43, N. 80, M. 37] 404; [A. 74, N. 54, M. 20] 405;—*Household of the Lord Lieutenant,* 408; Amend. (Mr. W. Williams), 409, [A. 31, N. 92, M. 61] 410;—*Chief Secretary,* 410;—*Paymaster of Civil Services,* 410;—*Board of Public Works,* 410;—*Criminal Prosecutions,* 413;—*Public Education,* 417;—*Royal Dublin Society,* 417;—*Royal Irish Academy,* 421;—*Royal Hibernian Academy,* 421;—*Theological Professors (Belfast),* 421; Amend. (Mr. Miall), [A. 21, N. 130, M. 109] 422;—*Queen's University,* 422;—*Hospitals,* 469;—*Nonconforming, &c. Ministers,* 470, [A. 181, N. 46, M. 135] 485;—*Concordatum Fund, &c.* 485;—*Incumbered Estates Commission,* [129] 1300;—*Navigation, connected with Drainage, ib.*;—*Brehon Laws,* 1308

Waterford Election Committee, c. Absence of one of the Members, Com. discharged, [124] 648; Report, 1069

See

Absconding Debtors (Ireland) Bill
Belfast Municipal Boundaries Bill
Consolidated Annuities (Ireland) Bill
Courts of Common Law (Ireland) Bill
Crime and Outrage (Ireland) Bill
Drainage of Land (Ireland) Act Amendment Bill
Dublin Carriage Bill
Dublin Parliamentary Registration Bill
Fisheries (Ireland) Bill
Grand Jury Cess (Ireland) Bill
Highways (Ireland) Bill
Incumbered Estates (Ireland) Act Continuance Bill
Land Improvement (Ireland) Bill
Land, &c. Sale of (Ireland) Bill
Land, Transfer of (Ireland) Bill

[*cont.*

Ireland—continued.
Landlord and Tenant (Ireland) Bill
Law Procedure (Ireland) Bill
Leasing Powers (Ireland) Bill
Libraries, Public (Ireland and Scotland) Bill
Linen Manufactures (Ireland) Bill
Magistrates Resident (Ireland) Bill
Malicious Injuries (Ireland) Bill
Ministers' Money (Ireland) Bill
Petty Sessions (Ireland) Bill
Public Works Acts Amendment (Ireland) Bill
Summary Jurisdiction (Ireland) Bill
Taxing Officer, Common Law Business (Ireland) Bill
Tenant Right (Ireland) Bill
Tenants' Compensation (Ireland) Bill
Tenants' Improvement (Ireland) Bill
Towns, Improvement of (Ireland) Bill
Valuation Act Amendment (Ireland) Bill

Irish Members and the Government,
c. Question (Mr. E. Ball), [126] 1322 ; Observations (Capt. Magan), [127] 219

Iron, Duty on—The Zollverein,
c. Question (Mr. Booker), [124] 181

IRTON, Mr. S., *Cumberland, W.*
County Rates and Expenditure, Com. [125] 260
Cruelty to Animals, 2R. [124] 1343

Italy, French and Austrian Occupation of,
c. Observations (Lord J. Russell), [128] 61

Jamaica, Affairs of,
l. Observations (Duke of Newcastle), [128] 947
c. Question (Rt. Hon. Sir J. Pakington), [128] 429 ; Observations (Lord J. Russell), [129] 1274

Jamaica, Government of—Supply,
c. [129] 1452

Jews, Admission of, to Parliament,
c. Question (Rt. Hon. T. M. Gibson), [127] 380

Jewish Disabilities,
c. Question (Mr. Walpole), [124] 334

Jewish Disabilities Bill,
c. Leave, [124] 590, [A. 234, N. 205, M. 29] 622 ; 1R.* 798 ;
2R. [125] 71 ; Amend. (Sir F. Thesiger), 87, [*o. q.* A. 263, N. 212, M. 51] 118;
Com: *cl.* 1, 166 ;
3R. [125] 1217 ; Amend. (Mr. C. Bruce), 1225 [*o. q.* A. 288, N. 230, M. 58] 1287
l. 1R.* [125] 1291 ;
2R. [126] 753 ; Amend. (Earl of Shaftesbury), 767, [*o. q.* Content 115, Not Content, 164, M. 49] 795

JOCELYN, Viscount, *Lynn Regis*
China, Rebellion in, [127] 436
Financial Statement, Res. [123] 1415, 1436
Income Tax, The, Com. [126] 842
India, Affairs of, [125] 60
India, Government of, 2R. [128] 764 ; Com. *cl.* 1, Amend. 1447, 1450, 1452 ; *cl.* 2, Amend. 1453 ; *cl.* 3, [129] 81 ; *cl.* 10, Amend. 306, 312 ; *cl.* 22, 422, 425 ; *cl.* 32, 674
Scindo, Ameers of, [125] 434

JOHNSTONE, Mr. H. B., *Canterbury*
Commercial Legislation—Free Trade, [123] 497

JOLLIFFE, Sir W. G. H., *Petersfield* (Under Secretary for the Home Department, Earl of Derby's Administration)
Army Bread, [124] 668
Berwick-upon-Tweed Election, Com. moved for, Amend. [127] 647
Canterbury Election, New Writ moved, [129] 1415
County Rates and Expenditure, Com. *cl.* 1, [125] 267 ; *cl.* 4, 1109
Customs, &c. Acts, Com. (Apples), [127] 1068 ; (Butter), 1070 ; (Oranges and Lemons), 1352, 1354
Dockyard Promotion, [128] 1324
Income Tax, The, Com. [126] 502, 1352
Metropolitan Improvements, 2R. [124] 696 ; Com. 1359, 1442 ; That the Bill do pass *add. cl.* [125] 165
Navy Estimates, [124] 389
Ordnance Estimates, [124] 766
South Sea and other Annuities Commutation, 3R. *add. cl.* [126] 646
Succession Duties, The, [127] 289
Succession Duty, Com. [128] 307, 309, 310 ; *cl.* 7, 393 ; *cl.* 19, 411 ; *cl* 21, 455 ; *cl.* 41, 1177 ; *cl.* 45, 1191, 1193 ; *cl.* 48, Amend. 1383, 1388 ; *add. cl.* 1407 ; Rep. [129] 221
Supply—Polish Refugees, &c. [127] 466
Transportation, Com. [129] 1555 ; *cl.* 1, 1559
Turnpike Acts Continuance, Lords Amends. [129] 1823

JONES, Capt. T., *Londonderry*
Communication between England and Ireland, Com. moved for, [126] 557
Excise Duties on Spirits, [127] 218 ; 2R. 380, 430 ; Com. *cl.* 1, Amend. 1387; 3R. [128] 417
Leasing Powers (Ireland), Com. [124] 625
Ministers' Money (Ireland), Com. moved for, [123] 893

Judges' Exclusion Bill,
c. Leave, [124] 999 ; 1R.* 1005 ;
2R. [125] 1080 ;
Com. Amend. (Mr. Hume), [126] 130 ; Amend. withdrawn, 138 ;
3R. [127] 993 ; Amend. (Mr. Drummond), 996, [*o. q.* A. 12, N. 224, M. 101] 1014

Juvenile Mendicancy Bill,
l. 1R.* [127] 293

Juvenile Mendicancy (No. 2) Bill,
l. 1R.* [128] 328 ;
2R. 908 ;
Com. 946, 1202 ;
cl. 1, [128] 1215 ; [129] 92 ;
Report, 164 ; 3R.* 244
c. 1R.* [129] 534

Juvenile Offenders Bill,
c. Leave, [129] 156 ; 1R.* 157 ;
2R. 1099

Kafir War, The,
c. Question (Lord J. Russell), [123] 249; (Mr. Adderley), 1432; [124] 737;—*Supply,* [129] 1455

KEATING, Mr. H. S., *Reading*
Dockyard Promotion, [128] 1291, 1298, 1310, 1324
Durham Election Petition, Com. moved for, [127] 963
Transportation, 3R. [129] 1683

KELLY, Sir F., *Suffolk, E.* (Solicitor General, Earl of Derby's Administration)
Blackburn Election Committee, [124] 1279
Business, Public, [127] 322
Clitheroe Election, Address moved, [125] 1027
Consolidated Fund and National Redemption Acts, Res. [125] 850, 857
Customs, &c. Acts, Com. Res. [127] 371, 440
Harwich Election, New Writ moved, [126] 1320
Income Tax, Com. [126] 917, 930; [127] 242, 247, 249; *cl.* 5, 725; *cl.* 26, 799; That the Bill do pass, *add. cl.* 1214, 1220
Judges' Exclusion, 2R. [125] 1084, 1088
Registration of Assurances, [127] 715
Rye Election, New Writ moved, [127] 376
South Sea and other Annuities Commutation, Com. [126] 165, 304; Amend. 305, 320, 321, 327, 330, 363; 3R. 623, 625, 626; *add. cl.* 627, 634, 636, 642, 645
South Sea Annuities Dissentients, Res. [129] 904, 905, 908, 979, 994, 1001, 1009; Com. 1398; *cl.* 1, 1404; *cl.* 3, 1406
South Sea Company's Arrangements, &c. 3R. [129] 397
Succession Duty, 2R. [127] 1384; Com. *cl.* 7, [128] 385, 386, 387; *cl.* 19, 431, 433; *cl.* 20, 438, 440, 443; *cl.* 41, 1178; *cl.* 44, 1189, 1191; *cl.* 48, 1386; *cl.* 49, 1391
Tobacco Licence Duties, [126] 681

KENDALL, Mr. N. *Cornwall, E.*
Combination of Workmen, 3R. [126] 1124
Commercial Legislation—Free Trade, [123] 630
Income Tax, The, [127] 252, 255
Lunatic Asylums, Com. *cl.* 35, Amend. [129] 831
Succession Duty, Com. *cl.* 2, [128] 318; *cl.* 25, 1135; Rep. Amend. [129] 223
Supply—Public Buildings (Ireland), [127] 390

KENNEDY, Mr. T, *Louth*
Income Tax, 3R. [127] 1209
Landlord and Tenant (Ireland), Com. *cl.* 7, [128] 730, 1367; *cl.* 70, [129] 29
Religious Persecution—The Madiais, [124] 239

KEOGH, Mr. W., *Athlone* (Solicitor General for Ireland, Earl of Aberdeen's Administration)
Appointment of, Explanation, [128] 257, 300
Commercial Legislation—Free Trade—The Division, [123] 713
[*cont.*

KEOGH, Mr. W.—*continued.*
Common Law Courts of (Ireland), Com. *cl.* 10, [127] 1285; *cl.* 32, 1288; *cl.* 38, 1290; *cl.* 63, 1293
Incumbered Estates (Ireland) Act Continuance, Com. [129] 689
Landlord and Tenant (Ireland), Com. *cl.* 7, [128] 1367; *cl.* 24, 1371; *cl.* 36, 1414; *cl.* 44, 1416; *cl.* 70, 1419
Malicious Injuries (Ireland), 3R. [128] 905
Public Works Act Amendment (Ireland), Com. [129] 1322
Tenant-Right (Ireland), 2R. [123] 1041, 1044, 1139, 1140

Keogh, Mr., Appointment of,
l. Address moved (Marquess of Westmeath), [127] 1362; Motion withdrawn, 1379; Observations (Earl of Eglintoun), [128] 132; Com. moved for (Marquess of Westmeath), 334; Motion withdrawn, 377
c. Explanation (Mr. Keogh), [128] 257

Kerowlee, State of,
c. Question (Mr. Otway), [125] 314

Kilmainham Hospital,
c. Res. Amend. (Mr. Vance), [124] 770, [A. 66, N. 119, M. 53] 772; Address moved (Mr. I. Butt), [125] 1054, [A. 198, N. 131, M. 67] 1074; Her Majesty's Answer to Address, [127] 149; Question (Mr. I. Butt), 437

KING, Hon. P. J. L., *Surrey, E.*
Chatham Election Committee, [124] 1432, 1435
County Elections Polls, 2R. [123] 470
County Franchise, Leave, [126] 1045, 1049
Durham Election Petitions, Com. moved for, [127] 142

Kingston-upon-Hull Election Committee,
c. Report, [124] 1220; Address moved (Rt. Hon. H. Labouchere), [125] 596
l. Commission moved for (Earl of Aberdeen), [126] 145

Kingstown Harbour—Supply,
c. [127] 406

KINNAIRD, Lord
Combination of Workmen, 2R. [129] 1322, 1325
Juvenile Mendicancy (No. 2), Com. [129] 100
Public Houses (Scotland), Com. [129] 374

KINNAIRD, Hon. A. F., *Perth*
Colonial Church Regulation, 2R. Amend. [129] 1208
Income Tax, That the Bill do pass, *add. cl.* [127] 1227
Madiais, Case of the, [123] 1570; [124] 40, 196, 242
Malta, Criminal Code of, Address moved, [129] 1732, 1736, 1751
Portugal, Criminal Code of, [129] 1821
Public Houses (Scotland), Com. *cl.* 1, [126] 128
Stamp Duties, Res. [128] 1091
Supply—Royal Parks, [127] 390;—Ministers at Foreign Courts, 461

Ireland—continued.
Landlord and Tenant (Ireland) Bill
Law Procedure (Ireland) Bill
Leasing Powers (Ireland) Bill
Libraries, Public (Ireland and Scotland) Bill
Linen Manufactures (Ireland) Bill
Magistrates Resident (Ireland) Bill
Malicious Injuries (Ireland) Bill
Ministers' Money (Ireland) Bill
Petty Sessions (Ireland) Bill
Public Works Acts Amendment (Ireland) Bill
Summary Jurisdiction (Ireland) Bill
Taxing Officer, Common Law Business (Ireland) Bill
Tenant Right (Ireland) Bill
Tenants' Compensation (Ireland) Bill
Tenants' Improvement (Ireland) Bill
Towns, Improvement of (Ireland) Bill
Valuation Act Amendment (Ireland) Bill

Irish Members and the Government,
c. Question (Mr. E. Ball), [126] 1322; Observations (Capt. Magan), [127] 219

Iron, Duty on—The Zollverein,
c. Question (Mr. Booker), [124] 181

IRTON, Mr. S., *Cumberland, W.*
County Rates and Expenditure, Com. [125] 260
Cruelty to Animals, 2R. [124] 1343

Italy, French and Austrian Occupation of,
c. Observations (Lord J. Russell), [128] 61

Jamaica, Affairs of,
l. Observations (Duke of Newcastle), [128] 947
c. Question (Rt. Hon. Sir J. Pakington), [128] 429; Observations (Lord J. Russell), [129] 1274

Jamaica, Government of—Supply,
c. [129] 1452

Jews, Admission of, to Parliament,
c. Question (Rt. Hon. T. M. Gibson), [127] 380

Jewish Disabilities,
c. Question (Mr. Walpole), [124] 334

Jewish Disabilities Bill,
c. Leave, [124] 590, [A. 234, N. 205, M. 29] 622; 1R.* 798;
2R. [125] 71; Amend. (Sir F. Thesiger), 87, [*o. q.* A. 263, N. 212, M. 51] 118;
Com. *cl.* 1, 166;
3R. [125] 1217; Amend. (Mr. C. Bruce), 1225 [*o. q.* A. 288, N. 230, M. 58] 1287
l. 1R.* [125] 1291;
2R. [126] 753; Amend. (Earl of Shaftesbury), 767, [*o. q.* Content 115, Not Content, 164, M. 49] 795

JOCELYN, Viscount, *Lynn Regis*
China, Rebellion in, [127] 436
Financial Statement, Res. [123] 1415, 1436
Income Tax, The, Com. [126] 842
India, Affairs of, [125] 60
India, Government of, 2R. [128] 764; Com. *cl.* 1, Amend. 1447, 1450, 1452; *cl.* 2, Amend. 1453; *cl.* 3, [129] 81; *cl.* 10, Amend. 306, 312; *cl.* 22, 422, 425; *cl.* 32, 674
Scinde, Ameers of, [125] 434

JOHNSTONE, Mr. H. B., *Canterbury*
Commercial Legislation—Free Trade, [123] 407

JOLLIFFE, Sir W. G. H., *Petersfield* (Under Secretary for the Home Department, Earl of Derby's Administration)
Army Bread, [124] 668
Berwick-upon-Tweed Election, Com. moved for, Amend. [127] 647
Canterbury Election, New Writ moved, [129] 1415
County Rates and Expenditure, Com. *cl.* 1, [125] 267; *cl.* 4, 1109
Customs, &c. Acts, Com. (Apples), [127] 1068; (Butter), 1070; (Oranges and Lemons), 1352, 1354
Dockyard Promotion, [128] 1324
Income Tax, The, Com. [126] 502, 1352
Metropolitan Improvements, 2R. [124] 696; Com. 1359, 1442; That the Bill do pass *add. cl.* [125] 165
Navy Estimates, [124] 389
Ordnance Estimates, [124] 766
South Sea and other Annuities Commutation, 3R. *add. cl.* [126] 646
Succession Duties, The, [127] 289
Succession Duty, Com. [128] 307, 309, 310; *cl.* 7, 393; *cl.* 19, 411; *cl.* 21, 455; *cl.* 41, 1177; *cl.* 45, 1191, 1193; *cl.* 48, Amend. 1383, 1388; *add. cl.* 1407; Rep. [129] 221
Supply—Polish Refugees, &c. [127] 466
Transportation, Com. [129] 1555; *cl.* 1, 1559
Turnpike Acts Continuance, Lords Amends. [129] 1823

JONES, Capt. T., *Londonderry*
Communication between England and Ireland, Com. moved for, [126] 557
Excise Duties on Spirits, [127] 218; 2R. 380, 430; Com. *cl.* 1, Amend. 1387; 3R. [128] 417
Leasing Powers (Ireland), Com. [124] 625
Ministers' Money (Ireland), Com. moved for, [123] 803

Judges' Exclusion Bill,
c. Leave, [124] 999; 1R.* 1005;
2R. [125] 1080;
Com. Amend. (Mr. Hume), [126] 130; Amend. withdrawn, 138;
3R. [127] 993; Amend. (Mr. Drummond), 996, [*o. q.* A. 12, N. 224, M. 101] 1014

Juvenile Mendicancy Bill,
l. 1R.* [127] 293

Juvenile Mendicancy (No. 2) Bill,
l. 1R.* [128] 328;
2R. 908;
Com. 946, 1202;
cl. 1, [128] 1215; [129] 92;
Report, 164; 3R.* 244
c. 1R.* [129] 534

Juvenile Offenders Bill,
c. Leave, [129] 156; 1R.* 157;
2R. 1099

Kafir War, The,
c. Question (Lord J. Russell), [123] 249; (Mr. Adderley), 1432; [124] 737;—*Supply*, [129] 1455

KEATING, Mr. H. S., *Reading*
Dockyard Promotion, [128] 1291, 1298, 1310, 1324
Durham Election Petition, Com. moved for, [127] 963
Transportation, 3R. [129] 1683

KELLY, Sir F., *Suffolk, E.* (Solicitor General, Earl of Derby's Administration)
Blackburn Election Committee, [124] 1279
Business, Public, [127] 322
Clitheroe Election, Address moved, [125] 1027
Consolidated Fund and National Redemption Acts, Res. [125] 850, 857
Customs, &c. Acts, Com. Res. [127] 371, 440
Harwich Election, New Writ moved, [126] 1320
Income Tax, Com. [126] 917, 930; [127] 242, 247, 249; *cl.* 5, 725; *cl.* 26, 799; That the Bill do pass, *add. cl.* 1214, 1220
Judges' Exclusion, 2R. [125] 1084, 1088
Registration of Assurances, [127] 715
Rye Election, New Writ moved, [127] 376
South Sea and other Annuities Commutation, Com. [126] 165, 304; Amend. 305, 320, 321, 327, 330, 363; 3R. 623, 625, 626; *add. cl.* 627, 634, 636, 642, 645
South Sea Annuities Dissentients, Res. [129] 904, 905, 908, 979, 994, 1001, 1009; Com. 1398; *cl.* 1, 1404; *cl.* 3, 1406
South Sea Company's Arrangements, &c. 3R. [129] 397
Succession Duty, 2R. [127] 1384; Com. *cl.* 7, [128] 385, 386, 387; *cl.* 19, 431, 433; *cl.* 20, 438, 440, 443; *cl.* 41, 1178; *cl.* 44, 1189, 1191; *cl.* 48, 1386; *cl.* 49, 1391
Tobacco Licence Duties, [126] 681

KENDALL, Mr. N. *Cornwall, E.*
Combination of Workmen, 3R. [126] 1124
Commercial Legislation—Free Trade, [123] 630
Income Tax, The, [127] 252, 255
Lunatic Asylums, Com. *cl.* 35, Amend. [129] 831
Succession Duty, Com. *cl.* 2, [128] 318; *cl.* 25, 1135; Rep. Amend. [129] 223
Supply—Public Buildings (Ireland), [127] 390

KENNEDY, Mr. T, *Louth*
Income Tax, 3R. [127] 1209
Landlord and Tenant (Ireland), Com. *cl.* 7, [128] 730, 1367; *cl.* 70, [129] 29
Religious Persecution—The Madiais, [124] 239

KEOGH, Mr. W., *Athlone* (Solicitor General for Ireland, Earl of Aberdeen's Administration)
Appointment of, Explanation, [128] 257, 300
Commercial Legislation—Free Trade—The Division, [123] 713

[*cont.*

KEOGH, Mr. W.—*continued.*
Common Law Courts of (Ireland), Com. *cl.* 10, [127] 1285; *cl.* 32, 1288; *cl.* 38, 1290; *cl.* 63, 1293
Incumbered Estates (Ireland) Act Continuance, Com. [129] 689
Landlord and Tenant (Ireland), Com. *cl.* 7, [128] 1367; *cl.* 24, 1371; *cl.* 36, 1414; *cl.* 44, 1416; *cl.* 70, 1419
Malicious Injuries (Ireland), 3R. [128] 905
Public Works Act Amendment (Ireland), Com. [129] 1322
Tenant-Right (Ireland), 2R. [123] 1041, 1044, 1139, 1140

Keogh, Mr., Appointment of,
l. Address moved (Marquess of Westmeath), [127] 1362; Motion withdrawn, 1379; Observations (Earl of Eglintoun), [128] 132; Com. moved for (Marquess of Westmeath), 334; Motion withdrawn, 377
c. Explanation (Mr. Keogh), [128] 257

Kerowlee, State of,
c. Question (Mr. Otway), [125] 314

Kilmainham Hospital,
c. Res. Amend. (Mr. Vance), [124] 770, [A. 66, N. 119, M. 53] 772; Address moved (Mr. I. Butt), [125] 1054, [A. 198, N. 131, M. 67] 1074; Her Majesty's Answer to Address, [127] 149; Question (Mr. I. Butt), 437

KING, Hon. P. J. L., *Surrey, E.*
Chatham Election Committee, [124] 1432, 1435
County Elections Polls, 2R. [123] 470
County Franchise, Leave, [126] 1045, 1049
Durham Election Petitions, Com. moved for, [127] 142

Kingston-upon-Hull Election Committee,
c. Report, [124] 1220; Address moved (Rt. Hon. H. Labouchere), [125] 596
l. Commission moved for (Earl of Aberdeen), [126] 145

Kingstown Harbour—Supply,
c. [127] 406

KINNAIRD, Lord
Combination of Workmen, 2R. [129] 1322, 1325
Juvenile Mendicancy (No. 2), Com. [129] 100
Public Houses (Scotland), Com. [129] 374

KINNAIRD, Hon. A. F., *Perth*
Colonial Church Regulation, 2R. Amend. [129] 1208
Income Tax, That the Bill do pass, *add. cl.* [127] 1227
Madiais, Case of the, [123] 1570; [124] 40, 196, 242
Malta, Criminal Code of, Address moved, [129] 1732, 1736, 1751
Portugal, Criminal Code of, [129] 1821
Public Houses (Scotland), Com. *cl.* 1, [126] 128
Stamp Duties, Res. [128] 1091
Supply—Royal Parks, [127] 390;—Ministers at Foreign Courts, 461

KIRK, Mr. W., *Newry*
Duffy, Mr., Case of, [126] 1209
Education (Ireland), Com. moved for, [126] 616
Income Tax, Com. *cl.* 5, [127] 733 ; *cl.* 15, 743 ; *cl.* 25, 757 ; *add. cl.* 820 ; *cl.* 13, 1044
Jewish Disabilities, 3R. [125] 1226
Land Improvement (Ireland), Com. *cl.* 36, Amend. [124] 1347
Landlord and Tenant (Ireland), Leave, [123] 344 ; Com. *cl.* 8, [128] 1367
Leasing Powers (Ireland), Com. *cl.* 10, [128] 727
Maynooth College, Com. moved for, [124] 920
Merchant Shipping, 3R. Amend. [129] 1132

Kirwan, Mr., Case of—The Irish Magistracy,
l. Address moved (Earl of Eglintoun), [126] 1 ; Motion withdrawn, 32 ; Correspondence moved for (Earl of Clancarty), 153

Knaresborough Election Committee,
c. Report, [126] 450

KNIGHTLEY, Mr. R., *Northamptonshire, S.*
Income Tax, The, Com. [126] 485

Knowledge, Taxes on—The Advertisement Duty,
c. Motion (Rt. Hon. T. M. Gibson), [125] 1117, [*p. q.* A. 200, N. 169, M. 31] 1187 ;—*Taxes on Newspapers*, [*p. q.* A. 98, N. 280, M. 182] *ib.*;—*Excise Duty on Paper*, [*p. q.* A. 80, N. 279, M. 199] *ib.*

KNOX, Col. B. W., *Marlow*
Ballot, The, Leave, [128] 223
Excise Duties on Spirits, 3R. [128] 426
Government, The, and the Irish Members, [126] 1330
Hackney Carriages (Metropolis), Com. *cl.* 1, [127] 487
Income Tax, Com. *cl.* 3, [127] 546
Rye Election, New Writ moved, [126] 1219 ; [127] 375

Kossuth, M.—Seizure of Warlike Stores,
c. Question (Sir J. Walmsley), [125] 1208 ; [126] 796 ; (Mr. T. Duncombe), [126] 451, 1142

LABOUCHERE, Rt. Hon. H., *Taunton*
Budget, The, [123] 920 ; Financial Statement, Res. 1587
Dockyard Promotion, [128] 1317
Durham Election, Mr. Duncan's Case, [127] 708
Elections, Com. *add. cl.* [128] 238, 240
Elections, Expenses of, Com. *cl.* 3, [128] 1334
Factories, Leave, [128] 1285
Holme Reservoirs (No. 2), 3R [128] 602
Judges' Exclusion, Com. [126] 136
Kingston-upon-Hull Committee, Report, [124] 1220 ; Address moved, [125] 596, 600
Merchant Shipping, Com. *cl.* 6, [128] 1220 ; *cl.* 7, 1221 ; *cl.* 27, 1222 ; *cl.* 29, 1228
Pilotage, Leave, [124] 1257 ; Com. [126] 227
Railway Amalgamation, [123] 245 ; Res. [125] 1205
Succession Duty, Com. *cl.* 21, [128] 468 ; *cl.* 55, 1392
Tobacco Licence Duties, [126] 680

Labuan—Supply,
c. [127] 454

LAFFAN, Capt. R., *St. Ives*
Consolidated Annuities (Ireland), [125] 772
Consolidated Fund and National Redemption Acts, Res. [125] 871, 872
South Sea and other Annuities Commutation, Com. *cl.* 2, [126] 340 ; *cl.* 32, 369

LAING, Mr. S., *Wick, &c.*
Advertisement Duty, Res. [128] 1121
Consolidated Fund and National Redemption Acts, Res. [125] 862, 866
Crystal Palace Company, Consideration, [125] 150
Income Tax, That the Bill do pass, *add. cl.* [127] 1219
Railway and Canal Bills, Com. moved for, [123] 1054 ; Res. [125] 1207
Railways, Accidents on, [125] 617
South Sea and other Annuities Commutation, Com. *cl.* 2, [126] 339
Wight, Isle of, Railway, 2R. [125] 197

Lancaster Election,
c. Report, [124] 347 ; New Writ moved (Mr. W. Brown), [125] 642 ; Amend. (Mr. Thornely), 643 ; Amend. withdrawn, 646

Land Improvement (Ireland) Bill,
c. Leave, [123] 305 ; 1R.* 348 ; 2R.* 1064 ; Com. *cl.* 23, Amend. (Col. Greville), [124] 1346 ; Amend. withdrawn, 1347 ; *cl.* 36, Amend. (Mr. Kirk), 1347 ; Amend. withdrawn, 1348 ;
3R. Amend. (Mr. J. D, Fitzgerald), [125] 172
l. 1R.* [125] 175 ;
2R. 586 ;
Com. [126] 1295 ; Amend. (Lord Monteagle), 1297, [*o. q.*, Content 35, Not Content 8, M. 27] 1311 ;
cl. 1, 1311 ;
cl. 3, 1312 ; *cl.* postponed, *ib.* ;
cl. 4, 1312 ; Amend. (Lord Beaumont), [*o. q.* Content 14, Not Content 9, M. 5] 1313 ;
cl. 5, Amend. (Lord Monteagle), [126] 1313, [Content 7, Not Content 13, M. 6] 1314 ;
cl. 25, Amend. (Earl of Donoughmore), [Content 10, Not Content, 13, M. 3] [126] 1314

Land Revenues Bill,
c. 1R.* [128] 814 ; 2R.* 1167 ; 3R.* [129] 29
l. 1R.* [129] 89 ; 2R.* 244 ; 3R.* 586
Royal Assent, 1243

Land, Sale and Purchase of, Bill,
c. Leave, [124] 125 ; 1R.* 132 ; 2R.* [128] 233

Lands, &c., Sale of (Ireland) Bill,
c. Leave, [126] 647 ; 1R.* 657 ; 2R.* [128] 1367

Land Tax Commissioners Names Bill,
c. 1R.* [123] 977 ; 2R.* 1315 ;
Com. [124] 88 ; 3R.* [129] 1252
l. 1R.* [129] 1497 ; 2R.* 1708 ; Rep.* 1751 ·
3R.* 1811
Royal Assent, 1824

Land Tax Redemption Bill,
c. 1R.* [129] 166 ; 2R.* 376 ; 3R.* 744
l. 1R.* [129] 795 ; 2R.* 1416 ; Rep.* 1497 ; 3R.* 1602
Royal Assent, 1709

Land Tax Redemption Act Amendment Bill,
c. Leave, [129] 1707 ; 1R.* ; 2R.* ; Rep.* ; 3R.* 1708
l. 1R.* [129] 1708 ; 2R.* 1751 ; Rep.* 1811 ; 3R.* 1816
Royal Assent, 1824

Land, Transfer of (Ireland),
c. Leave, [127] 134 ; 1R.* *ib.* ; 2R. [128] 928

Lands Improvement Company (No. 2) Bill,
l. 1R.* [127] 1195 ; 2R.* [128] 247 ;
3R. [129] 249

Landlord and Tenant (Ireland) Bill,
c. Leave, [123] 305 ; 1R.* 348 ; 2R.* 1064 ; Com. [124] 625 ;
128] *cl.* 7, [128] 729, 1367, [A. 51, N. 13, M. 38] 1368 ;
cl. 9, 1368 ;
cl. 10, Amend. (Mr. V. Scully), 1369, [*o. q.* A. 55, N. 32, M. 23] ; Amend. (Mr. R. Fox), [A. 27, N. 61, M. 34] 1370 ;
cl. 20, 1370 ;
cl. 24, Amend. (Mr. M'Mahon), 1137, [*o. q.* A. 63, N. 48, M. 15] 1372 ;
cl. 32, 1372 ;
cl. 36, 1413 ;
cl. 43, 1414 ; *cl. postponed,* 1415 ;
cl. 44, [A. 62, N. 18, M. 43] 1416 ;
cl. 47, [A. 59, N. 18, M. 41] 1417 ;
cl. 65, 1417 ;
129] *cl.* 70, 1417 ; Amend. [*o. q.* A. 62, N. 54, M. 8] [129] 29 ; [*m. q.* A. 103, N. 74, M. 29] 32 ;
cl. 73, Amend. (Mr. Lucas), 32 ; [*o. q.* A. 106, N. 60, M. 46] 33 ;
cl. 74, 33 ;
3R. Amend. (Visct. Monck), 1113, [*o. q.* A. 70, N. 94, M. 24] 1114
l. 1R.* [129] 1137 ;
2R. 1500

Landlord and Tenant (Ireland) Bill (Lords),
l. 1R. [129] 435

Landlord and Tenant (Ireland) Relations of,
l. Question (Earl of Roden), [123] 1206 ;
Observations (Marquess of Clanricarde), [129] 1416

LANSDOWNE, Marquess of (Member of the Earl of Aberdeen's Cabinet, without office)
Address in Answer to the Speech, [123] 36
Commercial Legislation — Free Trade, Res. [123] 953, 960
Education, National (Ireland), Address moved, [123] 1568 ; [124] 1217
Income Tax, 2R. [128] 498

[*cont.*

LANSDOWNE, Marquess of—*continued.*
Incumbered Estates (Ireland) Act Continuance, Rep. [128] 1083
Maynooth College, Com. moved for, [125] 1338
Polling at Elections Amendment, 2R. [129] 264
Smoke Nuisance Abatement (Metropolis) Com. [129] 1752, 1755
Succession Duty, Com. *cl.* 2, [129] 735
Transportation, [126] 670 ; Com. *cl.* 8, [129] 351

La Plata, Affairs of,
l. Question (Earl of Malmesbury), [127] 1072

LASCELLES, Hon. E., *Ripon*
Newry Election Committee, Report, [124] 553
Totness Election Committee, Report, [126] 908

LASLETT, Mr. W., *Worcester*
Health, Public, Act of 1848, [124] 1352

Law Charges—Supply,
c. [127] 412

Law, Improvements in the Administration of,
Observations (Lord Chancellor), [123] 167

Law Procedure (Ireland),
c. Leave, [123] 257

Law Reform,
l. Question (Lord Lyndhurst), [123] 125 ;
Petition (Lord Brougham), [124] 244

LAWLESS, Hon. C. J., *Clonmell*
Income Tax, The, Com. Amend. [126] 1168, 1246
Ministers' Money (Ireland), [123] 700
Precedence in Resumed Debate, [126] 1245

LAYARD, Mr. A. H., *Aylesbury*
Russia and Turkey, [128] 57, 1087, 1422, 1429 ; [129] 647, 652, 1463, 1769
Turkish Loan, The, [123] 243

Leadership of the House of Commons,
c. Question (Mr. Cayley), [124] 548

Leasing Powers (Ireland) Bill,
c. Leave, [123] 305 ; 1R.* 348 ; 2R.* 1064 ; Com. [124] 625 ; Adj. Debate, 767 ; That Five be a Quorum, 768 ; Com. [128] 240
cl. 5, 242 ;
cl. 8, Amend. (Sir R. Ferguson), 246, [*o. q.* A. 100, N. 32, M. 68] 247 ;
cl. 10, 726 ;
cl. 28, 728 ;
3R.* 977
l. 1R.* [128] 1142 ;
2R. [129] 1535

LEFEVRE, Rt. Hon. CHARLES SHAW, *see* also SPEAKER, The, *Hampshire, N.*
Speaker, Choice of a, [123] 9, 10, 13, 14

Legacy and Probate Duties,
c. Motion (Mr. W. Williams), [124] 805, [A. 71, N. 124, M. 53] 834

Legacy Duties,
c. Question (Mr. Stapleton), [126] 159 ; (Lord A. Vane), 911 ;—see *Succession Duties*

Leicester, Day Mail to,
c. Motion (Mr. Frewen), [123] 208; Motion withdrawn, 210

LEINSTER, Duke of
Maynooth College, Com. moved for, [125] 1328

LENNOX, Lord A. F. C., *Shoreham*
Ballot, The, Leave, [128] 192
County Elections Polls, Com. [123] 807

Letter Carriers,
c. Motion (Mr. T. Duncombe), [124] 841 ; Motion withdrawn, 851 ; Question (Mr. T. Duncombe), [126] 156

Levees of the Lord Lieutenant,
c. Question (Mr. F. French), [125] 152

Liberia, Free Labour from,
l. Question (Lord Brougham), [128] 912

Libraries, Public, and Museums Bill,
c. 1R.* [129] 744

Libraries, Public (Ireland and Scotland) Bill,
c. 1R.* [128] 505 ; 2R.* 926 ; 3R.* 534
l. 1R.* [129] 586 ; 2R.* 972 ; 3R.* 1605
Royal Assent, 1824

LIDDELL, Hon. H. T., *Liverpool*
Elections, Expenses of, Re-Com. *cl.* 1, [129] 1240, 1242
Merchant Shipping, Com. *cl.* 29, [129] 121 ; *cl.* 38, 286
Succession Duty, 3R. [129] 394

LIDDELL, Mr. H. G., *Northumberland*
Clergy Reserves (Canada), 2R. [124] 1128 ; 3R. [125] 951
Coal Trade, The, [123] 147
Maldon Election, Commission moved for [126] 123
Parsee Merchants, Case of, Address moved, [129] 1191
Russia and Turkey—Navigation of the Danube, [128] 1373, 1375
Succession Duties, The, [127] 350

Light Houses Abroad—Supply,
c. [129] 1300

Lighting and Ventilating the House,
c. Question (Sir De L. Evans), [124] 180

LIMERICK, Bishop of
Education, National (Ireland), Address moved, [124] 1195

Limited Liabilities of Public Companies,
c. Question (Mr. W. Patten), [124] 348

LINDSAY, Hon. Lieut. Col. J., *Wigan*
Guards, Coloneleies in the, [124] 801
Kilmainham Hospital, Address moved, [125] 1074
Militia, Fees on Commissions in the, [126] 158
Ordnance Estimates, [124] 760, 762, 764
Sheriff Courts (Scotland), Com. [126] 752

Linen, &c., Manufactures (Ireland) Bill,
c. 1R.* [129] 1153 ; 2R.* 1252 ; 3R.* 1535
l. 1R.* [129] 1602 ; 2R.* 1708 ; Rep.* 1751 ; 3R.* 1811
Royal Assent, 1824

Liverpool Election Committee,
c. Report, [128] 533 ; New Writ moved (Mr. Freshfield), 940 ; Adj. Debate, 1077

Loan Societies Bill,
c. 1R.* [129] 1252 ; 2R.* 1395 ; 3R.* 1598
l. 1R.* [129] 1602 ; 2R.* 1751 ; Rep.* 1811 ; 3R.* 1816
Royal Assent, 1824

Loans to Rate Payers in Counties,
l. Returns moved (Earl Powis), [123] 1430

Local Assessment Bill,
l. 1R.* [127] 1

LOCKE, Mr. J., *Honiton*
Drainage, Great London, 2R. [124] 1337
Hackney Carriages (Metropolis), Com. [127] 429
Hackney Carriage Duties, Com. *add. cl.* [129] 969
Health, General Board of, Rep. *add. cl.* [129] 240
Railway and Canal Bills, Com. moved for, [123] 1053
Supply—National Gallery, [123] 1035
Thames Embankment, Com. Amend. [129] 239

LOCKHART, Mr. W., *Lanarkshire*
County Elections Polls (Scotland), Com. *cl.* 4, [125] 1080
Income Tax, Com. *cl.* 33, Amend. [127] 797, 800
Ordnance Estimates, [124] 760
Savings Banks Annuities, 3R. Adj. moved, [128] 1200
Sheriff Courts (Scotland), Com. *cl.* 10, [128] 327
Succession Duty, Com. *cl.* 49, [128] 1391 ; Rep. [129] 206
Universities (Scotland), 2R. [129] 183, 200

Lodging Houses, Common, Bill,
l. 1R.* [126] 142 ; 2R.* [127] 294 ; Com. 553 ; 3R.* 1018
c. 1R.* [127] 1207 ; 2R.* 1284 ; 3R.* [128] 1087
Royal Assent, [129] 1243

Lombardy, Austrian Government in,
c. Observations (Mr. Blackett), [125] 446

LONDON, Bishop of
Benefices, Sequestration of, [128] 696
Cemetery Association, Great Extramural, 2R. [128] 133, 134
Church Buildings Act Amendment, [128] 1156, 1158 ; *cl.* 6, 1160
Clergy Reserves (Canada), [124] 729, 733 ; Com. *cl.* 1, [126] 422
Colonial Church Regulation, Com. *cl.* 1, [129] 516, 525 ; *cl.* 5, 528, 529
Dwellings for the Labouring Classes, Res. [125] 408
Education, National (Ireland), Address moved, [124] 1199, 1205
Maynooth College, Com. moved for, [125] 1323, 1324

London, Corporation of,
c. Question (Sir B. Hall), [125] 803

London Docks Bill,
c. 1R.* [124] 32 ; 2R.* 153 ; 3R.* [127] 956
l. 1R.* [127] 1018 ;
2R. [128] 132

London and Mid-Western Railway Bill,
c. 1R.* [124] 1069 ;
2R. [125] 198

London and Westminster Thames Railway Bill,
c. 1R.* [124] 733 ;
2R. [125] 151 ; 2R. postponed, 152

London (Watford) Spring Water Company Bill,
c. 1R.* [124] 1290 ;
2R. [125] 199 ; Amend. (Mr. Halsey), 200, [*o. q.* A. 73, N. 253, M. 180] 201

LONSDALE, Earl of (Lord President of the Council, Earl of Derby's Administration)
Sanitary Conference—Quarantine Regulations, [123] 229, 230

Lord Lieutenancy of Ireland,
l. Question (Earl of Cardigan), [124] 170

Lord Lieutenant of Ireland, Levees of —Supply,
c. Question (Mr. F. French), [125] 152 ;— *Household of,* [127] 408 ; Amend. (Mr. W. Williams), 409, [A. 31, N. 92, M. 61] 410

LOVAINE, Lord, *Northumberland, N.*
Address in Answer to the Speech, [123] 56 ; Report, 130
Aggravated Assaults, Com. *cl.* 1, [125] 679
Commercial Legislation—Free Trade, [128] 483
County Rates and Expenditure, Com. *cl.* 4, [125] 1106
Income Tax, The, Com. [126] 733
Maynooth College, Com. moved for, [124] 504
Police, National, Com. moved for, [126] 548

LOWE, Mr. R., *Kidderminster* (Secretary of the Board of Control, Earl of Aberdeen's Administration)
Assistant Judge (Middlesex Sessions), 2R. [128] 1194
Canterbury Election, Papers moved for, [129] 1727
Courts of Common Law (Ireland), 2R. [123] 755
Financial Statement, Res. [123] 1348, 1516
Hackney Carriage Duties, Com. *add. cl.* [129] 968 ; Rep. *add. cl.* 1135, 1136, 1137 ; 3R. *add. cl.* 1591, 1592, 1594, 1595, 1597
Hutchinson's Claim, 2R. [126] 1315
Income Tax, The, Com. [126] 929 ; *cl.* 42, [128] 599 ; 3R. Amend. 813
India, Government of, 2R. [128] 630, 641, 662 ; Com. *cl.* 1, 1443 ; *cl.* 3, [129] 47 ; *cl.* 24, 558 ; *add. cl.* 769, 785, 811 ; Rep. 946, 955 ; That the Bill do pass, 1014
Indian Territories Committee, [124] 1429
Land Improvement (Ireland), Com. [126] 1298
Partnerships of Limited Liability, Com. moved for, [123] 1079

LUCAS, Mr. F., *Meath*
Charitable Trusts, 3R. [129] 1485
Church, The Established (Ireland), [124] 356
Clergy Reserves (Canada), Com. *cl.* 1, [125] 466
Crime and Outrage (Ireland), 2R. [129] 794
Duffy, Mr., Case of, [126] 1196, 1200, 1201
Eastern Union Railway, 3R. [129] 272
Ecclesiastical Revenues (Ireland), Com. moved for, [127] 933
Education (Ireland), Com. moved for, [126] 598, 602
Income Tax, Com. *cl.* 5 [127] 734 ; *cl.* 29, 790, 791 ; *cl.* 31, 795 ; *cl.* 33, 796 ; *cl.* 13, 1045
Irish Members and the Government, [127] 229
Landlord and Tenant (Ireland), Com. *cl.* 24, [128] 1371 ; *cl.* 47, 1416 ; *cl.* 70, 1419 ; [129] 30 ; *cl.* 73, Amend. 32 ; *cl.* 74, Amend. 33
Leasing Powers (Ireland), Com. [124] 769 ; *cl.* 10, [128] 728
Malicious Injuries (Ireland), 3R. [128] 905
Maynooth College, Com. moved for, [124] 413, 513, 520, 903, 915
Nunneries, Inspection of, Leave, [127] 121
Personal Liberty, Recovery of, [129] 1467
Religious Persecution—The Madiais, [124] 208
Roman Catholic Prisoners, [129] 1563, 1568
Roman Catholic Religion in India, [129] 1722
Six-Mile Bridge Affray, [129] 303
Supply—Public Buildings (Ireland), [127] 402, 403 ;—General Superintendence, 414, 415 ; —Africa, Civil Establishments on the West Coast, 446, 447, 448 ;— Falkland Islands, 449 ;—Hong Kong, 453
Tenant Right (Ireland), 2R. [123] 1135, 1139, 1545, 1562, 1565
Tenants' Compensation (Ireland) Com. *cl.* 20, [129] 639

Lunacy Regulation Bill,
l. 1R. [124] 5 ; 2R.* 524 ;
Com. [126] 903 ; Rep. 1025 ;
3R. 1221
c. 1R.* [127] 215 ; 2R.* 429 ; 3R.* [129] 1098
l. Royal Assent [129] 1709

Lunatic Asylums Bill,
- *l.* 1R.* [124] 1; 2R.* 524; Com. [126] 903; Rep. 1025; 3R. 1221
- *c.* 1R.* [127] 215; 2R.* 429; Com. *cl.* 35; Amend. (Mr. Kendall), [129] 831; Amend. neg. 832; *cl.* 44, *cl.* 95; Amend. (Mr. Floyer), 832; Amend. neg. 833; 3R.* 1451
- *l.* Royal Assent, [129] 1824

Lunatics' Care and Treatment Bill,
- *l.* 1R.* [124] 1; 2R.* 524; Com. [126] 903; Rep. 1025; 3R. 1221
- *c.* 1R.* [127] 215; 2R.* 429; 3R. *add. cl.* (Mr. Michell), [129] 1602; *cl.* neg. 1603; *add. cl.* (Rt. Hon. S. Walpole), *ib.*; *add. cl.* (Mr. Freshfield), 1605
- *l.* Royal Assent, [129] 1824

LYNDHURST, Lord
- Bode, Baron de, Case of, [129] 1050, 1071, 1082, 1093, 1094, 1095, 1097, 1098
- Cambridge, University of, [123] 1060
- Canterbury Election, Address [125] 903, 920, 921
- Clitheroe Election, Address, [125] 1110; [126] 146
- County Courts—Costs, [127] 1077
- Drummond's (Duke de Melfort's) Restitution, 2R. [127] 1280
- Hackney Carriages (Metropolis), 2R. [127] 1296
- Law Reform, [123] 125
- Oaths, Alteration of, 2R. [127] 838, 851
- Real Property, Law of, [128] 474, 475
- Refugees, Foreign, [124] 1046
- Registration of Assurances—That the Bill do pass, [126] 1229
- Russia and Turkey, [129] 89, 90, 91
- Statutes, Consolidation of the, Observations, [125] 131, 139

LYTTELTON, Lord
- Clergy Reserves (Canada), 2R. [126] 269; Com. *cl.* 1, 424
- Vaccination Extension, 2R. [125] 527, 518; Com. 1002, 1014; *cl.* 8, 1114

LYTTON, Sir E. L. B., *Hertfordshire*
- Commercial Legislation—Free Trade, [123] 494
- Financial Statement, Res. [123] 1220, 1455
- Income Tax, The, Com. Amend. [126] 453

MACARTNEY, Mr. G., *Antrim*
- Arms Act (Ireland), [128] 1432
- Criminal Prosecutions (Ireland), Expense of, [127] 441
- Customs, &c. Acts, Com. (Butter), [127] 1071
- Excise Duties on Spirits, That the Bill do pass, [128] 677
- Income Tax, Com. [127] 511; *cl.* 13, 740, 1052
- Incumbered Estates Court (Ireland), Returns moved for, [123] 769
- Incumbered Estates (Ireland) Act Amendment, Com. [129] 696
- Landlord and Tenant (Ireland), Com. *cl.* 24, [128] 1371; *cl.* 32, 1372
- Leasing Powers (Ireland), Com. [124] 627; *cl.* 5, [128] 242

[*cont.*

MACARTNEY, Mr. G.—*continued.*
- Merchant Shipping, Com. *cl.* 4, [128] 1218; *cl.* 5, 1219
- Railway Amalgamation, Res. [123] 1207
- Sligo Writ, Adj. moved, [128] 680
- Supply—New Houses of Parliament, [129] 1314
- Transportation, Com. [129] 1549

MACAULAY, Rt. Hon. T. B., *Edinburgh*
- Edinburgh and Canongate Annuity Tax Abolition, 2R. [129] 451, 457, 458, 459
- India, Government of, 2R. [128] 739
- Judges' Exclusion, 3R. [127] 996

MACAULAY, Mr. K., *Cambridge, Bo.*
- Financial Statement, Res. [123] 1582

M'CANN, Mr. J., *Drogheda*
- Excise Duties on Spirits, Com. *cl.* 1, [127] 1392; That the Bill do pass, [128] 678
- Income Tax, The, Com. [126] 1280
- Incumbered Estates (Ireland) Act Amendment, Com. [129] 696
- Landlord and Tenant (Ireland), Com. *cl.* 36, [128] 1413; *cl.* 74, [129] 33
- Letter Carriers, [124] 850

MACGREGOR, Mr. JAMES, *Sandwich*
- Advertisement Duty, Res. [128] 1110
- Eastern Union Railway, 3R. [129] 271
- Hackney Carriage (Metropolis), Report, [127] 547
- Knowledge, Taxes on—The Advertisement Duty, [125] 1184
- Maynooth College, Com. moved for, [124] 436
- Passengers' Baggage, Examination of, at the Custom House, [124] 1225
- Pilotage, 2R. [125] 580; Com. [129] 642
- Public Houses (Scotland), Com. *cl.* 1, [126] 121
- Railway Amalgamation—Railway and Canal Bills, [124] 124; Res. [125] 1204
- Railways, Accidents on, [125] 615
- Supply—British Museum, [129] 1299

MACGREGOR, Mr. JOHN, *Glasgow*
- Address in Answer to the Speech, Report, [123] 132
- Budget, The, [123] 917
- Clergy Reserves (Canada), Com. *cl.* 1, [125] 470
- Commercial Legislation—The Income Tax, [123] 997
- Consolidated Fund and National Redemption Acts, Res. [125] 860
- Customs Reform, [126] 211
- Eastern Union Railway, 3R. [129] 271
- Edinburgh and Canongate Annuity Tax Abolition, 2R. [129] 466
- Excise Duties on Spirits, Com. *cl.* 1, [127] 1389, 1390, 1393
- Income Tax, The, Com. [126] 819
- India, Government of, 2R. [128] 1005; Com. *cl.* 2, 1466; *cl.* 26, [129] 565; Rep. 951
- Indian Territories, Reappointment of Committee, [123] 157; Nomination of, 210
- Jamaica, Government of, [129] 1293
- Merchant Shipping, Com. *cl.* 38, [129] 287
- Navy Estimates, [123] 1016; [124] 381
- Partnerships of Limited Liability, Com. moved for, [123] 1083, 1087

[*cont.*

MacGregor, Mr. J.—*continued.*
Public Houses (Scotland), Com. *cl.* 1, [126] 125
Railway and Canal Bills, Nomination of Com. [123] 1202, 1203
Sheriff Courts (Scotland) (No. 2), Leave, [124] 1293; Com. [126] 752; 2R. [127] 176; Com. *cl.* 28, [128] 918
South Sea Annuities Dissentients, Res. [129] 907
Supply—Clergy in North America, [127] 442; —Indian Department (Canada), 443, 444; —Colonial Governors, 445; —Post-office Packet Service, [129] 1455
Wines, Foreign and Colonial, Com. moved for, [125] 638

Mackenzie, Mr. W. F., *Liverpool* (Secretary of the Treasury, Earl of Derby's Administration)
Chatham Election Committee, [124] 1358
County Elections Polls (Scotland), Com. [125] 1078; *cl.* 1, 1079
Cruelty to Animals, 2R. Amend. [124] 1340
Norwich Election Petition, [124] 649
Police, National, Com. moved for, Amend. [126] 552
Public Houses (Scotland), Com. *cl.* 1, [126] 124, 126, 129
Railway Amalgamation—Railway and Canal Bills, [124] 123
Sheriff Courts (Scotland) (No. 2), Leave, [124] 1298; Com. [126] 751; 2R. [127] 174

Mackinnon, Mr. W. A., *Rye*
Naval Coast Volunteers, Com. [129] 1111
Seamen, Entry of, Com. [129] 749
Smoke Nuisance Abatement, Com. [129] 1495

M'Mahon, Mr. P., *Wexford, Co.*
Excise Duties on Spirits, Com. *cl.* 1, [127] 1390
Income Tax, The, Com. [126] 1274; *cl.* 33, [127] 801; *cl.* 13, 1046; *add. cl.* 1058
Landlord and Tenant (Ireland), Com. *cl.* 7, [128] 729; *cl.* 9, Amend. 1368; *cl.* 24, Amend. 1370, 1371; *cl.* 70, 1417
Leasing Powers (Ireland), Com. *cl.* 8, [128] 247; *cl.* 10, 727
New Trials (Criminal Cases), 2R. [127] 989
Supply—Criminal Prosecutions (Ireland), [127] 413, 414; —Africa, Civil Establishments on the West Coast, 448; —Falkland Islands, 451; —Hong Kong, 452; —Nonconformist, &c. Ministers (Ireland), 485
Tenant Right (Ireland), 2R. [123] 1132

Maddock, Sir T. H., *Rochester*
India, Affairs of, [125] 69
India, Government of, Leave, [127] 1324; 2R. [128] 857; Com. *cl.* 1, 1450; *cl.* 2, 1466; *cl.* 3, [129] 80, 82, 83; *cl.* 9, 233; *cl.* 10, 308, 331; *cl.* 22, Amend. 418, 419; *cl.* 24, Amend. 556, 559; *cl.* 32, 659, 669; *add. cl.* 767, 771, 778, 817, 822; Rep. 944; *add. cl.* 962; That the Bill do pass, 1025
India—Salt Duties, [128] 1420
Indian Territories, Reappointment of Committee, [123] 210
Railways in India, [123] 979

Madiais, Case of the,
c. Question (Hon. A. Kinnaird), [123] 1570; [124] 40; Address moved, 196; Motion withdrawn, 242;—*Liberation of the,* Observations (Lord J. Russell), [125] 449

Magan, Capt. W. H., *Westmeath*
Address in Answer to the Speech, Report, [123] 135
Excise Duties on Spirits, 3R. [128] 422
Government, The, and the Irish Members, [126] 1324, 1326, 1329; [127] 219, 226, 227, 228
Income Tax, The, Com. [126] 1246, 1247, 1248, 1279
Precedence in Resumed Debate, [125] 1244, 1245

Magistracy (Ireland),
l. Address moved (Earl of Eglintoun), [124] 1362

Magistrates, Resident (Ireland) Bill,
c. 1R.* [128] 257; 2R.* 426; 3R.* 1087
l. 1R.* [128] 1142; 2R.* [129] 972; Rep.* 1045; 3R.* 1137
Royal Assent, 1243

Maguire, Mr. J. F., *Dungarvan*
Attorneys and Solicitors' Certificate Duty, 2R. [129] 484
Budget, The—Financial Statement, Res. [125] 1426
Crime and Outrage (Ireland), 2R. [129] 792, 794
Ecclesiastical Courts, Com. moved for, [124] 864
Ecclesiastical Revenues (Ireland), Com. moved for, [127] 915
Excise Duties on Spirits, [127] 431
Income Tax, The, Com. [126] 488; [127] 530; *cl.* 5, 733; *cl.* 13, 741, 742, 1043, 1045, 1046; *cl.* 20, 747; *add. cl.* 808; 3R. 1211, 1212
Indian Territories Committee, [124] 1425
Knowledge, Taxes on—The Advertisement Duty, [125] 1186
Landlord and Tenant (Ireland), Com. *cl.* 7, [128] 730; *cl.* 24, 1372; *cl.* 70, 1418
Leasing Powers (Ireland), Com. *cl.* 10, [128] 727
Letter Carriers, [124] 850
Maynooth College, Com. moved for, [124] 897 [127] 438
Ministers' Money (Ireland), Com. moved for, [123] 798
Oaths, Com. moved for, [124] 1410
Personal Liberty, Recovery of, [129] 1469
Savings Banks, Com. postponed, [129] 542
Supply—Hong Kong, Amend. [127] 453, 454; —Nonconforming, &c. Ministers (Ireland), 483

Maidstone Election Committee,
c. Report, [126] 303; New Writ moved (Mr. Craufurd), 875

Maldon Election Committee,
c. Report, [125] 433 ; Commission moved for (Lord R. Grosvenor), [126] 122, [A. 69, N. 48, M. 21] 124 ; New Writ moved (Mr. T. Chambers), [127] 377 ; Motion withdrawn, 378
l. Conference, [126] 146 ; Address moved (Earl of Aberdeen), [127] 777

Malicious Injuries (Ireland) Bill,
c. 1R.* [128] 257 ; 2R.* 426 ;
3R. [A. 71, N. 10, M. 61] 905
l. 1R.* [128] 906 ; 2R.* 1079 ; Rep.* 1142 ; 3R.* 1201
Royal Assent, [128] 1409

MALINS, Mr. R., *Wallingford*
Advertisement Duty, Res. [128] 1123
Canterbury Election, Address moved, [125] 212
Charitable Trusts, 3R [129] 1489, 1492
Consolidated Fund and National Redemption Acts, Res. [125] 872
Durham Election Petitions, Com. moved for, [127] 140
Elections, Com. *cl.* 1, [128] 234
Elections, Expenses of, Re Com. *cl.* 1, [129] 1238, 1240
Examiners, Office of (Court of Chancery), Rep. *cl.* 2, [124] 773, 775, 780 ; 3R. 1159, 1160
Financial Statement, Res. [123] 1533
Government, The, and the Irish Members, [126] 1327 ; [127] 225, 226
Hackney Carriages (Metropolis), Com. [127] 428
Income Tax, The, [127] 253 ; *cl.* 38, 804
India, Government of, That the Bill do pass, [129] 1015, 1035
Judges' Exclusion, Com. [126] 141
Leasing Powers (Ireland), Com. *cl.* 5, [128] 245
Liverpool Election, New Writ moved, [128] 1078
Probate of Wills, &c. 2R. [125] 668
Sewers, Metropolitan, Act Continuance, Com. [129] 1588
Simony Law Amendment, 2R. [128] 1347
Six-Mile Bridge Affray, [129] 301
Smoke Nuisance Abatement, Com. [129] 1495
South Sea and other Annuities (Provision for Payment), Com. *cl.* 2. [129] 1405
Supply—Royal Parks, [127] 389
Succession Duties, The, [127] 288
Succession Duty, Com. *cl.* 2, [128] 317, 318, 319, 320, 321 ; *cl.* 7, 383, 392 ; *cl.* 19, 410, 433 ; *cl.* 20, 446 ; *cl.* 21, 454 ; *cl.* 23, 1132 ; *cl.* 27, 1139 ; *cl.* 33, 1171, 1172, 1173 ; *cl.* 41, 1178 ; *cl.* 43, 1185; *cl.* 48, 1379 ; Rep. [129] 222, 228 ; 3R. 398, 401 ; Amend. 402, 411, 416
Supply—New Houses of Parliament, [129] 1318

MALMESBURY, Earl of (Secretary of State for Foreign Affairs, Earl of Derby's Administration)
American Fisheries, The, [123] 583
Chicory, Petition, [129] 1148

[*cont.*

MALMESBURY, Earl of—*continued.*
Church Buildings Act Amendment, Com. [128] 1158
City Address to the Emperor of the French, [125] 514, 515
Criminals, Surrender of — Convention with France, [126] 142, 145
Denmark, Succession to the Crown of, [127] 1086
Diplomatic Service, The, Observations, [125] 899
Fisheries, Colonial, [126] 146
French Empire—Foreign Affairs, [123] 969, 975, 976
Great Western Railway Company, [127] 1361
India, Government of, 2R. [129] 1343
Landlord and Tenant (Ireland), 2R. [129] 1520, 1521, 1524, 1534
La Plata, Affairs of, [127] 1072
Ministry, The, [123] 1697
Missionary Bishops, 2R. [129] 743
Poor Laws, [127] 200
Prince, Birth of a, Address to Her Majesty, [125] 686
Railway Accidents and Management, Returns moved for, [124] 791
Railways, Accidents on, Observations, [125] 177, 193, 194
Refugees, Foreign, [124] 1161
Russia and Turkey, [127] 651 ; [128] 1356 ; [129] 343, 346, 1605, 1651
Sanitary Conference—Quarantine Regulations, [123] 228, 230
Succession Duties, Com. moved for, [127] 659, 685
Succession Duty, 2R, [129] 620 ; Com. *cl.* 2, 722 ; *cl.* 22, 739 ; *cl.* 49, 742 ; *cl.* 54, 743

Malt Duties,
c. Com. moved for, (Mr. E. Ball), [129] 126, [A. 69, N. 73, M. 4] 134 ; Motion (Mr. E. Ball) 1477 ; Motion neg. 1482

Malta, Criminal Code of,
l. Question (Earl of Shaftesbury), [127] 1195
c. Address moved (Hon. A. Kinnaird) [129] 1732 ; Motion withdrawn, 1751

Man, Isle of—Fiscal Changes,
c. Question (Mr. Ewart), [126] 908 ;—*Customs Duties*, Res. [128] 903, 1408, 1467

MANCHESTER, Bishop of
Transportation to the Colonies, [124] 782

MANGLES, Mr. R. D., *Guildford*
Bills of Exchange, &c. (Metropolis), 3R. [123] 48
Communication between England and Ireland, Com. moved for, [126] 556
India, Government of, Leave, [127] 1176, 1306; 2R. [128] 776; Com. *cl.* 2, 1462; *cl.* 3, [129] 75 ; *cl.* 10, 312 ; *cl.* 22, 425 ; *cl.* 26, 564 ; *cl.* 27, 567; *cl.* 31, 580; *cl.* 32, 678; *add. cl.* 768 ; Rep. 965
Merchant Shipping, 3R. *add. cl.* [229] 1125
Parsee Merchants, Case of, Address moved, [129] 1206
Railway and Canal Bills, Com. moved for, [123] 1057

MANNERS, Rt. Hon. Lord J. J. R., *Colchester* (First Commissioner of Works and Public Buildings, Earl of Derby's Administration)
Business, Public, [129] 202
Canterbury Election, Address moved, [125] 217
Clergy Reserves (Canada), 2R. [124] 1115; Com. *cl.* 1, [125] 455; *cl.* 2, 479
Commercial Legislation — The Income Tax, [123] 995
Customs, &c. Acts, Com. Res. [127] 822, 824; (Cables), 1063, 1064; (Pictures), 1065, 1067
Customs Duties—Isle of Man, Res. [128] 1472
Dockyard Promotion, [128] 1325
Education, Leave, [125] 561, 579
Factories Act, The, [124] 738, 739
Factories, Leave, [128] 1270, 1284
Financial Statement, Res. [123] 1336
India, Government of, That the Bill do pass, [129] 1038
Liverpool Election, New Writ moved, [128] 941, 1078
Succession Duty, Rep. [129] 221; 3R. 405
Supply—Funeral of the Duke of Wellington, [123] 1038
Wages, Payment of, 2R. [126] 1114
Wellington, Duke of, Funeral of the, [123] 146
West London Waterworks Company, 2R. [124] 799
Westminster Bridge, [123] 295, 977

MARCH, Earl of, *Sussex, W.*
Succession Duty, Com. *cl.* 21, [128] 468; *cl.* 48, 1387

Marine Mutiny Bill,
c. 1R.* [124] 798; 2R.* 884; 3R.* 1220
l. 1R.* 1288; 2R.* 1362; Rep.* [125] 1; 3R.* 122
Royal Assent, 396

Maritime Laws,
c. Question (Mr. J. L. Ricardo), [123] 244

MARJORIBANKS, Mr. D. C., *Berwick-on-Tweed*
India, Government of, 2R. [128] 999; Com. *cl.* 3, [129] 65

Marriages, Holy Trinity Church, Hulme, Validity Bill,
c. 1R.* [129] 1252; 2R.* 1395; 3R.* 1535
l. 1R.* [129] 1602; 2R.* 1751; Rep.* 1811; 3R.* 1817
Royal Assent, 1824

MARSHALL, Mr. W., *Cumberland, E.*
Hutchinson's Claim, 2R. [126] 1318

MASSEY, Mr. W. N., *Newport, Isle of Wight*
Harwich Election, New Writ moved, [128] 150

MASTERMAN, Mr. J., *London*
Customs, &c. Acts, Com. (Tea Duties), [127] 828
Exchequer Bills, Reduction of the Interest upon, [124] 403
India, Government of, Com. *cl.* 12, [129] 334; *cl.* 32, 679
London and Westminster Thames Railway, 2R. [125] 151

Maury, Lieut., his Plan—Navigation,
l. Observations (Lord Wrottesley), [126] 521
c. Question (Sir R. H. Inglis), [129] 145; (Mr. G. A. Hamilton), 1720

Maynooth College,
l. Notice (Earl of Aberdeen), [125] 1199; Com. moved for (Earl of Winchilsea), 1291; Amend. (Earl of Aberdeen), 1306, [*o. q.* Contents 53, Not-Contents 110, M. 57] 1347
c. Petitions (Mr. Spooner), [124] 413; Com. moved for (Mr. Spooner), 414; Amend. (Mr. Scholefield), 438; Amend. (Sir W. Clay), 447; Adj. Debate, 487, [*o. q.* A. 162, N. 192, M. 30] 521; 889, [*m. q.* A. 68, N. 262, M. 194] 926; Question (Mr. Maguire), [127] 438;—see *Supply—Public Buildings (Ireland)*

Mayo Election Committee,
c. Report, [126] 130

Medical Profession, The,
c. Question (Lord D. Stuart), [127] 1091

Meetings, Registrar of, Bill,
l. 1R.* [129] 586; 2R.* 833; 3R.* 972
c. 1R.* [129] 1252; 2R.* 1451; 3R. 1598
l. Royal Assent, [129] 1709

"Melbourne," Steamer, The,
c. Reports moved for (Mr. Drummond), [128] 813

Menai Straits, Navigation—Supply,
c. [129] 1300

Mercantile Marine—Pilotage,
l. Question (Lord Colchester), [124] 121; Returns moved for (Lord Colchester), [125] 124; (Lord Redesdale), [127] 315;—see *Pilotage Bill*

Mercantile Marine and Steam Navigation Acts, Board of Trade—Supply,
c. [129] 1305

Merchant Seamen's Fund, Expenses of Winding up—Supply,
c. [129] 1305

Merchant Shipping Bill,
c. 1R.* [125] 433; 2R.* 525;
128] Com. *cl.* 4; *cl.* 5, [128] 1218;
. *cl.* 6; *cl.* 7, 1220;
. *cl* 14; *cl.* 20, 1221;
. *cl.* 27, 1222;
129] *cl.* 29, 1222; [129] 101, [A. 142, N. 36, M. 106] 125;
. *cl.* 38, 275; Amend. (Mr. Ingham), 277, [*o. q.* A. 131, N. 20, M. 111] 291;
. 3R. *add. cl.* (Rt. Hon. Sir J. Graham, 115;
. *add. cl.* (Mr. Hutt), 1118, [A. 49, N. 129, M. 80] 1127;
. *add. cl.* (Capt. Scobell), 1127, [A. 7, N. 154, M. 147] 1130;
Amend. (Mr. Cairns), 1130; Amend. (Mr. Kirk), 1132; Amend. neg. 1134; Amend. (Mr. Ingham), *ib.*, [A. 35, N. 104, M. 69] 1135;
. Bill passed, 1135
l. 1R.* [129] 1243; 2R.* 1497; Com. 1668; 3R.* 1752
Royal Assent, 1824

Meteorological Observations at Sea—Lieut. Maury's Plan,
l. Observations (Lord Wrottesley), [126] 521
c. Question (Sir R. H. Inglis), [129] 145; (Mr. G. A. Hamilton), 1720

Metropolitan Building Act Further Amendment Bill,
l. 1R.* [123] 471; 2R.* [129] 89; 3R.* 433
c. 1R.* [129] 635

Metropolitan Burial Grounds,
c. Observations (Lord D. Stuart), [124] 37

Metropolitan Improvements (Repayment out of Consolidated Fund Bill),
c. Leave, [124] 90; 1R.* 347;
2R. 692, [A. 102, N. 55, M. 47] 697;
Com. 1359; Adj. Debate, 1438;
3R. [125] 164;
That the Bill do pass; *add. cl.* (Sir W. Jolliffe), 165;
Bill passed, 166
l. 1R.* [125] 175; 2R.* 791; Rep.* 899; 3R.* 1000
Royal Assent, [126] 1286

Miall, Mr. E., *Rochdale*
Charitable Trusts, Com. *cl.* 44, [129] 1156
Church Rates, Leave, [127] 620
Clergy Reserves (Canada), Com. *cl.* 3, [125] 486
Edinburgh and Canongate Annuity Tax Abolition, 2R. [129] 467
Maynooth College, Com. moved for, [124] 448, 452
Supply—Public Buildings (Ireland), [127] 401, 404;—Theological Professors (Belfast), 421;—Africa, Civil Establishments on the West Coast, 448;—Heligoland, Amend. 449;—Miscellaneous Charges, 467

Michell, Mr. W., *Bodmin*
Elections, Expenses of, Com. [128] 1329
Income Tax, The, Com. Amend. [126] 1280, 1282; *cl.* 3, Amend. [127] 544; *cl.* 5, 729; *cl.* 25, Amend. 757
Letter Carriers, [124] 848
Lunatics, Care and Treatment, 3R. *add. cl.* [129] 1602
Succession Duty, Com. *cl.* 2, [128] 318, 323; *cl.* 11, 401; *cl.* 18, 402; *cl.* 20, 447; *cl.* 25, 1136
Transportation, Com. [129] 1556

Midnight Legislation,
c. Motion (Mr. Brotherton), [123] 158, [A. 64, N. 260, M. 196] 163

Miles, Mr. W., *Somersetshire, E.*
Australia, Emigrants to, [127] 566
Clare Election Committee, Report, [127] 1297; New Writ moved, 1298, 1299
County Elections Polls, Com. [123] 805
County Rates and Expenditure, Com. [125] 262; *cl.* 1, 268; *cl.* 4, 285; [127] 192
Dartmouth Election, Report, [125] 1015
Durham Election Petitions, Com. moved for, [127] 139

[*cont.*

Miles, Mr. W.—*continued.*
Elections, Com. *add. cl.* [128] 239
Elections, Expenses of, Com. *cl.* 3, [128] 1335
Financial Statement, Res. [123] 1524
Import Duties, [124] 1039
Income Tax, The, Com. [126] 1283, 1358; *add. cl.* [127] 816
Jewish Disabilities, Com. *cl.* 1, [125] 168
Poor Law (Medical Relief), [129] 134, 145
Rye Election, New Writ moved, [127] 375
Six-Mile Bridge Affray, [129] 292, 303
Succession Duty, Com. Proviso, [128] 1407

Military Pensioners,
l. Question (Lord Panmure), [123] 705

Militia—Supply,
c. [129] 1470

Militia Ballot Suspension, &c. Bill,
c. 1R.* [129] 1214; 2R.* 1395; 3R.* 1598
l. 1R.* [129] 1602; 2R.* 1708; Rep.* 1751; 3R.* 1811
Royal Assent, 1824

Militia, Establishment for the—The Peace Society,
c. Question (Mr. Hindley), [124] 357; (Col. North), 649

Militia, Fees on Commissions in the,
c. Question (Hon. Col. Lindsay), [126] 158

Militia Pay Bill,
c. 1R.* [129] 1535; 2R.* 1598; 3R.* 1705
l. 1R.* [129] 1708; 2R.* 1751; Rep.* 1811; 3R.* 1816
Royal Assent, 1824

Miller, Mr. T. J., *Maldon*
Auckland Islands—Mr. Enderby, [123] 1155

Mills, Mr. A., *Taunton*
Clergy Reserves (Canada), 2R. [124] 1136
Financial Statement, Res. [123] 1360
Maynooth College, Com. moved for, [124] 498

Milnes, Mr. R. M., *Pontefract*
Dockyard Appointments and Promotions, Com. moved for, [126] 122
Financial Statement, Res. [123] 1263
Her Majesty's Theatre Association, 2R. [124] 400
Income Tax, The, Com. [126] 500
India, Government of, Leave, [127] 1195; 2R. [128] 868; Com. *cl.* 1, 1449; *cl.* 2, 1465; *cl.* 13, [129] 340; *cl.* 31, Amend. 580, 583; *add cl.* 771, 787, 827; Rep. 965
Juvenile Offenders, 2R. [129] 1103, 1108
Paget, Mr., Case of, [123] 293
Parliamentary Papers, Com. moved for, [123] 1068
Religious Intolerance in Spain, [124] 34
Russia and Turkey, [129] 1790, 1829
Six-Mile Bridge Affray, [129] 294
Succession Duty, Com. *cl.* 7, [128] 388
Turkey and Montenegro, Address moved, [124] 989
University Reform, [125] 922
Wellington, Duke of, Funeral of, [123] 223

Mint, The—Silver Coinage,
c. Question (Mr. Bass), [124] 1223; (Mr. Divett), [125] 1349;—*Supply*, [127] 407

Ministerial Arrangements,
l. Observations (Earl of Derby), [123] 1717

Ministerial Explanation,
l. Observations (Earl of Malmesbury), [123] 1697; (Earl of Derby), 1698; (Earl of Aberdeen), 1721
c. Observations (Chancellor of the Exchequer), [123] 1709

Ministerial Policy,
l. Question (Earl of Derby), [124] 10

Ministers' Money (Ireland),
c. Com. moved for, (Mr. Fagan), [123] 782; Amend. (Rt. Hon. S. Walpole), 794, [*p.q.* A. 94, N. 140, M. 46] 804; Question (Mr. Fagan), [124] 181

Ministers' Money (Ireland) Bill,
c. 1R.* [128] 1413

Ministers at Foreign Courts—Supply,
c [127] 459

Miscellaneous Charges formerly defrayed from the Civil List—Supply,
c. [127] 467

Miscellaneous Estimates,
c. [127] 388, 442; [129] 1297, 1407, 1451, 1470, 1560

Missionary Bishops Bill,
l. 1R.* [129] 512;
2R. 743; Rep.* 795; 3R.* 833
c. 1R.* [129] 978

MITCHELL, Mr. T. A., *Bridport,*
Berwick-upon-Tweed Election, Com. moved for, [126] 1381; [127] 647, 648, 649
Customs, Com. *cl.* 1, [129] 1483
Customs, &c. Acts, Com. (Tea Duties), [127] 1061; (Cables), 1062
Customs Reform, [126] 182, 186, 187, 205, 206
Durham Election Petitions, Nomination of Committee, [128] 232
Import Duties, [124] 1011
Income Tax, Com. *add. cl.* [127] 817
Merchant Shipping, Com. *cl.* 5, [128] 1219; *cl.* 29, [129] 122; *cl.* 38, 283, 284; 3R. *add. cl.* 1116
South Sea and other Annuities Commutation, 3R. *add. cl.* [126] 635

MOFFATT, Mr. G., *Ashburton*
Customs, &c. Acts, Com. (Tea Duties), [127] 825; (Raisins), 1354, 1355
Sugar Duties, Returns moved for, [123] 1192
Tea Duties, The, [126] 910
Tynemouth Election, Address moved, [126] 1380
Wines, Foreign and Colonial, Com. moved for, [125] 639

MOLESWORTH, Rt. Hon. Sir W., *Southwark* (First Commissioner of Works and Public Buildings, Earl of Aberdeen's Administration)
Australian Colonies, The, [123] 1213
Canada Clergy Reserves, [123] 835, 836; 2R. [124] 1090, 1107, 1108
Health, General Board of, Com. [124] 87
Health, General Board of (No. 3), Com. [129] 86; Rep. *add. cl.* 240, 241
Health, Public, Act of 1848, [124] 1354, 1431
Hyde Park, Improvements in, [127] 430
Lighting and Ventilating the House, [124] 180, 181
Metropolitan Improvements, 2R. [124] 693; 3R. [125] 164
Statues in the Metropolis, [127] 379
Supply—Royal Parks, [127] 389, 390, 391;—New Houses of Parliament, 393, 394; [129] 1313, 1314, 1317, 1318;—British Museum, [129] 1299;—British Ambassador's House, Paris, 1301, 1304;—Battersea and Vauxhall Embankment, 1408, 1411
Thames Embankment, Com. [129] 239, 428
Ventilation of the House, [127] 324
Westminster Bridge, [125] 202; Com. [128] 904; 3R. 1141

MONCK, Viscount, *Portsmouth*
Common Law, Courts of (Ireland), Com. *cl.* 38, [127] 1292
County Elections Polls, 2R. [123] 469
Education (Ireland), Com. moved for, [126] 594
Jewish Disabilities, Leave, [124] 612, 613
Judges' Exclusion, Com. [126] 136
Landlord and Tenant (Ireland), Com. *cl.* 7, [128] 730; *cl.* 47, 1416; *cl.* 65, 1417; 3R. Amend. [129] 1113
Leasing Powers (Ireland), Com. *cl.* 5, [128] 242
Navy Estimates, [124] 381
Ordnance Estimates, [124] 761, 762
Seamen, Entry of, Com. [129] 749
Succession Duty, Com. *cl.* 2, [128] 319; *cl.* 33, 1171
Tenant Right (Ireland), 2R. [123] 1042, 1566
Tenants' Compensation (Ireland), Com. *cl.* 14, [129] 637, 638

MONCREIFF, Rt. Hon. J., *see* ADVOCATE, THE LORD

MONSELL, Mr. W., *Limerick, Co.* (Clerk of the Ordnance, Earl of Aberdeen's Administration)
County Elections Polls, 2R. [123] 469; Com. 812
Greek Armour, The Suit of, [124] 546
Indian Territories Committee, [124] 1428
Ministers' Money (Ireland), Com. moved for, [123] 803
Ordnance Estimates, [124] 748, 755, 760, 761, 762, 763, 764, 765, 766, 767

MONTEAGLE, Lord
Bankruptcy and Insolvency (Scotland), 1R. [125] 194
Bode, Baron de, Case of, [129] 1002, 1093, 1094, 1095

[*cont.*

MONTEAGLE, Lord—*continued.*
Chicory, Petition, [129] 1151
Chimney Sweepers Regulation, Rep. [127] 500
Church in the Colonies, Petition, [125] 419, 425, 427
Colonial Church Regulation, Com. *cl.* 1, [129] 513; *cl.* 4, 527; *cl.* 5, Amend. 528, 529, 531, 532, 533
Consolidated Annuities, Irish, [124] 341; [125] 1198
Constabulary, Irish, Functions of the, Com. moved for, [128] 697
Cork City Election, [123] 776
Education, National (Ireland), Papers moved for, [129] 366, 367, 373
Excise Duties on Spirits, 3R. [128] 1161; Protest, 1472
Income Tax, 3R. [128] 798, 812
Incumbered Estates (Ireland) Act Continuance, 2R. [128] 503; Rep. 1083
India, Government of, [124] 1061; [125] 19; [127] 558; Correspondence moved for, [128] 41, 48
India, Government of, 2R. [129] 1359; Com. *cl.* 2, 1430; *cl.* 6, 1435; *cl.* 22, 1445; *cl.* 36, 1448; *cl.* 38, 1449; 3R. *add. cl.* 1673; Protest, 1675
Juvenile Mendicancy (No. 2), 2R. [128] 908
Land Improvement (Ireland), Com. Amend. [126] 1295, 1311; *cl.* 4, 1312; *cl.* 5, Amend. 1313, 1314
Navigation—Lieut. Maury's Plan, [126] 543
Parsee Merchants, Case of, [129] 1652, 1665
Petty Sessions (Ireland), 2R. [129] 269
Railways, Accidents on, [125] 193
Revenue and Taxation, Returns moved for, [123] 1421, 1430
Revenue Police Force (Ireland), [126] 1232
South Eastern, &c. Railway, 3R. [129] 160; Amend. 164
South Sea and other Annuities Commutation, Com. [126] 905; 3R. 1031, 1033
Summary Jurisdiction (Ireland), 2R. [129] 269
Transportation to the Colonies, [124] 165, 786

Montenegro and Turkey,
c. Address moved (Lord D. Stuart), [124] 978; Motion withdrawn, 999; Question (Rt. Hon. B. Disraeli), [125] 153

MONTROSE, Duke of
Address in Answer to the Speech, Her Majesty's Reply, [123] 127
Railway Legislation, [123] 239
Wellington, Duke of, Funeral of the, [123] 127

MOORE, Mr. G. H., *Mayo*
Church, The Established (Ireland), [124] 352
Consolidated Annuities (Ireland), [125] 733, 789
Duffy, Mr., Case of, [126] 1193, 1209
Ecclesiastical Revenues (Ireland), Com. moved for, [127] 862, 881, 901, 953
Financial Statement, Res. [123] 1585, 1614
Government, The, and the Irish Members, [126] 1328, 1330
Income Tax, The, Com. [126] 750, 805, 856
Leasing Powers (Ireland), Com. *cl.* 5, [128] 245
Personal Liberty, Recovery of, 2R. [128] 575; Amend. 679
Precedence in Resumed Debate, [126] 1240
Sligo Borough, New Writ moved, [128] 684
Tenant Right (Ireland), 2R. [123] 1043

MOORE, Mr. R. S., *Armagh, City*
Common Law, Courts of (Ireland), Com. *cl.* 10, [127] 1287
Ecclesiastical Revenues (Ireland), Com. moved for, [127] 908
Excise Duties on Spirits, 3R. [128] 425
Income Tax, The, Com. [126] 829
Jewish Disabilities, 3R. [125] 1253
Land Improvement (Ireland), 3R. [125] 172
Leasing Powers (Ireland), Com. *cl.* 5, [128] 242; *cl.* 10, 727
Taxing Officer, Common Law Business (Ireland), Com. [127] 1397
Tenant Right (Ireland), 2R. [123] 1123

MOWBRAY, Mr. R. J., *Durham, City*
Charitable Trusts, 3R. [129] 1491

MULLINGS, Mr. J. R., *Cirencester*
Clare Election, New Writ moved, [127] 1298
County Elections Polls, Com. [123] 810
Elections, Expenses of, Com. [128] 1327; *cl.* 1, 1330, 1333; *cl.* 2, 1333, 1334; *cl.* 3, 1335; *cl.* 5, 1336; *cl.* 6, 1337
Examiners, Office of (Court of Chancery), 2R. Amend. [124] 333, 334; Com. *cl.* 2, 392; Amend. 772, 774, 781; *cl.* 3, Amend. 465
Probates of Wills, &c. 2R. Amend. [125] 667
South Sea and other Annuities Commutation, 3R. *add. cl.* [126] 637
Succession Duty, Com. [128] 91, 311; *cl.* 1, 313; *cl.* 2, Amend. 314, 317; *cl.* 7, 389; *cl.* 11, 401; *cl.* 19, 410; Amend. 432; *cl.* 21, 465, 467; *cl.* 33, 1169; Amend. 1171; *cl.* 41, Amend. 1176, 1177; *cl.* 44, Amend. 1186; *cl.* 45, 1191; *cl.* 48, Amend. 1377; *cl.* 55, 1392; Rep. [129] 210; Amend. 211, 219, 220, 225, 227; 3R. 398, 402, 412

Municipal Corporations Act Amendment Bill,
c. 1R.* [126] 679; 2R.* 1125; 3R.* [129] 166
l. 1R.* [129] 244; 2R.* 795; 3R.* 1243
Royal Assent, 1709

MUNTZ, Mr. G. F., *Birmingham*
Chatham Election, [128] 1074
Commercial Legislation—Free Trade, [123] 618
Holme Reservoirs (No. 2), 3R. [128] 603
Income Tax, The, Com. [126] 506
Letter Carriers, [124] 851
Maynooth College, Com. moved for, [124] 923
"Novello," The Ship, Com. moved for, [124] 835, 840
Ordnance Estimates, [123] 1017
Railway and Canal Bills, Com. moved for, [123] 1203
Russia and Turkey, [129] 1794
Wages, Payment of, 2R. [126] 1116

MURE, Col. W., *Renfrewshire*
National Gallery, The, Com. moved for, [124] 1307; Nomination of Members, [125] 253, 254

MURPHY, Mr. Serjeant F. S., *Cork, City*
Excise Duties on Spirits, Com. *cl.* 15, [127] 1396
Income Tax, The, Com. [126] 955
Jewish Disabilities, 3R. [125] 1239

[*cont.*

MURPHY, Mr. Serjt. F. S.—*cont.*
Judges' Exclusion, Com. [126] 140
Maynooth College, Com. moved for, [124] 915
Ministers' Money (Ireland), Com. moved for, [123] 794
Nunneries, Inspection of, Leave, [127] 100

Murray, Edward, Case of,
c. Question (Lord D. Stuart), [123] 588; [124] 349; [129] 1822

MURROUGH, Mr. J. P., *Bridport*
Assistant Judge (Middlesex Sessions), 2R. [128] 1198
Attorneys and Solicitors' Certificate Duty (No. 2), 2R. [129] 477
Ecclesiastical Revenues (Ireland), Com. moved for, [127] 886
Examiners, Office of (Court of Chancery), Com. *cl.* 2, [124] 392
India Government of, That the Bill do pass, [129] 1016

Mutiny Bill,
c. 1R.* [124] 798; 2R.* 884; 3R.* 1220
l. 1R.* 1288; 2R.* 1362; Rep.* [125] 1; 3R.* 122
Royal Assent, 396

NAAS, Rt. Hon. Lord, *Coleraine* (Chief Secretary for Ireland, Earl of Derby's Administration)
Address in Answer to the Speech, Report, [123] 138
Arms Act (Ireland), [128] 1432
Bridgenorth Election Committee, [124] 883
Education, National (Ireland), [123] 247; Com. moved for, [126] 525, 601, 602
Excise Duties on Spirits, 3R. [128] 416; Adj. moved, 418, 423, 424
Income Tax, Com. *cl.* 12, [127] 736; Amend. 741, 742; *cl.* 15, 743, 745, 746; *cl.* 33, 795; *cl.* 35, Amend. 802; *add. cl.* 807, 808; *cl.* 13, 1053; *cl.* 16, 1056
Incumbered Estates Court (Ireland), Returns moved for, [123] 769
Incumbered Estates (Ireland) Act Amendment, Com. [129] 695
Keogh, Mr., Appointment of, Explanation, [128] 274
Land Improvement (Ireland), Com. *cl.* 23, [124] 1634; *cl.* 36, 1348
Landlord and Tenant (Ireland), Leave, [123] 348
Tenant Right (Ireland), 2R. [123] 1553, 1560, 1562, 1565

NAPIER, Rt. Hon. J., *Dublin University* (Attorney General for Ireland, Earl of Derby's Administration)
Address in Answer to the Speech, Report, [123] 131
Aggravated Assaults, Com. *cl.* 1, [125] 673
Clergy Reserves (Canada), 2R. [124] 1152; Com. *cl.* 1, [125] 459, 468; *cl.* 2, 479; 3R. 970
Common Law, Courts of (Ireland), 2R. [123] 768; Com. *cl.* 1, [127] 1284; *cl.* 10, 1286; *cl.* 38, 1291; *cl.* 63, 1293; 3R. [129] 238
Consolidated Annuities (Ireland), [125] 787

NAPIER, Rt. Hon. J.—*continued.*
Coroners' Inquests, [123] 204, 220
Crown Solicitors (Ireland), [124] 1043
Education (Ireland), Com. moved for, [126] 587; [129] 655
Excise Duties on Spirits, 3R. [128] 418
Income Tax, Com. *cl.* 13, [127] 1052; *cl.* 16, 1057
India, Government of, 2R. [128] 1001
Indian Territories Committee, [124] 1427
Jewish Disabilities, Leave, [124] 614; Com. *cl.* 1, [125] 170
Keogh, Mr., Appointment of, Explanation, [128] 285
Land Improvement (Ireland), 3R. [125] 172
Land, &c., Sale of (Ireland), Leave, [126] 655
Land, Transfer of (Ireland), 2R. [128] 939
Landlord and Tenant (Ireland), Leave, [123] 305; Com. *cl.* 7. [128] 730, 1367; *cl.* 10, 1368; *cl.* 20, 1370; *cl.* 24, 1371, 1372; *cl.* 43, 1414, 1415; *cl.* 70, 1418; [129] 30, 31;
Leasing Powers (Ireland), Com. [124] 628; [128] 241; *cl.* 5, 242, 244, 246; *cl.* 8, 247; *cl.* 10, 726, 727; *cl.* 22, 728
Malicious Injuries (Ireland), 3R. [128] 905
Maynooth College, Com. moved for, [124] 892
Ministers' Money (Ireland), Com. moved for, [123] 795
New Trials (Criminal Cases), 2R. [127] 986, 988
Personal Liberty, Recovery of, 2R. [128] 561
Savings Banks, Com. postponed, [129] 542
Sheriff Courts (Scotland) (No. 2), Leave, [124] 1305
Six-Mile Bridge Affray, Papers moved for, [123] 204; [125] 316, 394, 898
Sligo Borough, New Writ moved, [128] 681
South Sea and other Annuities Commutation, 3R. *add. cl.* [126] 645
Succession Duty, Com. *cl.* 21, [128] 467
Tenant Right (Ireland), 2R. [123] 1041, 1140, 1141, 1532, 1543
Tenant Compensation (Ireland), Com. *cl.* 10, [129] 636; *cl.* 14, 637, 638; *cl.* 20, 639

National Gallery,
c. Com. moved for (Col. Mure), [124] 1307; Nomination of Members, [125] 253; Motion withdrawn, 254;
Question (Mr. H. D. Seymour), [125] 806; Reply (Chancellor of the Exchequer, 1116

National Gallery—Supply,
c. [123] 1020; [127] 422

Naval Coast Volunteers Bill,
c. 1R.* [128] 1367; 2R.* [129] 270; Com. 1109; 3R.* 1214
l. 1R.* [129] 1243; 2R.* 1416; Rep.* 1497; 3R.* 1602
Royal Assent, 1709

Naval Coast Volunteers—Supply,
c. [129] 1452; Rep. 1560

Navigation—Lieut. Maury's Plan,
l. Observations (Lord Wrottesley), [126] 521
c. Question (Sir. R. H. Inglis), [129] 145; (Mr. G. A. Hamilton), 1720

Navy,
  Desertions from the, c. Question (Mr. W. Williams), [125] 592
  Dockyard Appointments and Promotions, c. Notice (Sir B. Hall), [125] 591, 726, 802, 1015; Question (Rt. Hon. B. Disraeli), 594
  Estimates, c. [123] 997; Report, 1088; [124] 311, 362
  Freight Money (Greenwich Hospital), c. Return moved for (Sir G. Pechell), [123] 221
  Manning the, l. Question (Lord Brougham), [123] 164; (Earl of Egmont), [124] 346; (Earl of Colchester), [129] 165
  Promotion and Retirement, l. Observations (Earl of Hardwicke), [129] 1
See
  Naval Coasts Volunteers Bill
  Seamen, Entry of, Bill

Negroes, Captured, Support—Supply,
c. [127] 455

NEWCASTLE, Duke of (Secretary of State for the Colonies, Earl of Aberdeen's Administration)
  Business, Private, [129] 881
  Canada Clergy Reserves, Address moved, [124] 108; 731, 733
  Canterbury Election, [125] 308, 310; Address moved, 916
  Cape of Good Hope—Constitution for the Colony, [128] 248
  Church in the Colonies, [125] 421
  Clergy Reserves (Canada), 2R. [126] 234, 303; Com. *cl.* 1, 401, 406, 409, 412; 3R. 660
  Colonial Church Regulation, Com. *cl.* 1, [129] 518, 523, 524; *cl.* 5, 529, 531, 532
  Commercial Legislation—Free Trade, Res. [123] 963
  Income Tax, 3R. [128] 807
  Jamaica, Affairs of, [128] 947
  Keogh, Mr., Appointment of, Address moved, [127] 1372, 1377, 1378, 1379; Com. moved for, [128] 338, 340, 342, 343, 344, 345, 347, 370
  Kirwan, Mr., Case of—The Irish Magistracy, Address moved, [126] 23, 26
  Land Improvement (Ireland), Com. *cl.* 5, [126] 1313
  Landlord and Tenant (Ireland), 2R. [129] 1500, 1519, 1521, 1523, 1524, 1529
  Landlord and Tenant (Ireland), Law of, [129] 1416, 1417
  Liberia, Free Labour from, [128] 943
  Lodging Houses, Common, 2R. [127] 298
  Malta, Criminal Code of, [127] 1196
  Ministerial Explanations, [123] 1795
  New Zealand Company and New Ulster, [123] 1058; [125] 716, 721
  Petty Sessions (Ireland), 2R. [129] 269
  Six-Mile Bridge Affray, Correspondence moved for, [128] 723, 725
  Succession Duty, Com. *cl.* 34, [129] 741
  Summary Jurisdiction (Ireland), 2R. [129] 269
  Transportation, 2R. [129] 23, 28; Com. *cl.* 8, 352
  Transportation to the Colonies, [124] 165, 169, 782; [126] 672, 674, 678; Address moved, [127] 55, 56, 64, 69, 315

NEWDEGATE, Mr. C. N., *Warwickshire, N.*
  Advertisement Duty, Res. [128] 1113, 1119
  Aggravated Assaults, Com. *cl.* 1, [125] 673, 678
  Business of the House, [125] 155
  Charitable Trusts, Rep. *cl.* 60, [129] 1266
  Chatham Election Committee, [124] 1435; [126] 1060, 1068
  Clergy Reserves (Canada), Com. *cl.* 1. [125] 472
  Colonial Church Regulation, 2R. [129] 1214
  Commercial Legislation—Free Trade, [123] 517, 685; The Division—Explanation, [123] 712
  County Election Polls, 3R. [124] 158
  County Rates and Expenditure, Com. *cl.* 1. [125] 271
  Customs, &c. Acts, Com. (Cables), [127] 1063; (Pictures), 1066
  Dockyard Appointments and Promotions, Com. moved for, [126] 120, 121, 369
  Durham Election Petitions, Nomination of Committee, [128] 232
  Ecclesiastical Revenues (Ireland), Com. moved for, [127] 900, 901
  Examiners, Office of (Court of Chancery), Rep. *cl.* 2, [124] 781
  Factories, Leave, [128] 1289
  Hackney Carriages (Metropolis), Com. [127] 428
  Import Duties, [124] 1023
  Income Tax, The, Com. [126] 494; *cl.* 3, [127] 716
  India, Government of, Com. *cl.* 2, [128] 1466; *cl.* 3, [129] 173; *cl.* 12, 233; *cl.* 27, 569; *cl.* 32, 667; *add. cl.* 772, 788; That the Bill do pass, 1032
  Jewish Disabilities, 2R. [125] 114; Com. *cl.* 1, 168, 170, 171
  Letter Carriers, [124] 845
  Malta, Criminal Code at, Address moved, [129] 1744
  Newspaper Stamp Duties, [127] 219
  Nunneries, Inspection of, Leave, [127] 103, 115
  Personal Liberty, Recovery of, 2R. [128] 679; Adj. moved. [129] 512, 1464, 1465, 1468
  South Sea and other Annuities Commutation, 3R. *add. cl.* [126] 641
  South Sea Annuities Dissentients, Com. Res. [129] 1009
  Succession Duties, The, [127] 287, 361
  Succession Duty, Com. [128] 310; *cl.* 25, 1132; *cl.* 48, 1384; 3R. [129] 412
  Supply—Indian Department (Canada), [127] 443, 444;—Nonconforming, &c. Ministers (Ireland), 484
  Transportation, 3R. [129] 1695
  Universities (Scotland), 2R. [129] 193, 195, 197
  Wages, Payment of, Bill, 2R. [126] 1111

New Forest Deer Removal Act Amendment Bill,
c. 1R.* [123] 1569

Newry Election Committee,
c. Report, [124] 553

Newspaper Stamp Duties,
c. Leave, [123] 1045
Question (Mr. Bright), [124] 351; Returns moved for (Mr. Brotherton), 393; Motion withdrawn, 394; Motion (Rt. Hon. T. M. Gibson), [125] 1117, [*o. q.* A. 98, N. 280, M. 182] 1187; Question (Mr. J. L. Ricardo), [127] 218

Newspaper Stamp Duties Bill,
c. 1R.* [128] 600;
2R. [129] 241; 3R.* 744
l. 1R.* [129] 795; 2R.* 1416; 3R.* 1427
Royal Assent, 1709

Newton, Mr., Case of,
c. Question (Mr. Hume), [123] 198

New Trials, (Criminal Cases) Bill,
c. 1R.* [124] 640;
2R. [127] 964; Amend. (Visct. Palmerston), 983

New Zealand—(Supply),
c. [127] 449

New Zealand Company and New Ulster,
l. Petition (Duke of Newcastle), [123] 1058; Question (Earl Grey), [125] 713
c. Question (Mr. Baillie), [127] 503

NORREYS, Sir C. D. O. J., *Mallow*
Courts of Common Law (Ireland), 2R. [123] 767
Duffy, Mr., Case of, [126] 1194
Hackney Carriage Duties, Com. *add. cl.* [129] 967; 3R. *add. cl.* 1592
Income Tax, Com. *cl.* 3, [127] 546; *cl.* 5, 727; *cl.* 13, 740, 1053; *cl.* 15, 746
Landlord and Tenant (Ireland), Com. *cl.* 32, [128] 1372, 1373; *cl.* 65, 1417

NORTH, Col. J. S., *Oxfordshire*
Ordnance Estimates, [124] 762
Peace Society, The, and the Militia, [124] 649
Six-Mile Bridge Affray, [125] 897; [129] 299

North American Screw Steam Ship Company—Partnerships of Limited Liability,
c. Papers moved for (Mr. W. Brown), [123] 1071

NORTHUMBERLAND, Duke of (First Lord of the Admiralty, Earl of Derby's Administration)
Mercantile Marine, Returns moved for, [125] 131
Navy, Manning the, [123] 64; [124] 346

NORWICH, Bishop of
Clergy Reserves (Canada), 2R. [126] 283
Conventual Establishments, [126] 1288
Education, National (Ireland), Address moved, [124] 1205

Norwich Election Petition,
c. Petition (Mr. T. Duncombe), [124] 549; Question (Mr. F. Mackenzie), 649; Com. moved for (Mr. T. Duncombe), [124] 740

"Novello," The Ship,
c. Com. moved for (Mr. Muntz), [124] 835

Nunneries, Inspection of,
c. Leave, [127] 79, [A. 138, N. 115, M. 23] 132; —see *Conventual Establishments;—Personal Liberty, Recovery of, Bill*

Oaths, Alteration of, Bill,
l. 1R.* [127] 194;
2R. 838;
Com. [127] 1020; Amend. (Earl of Ellenborough), 1022, [*o. q.* Content, 69, Not Content, 84, M. 15] 1029

Oaths and Affirmations,
l. Petitions (Lord Brougham), [128] 249; (Lord Campbell), 252
c. Com. moved for (Mr. A. Pellatt), [124] 1402; Motion withdrawn, 1413;
Question (Rt. Hon. J. S. Wortley), [128] 383

Oaths in Chancery Bill,
l. 1R.* [123] 164;
2R. 775; Rep.* 1058; 3R.* 1152
c. 1R.* [124] 245; 2R.* 648; 3R.* [125] 521
l. Royal Assent, [129] 1709

Oaths, Parliamentary,
c. Question (Rt. Hon. Sir G. Grey), [129] 291

O'BRIEN, Sir T., *Cashel*
Excise Duties on Spirits, Com. *cl.* 1, [127] 1395; *cl.* 15, 1396
Income Tax, The, Com. [126] 1277

O'BRIEN, Mr. C., *Clare*
Personal Liberty, Recovery of, 2R. [129] 505

O'BRIEN, Mr. P., *King's County*
Excise Duties on Spirits, Com. *cl.* 1, [127] 1393; 3R. [128] 414; *add. cl.* 675
Maynooth College, Com. moved for, [124] 922
Sligo Borough, New Writ moved, [128] 683

Ocean Penny Postage,
c. Observations (Rt. Hon. T. M. Gibson), [129] 1294

O'CONNELL, Mr. M., *Tralee*
Ecclesiastical Revenues (Ireland), Com. moved for, [127] 880
Income Tax, The, Com. [126] 1278; *cl.* 1, [127] 542; *cl.* 3, 547
Irish Members and the Government, [127] 222, 230
Jewish Disabilities, Leave, [124] 621
Sligo Borough, New Writ moved, [128] 130
Supply—Nonconforming, &c. Ministers (Ireland), [127] 484

Office of Examiner (Court of Chancery) Bill,
c. Leave, [124] 96; 1R.* 122;
2R. [124] 333; Amend. (Mr. Mullings), 334; Amend. withdrawn, *ib.*;
Com. 390;
cl. 2, 392, [A. 72, N. 30, M. 42] 393; Amend. (Mr. Mullings), 772, [*o. q.* A. 127, N. 61, M. 66] 774; 2nd. Amend. *ib.*; Amend. withdrawn, 781;

[*cont.*

Office of Examiner, &c. Bill—cont.
cl. 3, Amend. (Mr. Mullings), 465; Amend. withdrawn, 466; That the Blank be filled with "twenty," [A. 37, N. 20, M. 17] *ib.*; 3R. 1159
l. 1R.* [124] 1161; 2R.* 51;
Com. 148;
Petition (Lord Brougham), 175; 3R.* 286
Royal Assent, [126] 1286

O'Flaherty, Mr. A., *Galway, Bo.*
Church, The Established (Ireland), [124] 355
Tenant Right (Ireland), 2R. [123] 1139

Oliveira, Mr. B., *Pontefract*
Hutchinson's Claim, 2R. [126] 1314
Hyde Park, Improvements in, [127] 429
London and Mid-Western Railway, 2R. [125] 199
Wines, Foreign and Colonial, Com. moved for, [125] 625, 635, 642

Ordnance Estimates,
c. [123] 1017; Report, 1088; [124] 748

Ordnance Iron,
c. Return moved for (Sir G. Pechell), [123] 1716; House counted out, 1717

Ordnance Survey (Scotland),
c. Question (Col. Blair), [125] 1115

Osborne, Mr. R. B., *Middlesex* (Secretary of the Admiralty, Earl of Aberdeen's Administration)
Address in Answer to the Speech, [123] 102
Commercial Legislation—Free Trade, [123] 536
Dockyard Promotion, [128] 1321
Education, National (Ireland), [123] 247
Financial Statement, [123] 1242, 1243, 1443, 1458
Indian Judges, [127] 955
Jewish Disabilities, 2R. [125] 87, 93
Navy Estimates, [124] 369, 374, 378, 386
Supply—New Houses of Parliament, [129] 1318
Tenant Right (Ireland), 2R. [123] 1132, 1142

Otway, Mr. A. J., *Stafford*
Duffy, Mr., Case of, [126] 1197
India, Affairs of, [125] 62
India, Government of, 2R. [128] 769; Com. *cl.* 2, 1467; *cl.* 4, [129] 84, 85; *cl.* 10, 309; *cl.* 27, 567; *cl.* 31, 572, 583; *cl.* 32, 669, 670, 681; *add. cl.* 765
Indian Judges, Charges Against, [125] 1217; [129] 643
Kerowlee, State of, [125] 314
Kossuth M.—Seizure of Warlike Stores, [126] 1158

Overstone, Lord
Poor Laws, [127] 205, 207
Registration of Assurances, That the Bill do pass, [126] 1230

Owen, Mr., his Plans,
l. Petition (Lord Brougham), [125] 175

Oxford, Bishop of
African, Squadron, The, [129] 884
Cathedral Appointments, 3R. [127] 317
Clergy Reserves (Canada), [124] 719, 729; Com. *cl.* 1, [126] 436, 447, 448
Colonial Bishops Act Extension, 2R. [128] 945
Colonial Church Regulation, Com. *cl.* 1, [129] 520, 523, 525, 527; *cl.* 5, 528, 531
Cuba, Importation of Slaves into, [127] 774
India, Government of, 2R. [129] 1386
Missionary Bishops, 2R. [129] 743
Patronage Exchange, 2R. [128] 945
Transportation, Com. [129] 348

Oxford and Cambridge Professors — Supply,
c. [127] 417

Packe, Mr. C. W., *Leicestershire, S.*
Assaults, Aggravated, Leave, [124] 1421; Com. *cl.* 1, [125] 672, 679; Amend. 684, 685
County Elections Polls, Com. Amend. [123] 807, 813
County Rates and Expenditure, 2R. [124] 484; Com. [125] 261; *cl.* 1, 271
Income Tax, The, [126] 911
Wages, Payment of, 2R. [126] 1093

Paget, Lord A. H., *Lichfield*
Pilotage, Leave, [124] 1261; [125] 581; Com. [126] 225

Paget, Lord G. A. F., *Beaumaris*
Kilmainham Hospital, Address moved, [125] 1063

Paget, Mr., Case of,
c. Question (Mr. M. Milnes), [123] 293

Pakington, Rt. Hon. Sir J. S., *Droitwich* (Secretary of State for the Colonies, Earl of Derby's Administration)
Address in Answer to the Speech, Report, [123] 136
Aggravated Assaults, Com. *cl.* 1, [125] 684
Auckland Islands—Mr. Enderby, [123] 1155
Australian Colonies, The, [123] 1214
Australian, Royal Mail Steam Company's Vessels, [125] 203
Berwick-upon-Tweed Election, Com. moved for, [127] 649
Business of the House, [125] 156, 445
Canada, Clergy Reserves, [123] 835
Cape of Good Hope—Kafir War, [123] 249, 254, 1433, 1434, 1435;—The Constitution, 300
Ceylon, Buddhism in, [123] 714, 717; Papers moved for, 825
Clergy Reserves (Canada), Leave, [124] 144; 2R. Amend. 1071, 1072, 1108; Com. *cl.* 1, [125] 450, 476, 804, 805, 922; 3R. 979
Commercial Legislation—Free Trade, [123] 572, 612
Convocation Meeting of, [124] 977
County Rates and Expenditure, 2R. [124] 479; Com. Amend. [125] 258, 265; *cl.* 1, 268, 269; *cl.* 4, 273, 275; Amend. 1097, 1106, 1109; [127] 192, 193; [129] 147
Dockyard Promotion, [128] 1292; Adj. moved, 1311, 1323

[*cont.*

PAKINGTON, Sir J.—*continued.*
Elections, Expenses of, Rep. [129] 343
Financial Statement, Res. [123] 1508, 1516, 1517, 1576
Gibraltar, Complaint against the Governor of, [123] 1719
Harwich Election, New Writ moved, [126] 1321
Ionian Islands, The, Papers moved moved for, [123] 827
Income Tax, The, Com. [126] 854, 1258; [127] 524; *cl.* 5, 730
India, Government of, Rep. *add. cl.* [129] 913, 928
India—Salt Duties, [128] 1419; [129] 913, 1755, 1757
Jamaica, Crisis in, [128] 429
Jamaica, Government of, [129] 1280, 1283
Judges' Exclusion, 2R. [125] 1089
Keogh, Mr., Appointment of, Explanation, [128] 296, 301
Knowledge, Taxes on—The Advertisement Duty, [125] 1185
National Gallery, Nomination of Members of, Com. [125] 253
Ocean Penny Postage, [129] 1295
Personal Liberty, Recovery of, 2R. [128] 585
Police, National, Com. moved for, [126] 549
Precedence in Resumed Debate, [126] 1242
Railway Accidents, [124] 1224
Russia and Turkey, [129] 1780
Rye Election Committee, Report, [124] 1221; Absence of Members, Res. [125] 254, 255, 256; New Writ moved, [126] 1008; [127] 290, 292, 377
South Sea and other Annuities Commutation, Com. *cl.* 2, [126] 361; 3R. Adj. moved, 619, 621
Speaker, Office of the, [129] 1272
Succession Duties, [127] 286, 325
Succession Duty, 2R. [127] 1380; Com. Amend. [128] 62, 77, 90, 311; *cl.* 7, 390; *cl.* 19, 405, 407, 412, 434, 435, 436, 437; *cl.* 20, 445; *cl.* 21, 465, 466, 468, 471, 1129; *cl.* 25, Amend. 1133; *cl.* 33, 1172, 1175; *cl.* 44, 1187; *cl.* 45, 1192, 1193; *cl.* 48, 1390; Rep. [129] 221; 3R. 398; Amend. 400, 409
Sugar Duties, Returns moved for, [123] 1171, 1192
Transportation, Com. [129] 1545, 1552; *cl.* 2, 1559; 3R. 1698
Transportation to the Australian Colonies, [124] 554
Vaccination Extension, 2R. [129] 470
Victoria, Colony of, [129] 1757
West India Colonies Loans Act Amendment, 2R. [123] 770

Palaces, Royal—Supply,
c. [127] 388

PALMER, Mr. ROBERT, *Berkshire*
Bridgenorth Election Committee, [124] 179
Call of the House, [123] 269
Commercial Legislation—Free Trade, [123] 491
County Elections Polls, Leave, [123] 206; 2R. Amend. 463, 470; 3R. [124] 158
County Rates and Expenditure, Com. [125] 260; *cl.* 1, 270; *cl.* 4, 275, 1105
Elections Com. *cl.* 1, [128] 234; *cl.* 3, 236; *add. cl.* 240

[*cont.*

PALMER, Mr. R.—*continued.*
Income Tax, The, Com. [126] 1283; Amend. 1331
Peterborough Election, Com. moved for, [129] 389, 555
Speaker, Choice of a, [123] 3
Succession Duty, Com. *cl.* 21, [128] 465

PALMER, Mr. ROUNDELL, *Plymouth*
Colonial Church Regulation, 2R. [129] 1210
Hackney Carriage Duties, Rep. [129] 1136
Merchant Shipping, 3R. *add. cl.* [129] 1126, 1130
Personal Liberty, Recovery of, 2R. [128] 580
Succession Duty, Com. *cl.* 19, [128] 408; *cl.* 21, 453

PALMERSTON, Rt. Hon. Viscount, *Tiverton* (Secretary of State for the Home Department, Earl of Aberdeen's Administration)
Address in Answer to the Speech, [123] 122; Report, 134
Adjournment of the House—Naval Review at Spithead, [129] 1601
Aggravated Assaults, Com. *cl.* 1, [125] 679
Arms Act (Ireland), [128] 733
Army Estimates, [124] 688, 689
Assistant Judge (Middlesex Sessions), 3R. [129] 432
Betting Houses, [124] 24
Bridgenorth Election Committee, [124] 876
Burial Grounds, Metropolitan, [128] 384
Business of the House, [125] 444
Business, Public, [127] 318, 321
Chatham Election Committee, [124] 1434
Combination of Workmen, 2R. [125] 647; 3R. [126] 1119; [127] 1017
Commercial Legislation—Free Trade, [123] 451, 493, 531, 694
County Rates and Expenditure, 2R. [124] 472; Com. [125] 260; *cl.* 1, 267, 269; *cl.* 4, 275, 283, 1108; [129] 146
Danish Succession, [129] 1680
Diplomatic Service, Examination of Candidates for the, [125] 883
Dockyard Promotion, [128] 1319, 1322, 1324
Drainage, Great London, 2R. [124] 1335
Duffy, Mr., Case of, [126] 1199
Durham Election Petitions, Com. moved for, Adj. moved, [127] 147, 956, 962, 964
Ecclesiastical Courts, Com. moved for, [124] 871
Ecclesiastical Courts, Abolition of, Leave, [128] 1243
Factories, Leave, [128] 1268, 1285
France, Relations with, [124] 311
Graveyards of the Metropolis, [125] 449, 807
Hackney Carriages (Metropolis), 3R. [127] 834
Hill, Mary, Case of, [125] 311
Income Tax, Com. *cl.* 13, [127] 1053
Incumbered Estates (Ireland) Act Continuance, 2R. [129] 237
India, Government of, Com. *add cl.* [129] 824
Intramural Interments, [125] 449, 807
Judges' Exclusion, Leave, [124] 1005; 2R. [125] 1080
Juvenile Offenders, 2R. [129] 1105
Kossuth, M.—Seizure of Warlike Stores, [225] 1209, 1213; [126] 451, 796, 799, 803, 1149, 1157, 1259

[*cont.*

PALMERSTON, Rt. Hon. Visct.—*continued.*
Leasing Powers (Ireland), Com. [124] 625, 769
Liverpool Election, New Writ moved, [128] 1078, 1079
Maldon Election, New Writ moved, [127] 378
Medical Profession, The, [127] 1092
Metropolitan Burial Grounds, [124] 38
Metropolitan Water Supply, [124] 1384
Militia, Enlistment for the—The Peace Society, [124] 359
Militia, Fees on Commissions in the, [126] 158, 159
New Trials (Criminal Cases), 2R. [127] 978; Amend. 980
"Novello," The Ship, Com. moved for, [124] 836, 840
London (Watford) Spring Water Company, 2R. [125] 201
Personal Liberty, Recovery of, 2R. [129] 511, 512
Police, National, Com. moved for, [126] 554
Post Office—Opening of Letters, [126] 1045
Prison Discipline, [126] 909
Probates of Wills, &c. Com. [129] 150
Railway Accidents, [124] 1224
Refugees, Foreign, [124] 805
Religious Persecution—The Madiais, [124] 239
Roman Catholic Prisoners, [129] 1568
Russia and Turkey—Obstruction of the Danube, [128] 1373, 1375, 1420, 1424; [129] 1806, 1830
Rye Election Committee, Report, [124] 1221; New Writ moved, [127] 293, 374, 375
Sewerage Improvement of, [124] 1070
Sewers, Metropolitan, [128] 60
Sewers, Metropolitan, Act Continuance, Com. Instruction, [129] 1571, 1572, 1588; *cl.* 2, 1591
Six-Mile Bridge Affray, [129] 296, 305
Sligo Borough, New Writ moved, [128] 127, 130, 681
Smithfield Market, Removal of, [228] 1376
Smoke Nuisance, Abatement, Com. [129] 1496
Supply—Africa, Civil Establishments on the West Coast, [127] 446, 448;—Consular Establishments, 455;—Ministers at Foreign Courts, 459, 460, 461, 462, 463, 464;—Polish Refugees, &c. 465;—Slave Trade Suppression of, [129] 1307;—Corrupt Practices at Elections, Committees of Inquiry, 1309
Transportation, Com. [129] 1535, 1548, 1557; *cl.* 1. 1559; *cl.* 2, 1560; Rep. 1601; 3R. 1684
Turnpike Act Continuance, Lords Amends. [129] 1823
Vaccination Extension, 2R. [129] 472

PANMURE, Lord
Cape of Good Hope—Constitution for the Colony, [128] 247
Chimney Sweepers Regulation, Report, [127] 497, 499, 503
County Elections Polls (Scotland), Com. [127] 552; *cl.* 2, 553
Exhibition (Sydenham), The, Petition, [123] 273
Military Pensioners, [123] 705, 711
Small Debts (Scotland) Act Amendment, 1R. [127] 1294

Paper, Excise Duty on,
c. Motion (Rt. Hon. T. M. Gibson), [125] 1117, [*p. q.* A. 80, N. 279, M. 199] 1187

Parish Constables Bill,
c. 1R.* [123] 1432;
2R. [124] 159

Parish Houses (Scotland) Bill,
l. 1R.* [128] 1409

Parish Vestries Bill,
c. 1R.* [127] 1091

Parish Vestries (No. 2) Bill,
c. 1R.* [128] 53;
2R. 328;
Com. 778; 3R.* 977
l. 1R.* [128] 1079; 2R.* [129] 795; Rep.* 833; 3R.* 1243
Royal Assent, 1709

PARKER, Mr. R. T., *Preston*
Import Duties, [124] 1030

Parks, Royal—Supply,
c. [127] 389

Parliament, New Houses—Supply,
c. [127] 393, 406; [129] 1311, 1313

Parliament, Opening of the,
l. 1; The Queen's Speech, [123] 17; Address in Answer to the Speech, 21; Her Majesty's Reply, 127; Prorogation of, [129] 1824
c. 3; Address in Answer to the Speech, [123] 56; Report, 130; Her Majesty's Reply, 147; Prorogation [129] 1830

Parliament, Sittings of the,
c. Observations (Mr. Drummond), [129] 644

Parliamentary Electors Bill,
c. Leave, [123] 823; 1R.* 824;
2R. [123] 1144; Amend. (Mr. Frewen), 1145, [*o. q.* A. 67, N. 103, M. 36] 1151

Parliamentary Papers,
c. Com. moved for (Rt. Hon. H. Tufnell), [123] 1065; Amend. (Mr. Headlam), 1067

Parliamentary Reform,
c. Question (Mr. Hume), [123] 821

Parsee Merchants (Viccajee Merjee and Pestonjee Merjee), Case of,
l. Petition (Lord Monteagle), [129] 1652; Explanation (Earl Granville), 1752
c. Address moved (Mr. J. G. Phillimore), [129] 1166, [A. 69, N. 111, M. 42] 1207

Partnership, Law of,
c. Question (Mr. Warner), [129] 1598

Partnerships of Limited Liability—The North American Screw Steam Ship Company,
c. Papers moved for (Mr W. Brown), [123] 1071

Passengers' Act Amendment' Bill,
l. 1R.* [129] 1416 ; 2R.* 1497 ; 3R.* 1602
c. 1R.* [129] 1602 ; 2R.* 1679 ;
Com. 1705 ; 3R.* 1720
l. Royal Assent, [129] 1823

Passengers' Baggage, Examination of, at the Custom House,
c. Question (Mr. James Macgregor), [124] 1225

Patent Law Amendment Act (Salaries)—Supply,
c. [129] 1311

Patronage Exchange Bill,
l. 1R.* [128] 588 ;
2R. 945 ;
Rep.* 1348 ; 3R.* 1409
c. 1R.* [129] 145 ; 2R.* 376 ; 3R. 635
l. Royal Assent [129] 1243

PATTEN, Mr. J. W., *Lancashire, N.* (Chairman of Committees, Earl of Derby's Administration)
Blackburn Election, New Writ moved, [125] 223, 233
Bridgenorth Election Committee, [124] 877
Business, Private, Com. moved for, [125] 252
Committees, Chairman of, [123] 215 ; Resignation of, [125] 591
Crystal Palace Company, Consideration, [125] 150
Eastern Union Railway, 3R. [129] 272
Election Expenses, Com. *cl.* 3, [128] 1385 ; Re-Com. *cl.* 1, [129] 1242
Factories, Leave, [128] 1284
Financial Statement, Res. [123] 1571, 1572, 1574, 1577, 1580
Limited Liabilities of Public Companies, [124] 348
National Gallery, Nomination of Members of, Com. [125] 253, 254
Navy Estimates, [124] 369
Norwich Election Petition, [124] 550, 552

Paymaster General—Supply,
c. [127] 406

Peace Society, The—Enlistment for the Militia,
c. Question (Mr. Hindley), [124] 357 ; (Col. North), 649

PEACOCKE, Mr. G. M. W., *Harwich*
Blackburn Election Committee, [124] 1286
Bridgenorth Election Committee, [124] 883
Financial Statement, Res. [123] 1617, 1620

PECHELL, Rear Admiral Sir G. R., *Brighton*
Army Estimates, [124] 689
Church Rates, Leave, [127] 569
Corn Averages, [124] 1224
County Elections Polls, 2R. [123] 468 ; Com. 806
Dockyard Appointments and Promotions, Com. moved for, [126] 56, 62
Eastern Union Railway, 3R. Amend. [129] 271, 275, 885
Elections, Expenses of, Com. *cl.* 3, [128] 1335
[*cont.*

PECHELL, Rear-Adm. Sir G. R.—*cont.*
Engledue, Lieut., his Case, [126] 876
Freight Money (Greenwich Hospital), Returns moved for, [123] 221
Hackney Carriages (Metropolis), 3R. [127] 835
Health, General Board of, Com. [124] 87
Health, General Board of (No. 3), Com. [129] 86 ; Rep. *add. cl.* 240, 241
Health, Public, Act of 1848, Returns moved for, [124] 1349
Her Majesty's Theatre Association, 2R. [124] 401
Land Tax Commissioners' Names, Com. [124] 90
Merchant Shipping, Com. *cl.* 29, [129] 102 ; *cl.* 38, 275 ; 3R. *add. cl.* 1116, 1120
Militia, Fees on Commissions in the, [126] 159
Naval Coast Volunteers, Com. [129] 1112
Navy Estimates, [123] 1009, 1014, 1015 ; Report, 1088 ; [124] 365, 367, 373
Ordnance Estimates, [123] 1019 ; [124] 755, 756, 757
Ordnance, Iron, Return moved for, [123] 1716, 1717
Parish Vestries, Com. [128] 779
Pilotage, Leave, [124] 1264
Seamen, Entry of, Com. [129] 744 ; *cl.* 2, 758
Supply—Falkland Islands, [127] 450 ;—Hong Kong, 454 ;—Consular Establishments, 457 ;—Slave Trade, Suppression of, [129] 1305, 1307

PEEL, Sir R., *Tamworth*
Ballot, The, Leave, [128] 204
Jewish Disabilities, Leave, [124] 606, 613 ; 3R. [125] 1273

PEEL, Mr. F., *Bury, Lancashire* (Under Secretary for the Colonies, Earl of Aberdeen's Administration)
Australia, Emigration to, [124] 36 ; [127] 566
Ballot, The, Leave, [128] 923
Cape of Good Hope—The Constitution, [123] 298 ; [124] 40 ; [129] 1828 ;—Kafir War, [124] 737
Clergy Reserves (Canada), Leave, [124] 133 ; 2R. 1071 ; Com. *cl.* 1, [125] 458 ; 3R. 963
Colonial Postage, [125] 312, 313
Commercial Legislation—Free Trade, [123] 442
Financial Statement, Res. [123] 1371
Malta, Criminal Code at, Address moved, [129] 1736
Passengers' Act Amendment, Com. [129] 1706
Supply—Clergy in North America, [127] 442 ;—Indian Department (Canada), 443 ;—Colonial Governors, 444, 445 ;—Africa, Civil Establishments on the West Coast, 446, 448 ;—Heligoland, 449 ;—Falkland Islands, 450, 451 ;—Hong Kong, 452, 453 ;—Slave Trade, Suppression of, [129] 1308 ;—Kafir War, 1459
Transportation to the Australian Colonies, [124] 572
Victoria, Colony of, [129] 1758
West India Colonies Loans Act Amendment, 2R. [123] 769

Pegu, Annexation of,
c. Question (Mr. Cobden), [127] 431

PELLATT, Mr. A., *Southwark*
Belgium, Commerce of, with Holland, [124] 350
Chatham Election, [126] 1060
Church Rates, Leave, [127] 618
Customs, &c. Acts Com. (Butter), [127] 1069
Customs, Com. *cl.* 1, Amend. [129] 1482, 1484
Ecclesiastical Courts, Abolition of, Leave, [128] 1251
Edinburgh and Canongate Annuity Tax Abolition, Leave, [128] 472
Education, Leave, [125] 579; [129] 1820
Episcopal and Capitular Property, Leave, [128] 532
Import Duties, [124] 1027
Income Tax, That the Bill do pass, *add. cl.* [127] 1229
India, Government of, That the Bill do pass, [129] 1036
Malta, Criminal Code at, Address moved, [129] 1744
Oaths, Com. moved for, [124] 1402, 1413
Poor Law Removal, Leave, [129] 831
Savings Banks Annuities, 3R. [128] 1199
Soap Duties, [128] 382; Com. 473
Succession Duty, Com. [128] 101; *cl.* 20, 446; *cl.* 26, 1138
Supply—Harbours of Refuge, [127] 397;—Public Buildings (Ireland), 400;—Salaries of certain Officers (Scotland), 407;—Secret Service, 412;—Insolvent Debtors Courts, 412;—Oxford and Cambridge Professors, 420;—Theological Professors (Belfast), 421;—Africa, Civil Establishments on the West Coast, 446, 448;—Consular Establishments, 457;—Ministers at Foreign Courts, 464;—Patent Law Amendment, [129] 1311
Thames Embankment, Com. [129] 239
Transportation, Com. [129] 1545
Westminster Bridge, 3R. [128] 1141

Pensioner Battalions,
c. Observations (Mr. Rich), [124] 652

Perforating Machine, Archer's Patent—Supply,
c. [129] 1412

Perjury, Alleged Increase of,
l. Returns moved for (Lord Brougham), [127] 548

Personal Liberty, Recovery of, Bill,
c. 1R.* [127] 215;
2R. [128] 534; Amend. (Mr. Phinn), 557, [*o. q.* A. 178, N. 207, M. 29] 585; Adj. Debate, 678; Amend. (Mr. G. Moore), [*o. q.* A. 83, N. 35, M. 48] 680; Adj. Debate, [129] 484;
Observations (Mr. Newdegate), 1463;—See *Conventual Establishments;*—*Nunneries, Inspection of*

Peterborough Election,
c. Com. moved for (Mr. Bright), [129] 381, 544, 656, 759; Report, 1726

PETO, Mr. S. M., *Norwich*
Church Rates, Leave, [127] 604
Sewers, Metropolitan, Act Continuance, Com. [129] 1577; *cl.* 2, 1590
Smoke Nuisance Abatement, Com. [129] 1495
Succession Duties, The, [127] 359

Petty Sessions (Ireland) Bill,
l. 1R.* [128] 779;
2R. [129] 268; 3R.* 1243
c. 1R.* [129] 1535

PHILIPPS, Mr. J. H., *Haverfordwest*
Commercial Legislation—Free Trade, [123] 643
County Rates and Expenditure, Com. *cl.* 4, [125] 1103
Income Tax, The, Com. [126] 1341
Succession Duty, Com. *cl.* 9, Amend. [128] 395, 396, 397; *cl.* 20, 446; *cl.* 39, 1176; *cl.* 44, 1191; Rep. [129] 219
Transportation, Com. [129] 1556

PHILLIMORE, Mr. J. G., *Leominster*
Assaults, Aggravated, Leave, [124] 1420
Ballot, The, Leave, [128] 177
Charitable Trusts, 3R. [129] 1488
Commercial Legislation—Free Trade, [123] 557
Courts of Common Law (Ireland), [123] 768
Diplomatic Service, Examination of Candidates for the, [125] 887
Ecclesiastical Revenues (Ireland), Com. moved for, [127] 906
Financial Statement, Res. [123] 1582
Income Tax, Com. *cl.* 5, [127] 724; *add. cl.* 814
India, Affairs of, [125] 56
India, Government of, Leave, [127] 1194, 1195, 1230, 1263; 2R. [128] 862; Com. 1438; *cl.* 2, 1464; *cl.* 3, [129] 64, 65; *cl.* 10, 307; *cl.* 12, 332; *cl.* 26, 561, 565; *cl.* 27, 566; *cl.* 32, 665, 670, 679; *add. cl.* 788, 792, 808, 816, 826; Rep. 932, 966; That the Bill do pass, *add. cl.* 1012, 1028
India, Legislative Council of, [128] 604
Indian Judges, Charges against, [125] 1216; [127] 956
Knowledge, Taxes on—The Advertisement Duty, [125] 1166
Leasing Powers (Ireland), Com. *cl.* 35, [128] 729
Metropolitan Improvements, 2R. [124] 694
New Trials (Criminal Cases), 2R. [127] 978
Parsee Merchants, Case of, Address moved, [129] 1166
Probate of Wills, Leave, [124] 1319
Rye Election, New Writ moved, [127] 375
Sheriff Courts (Scotland) (No. 2), Leave, [124] 1302
Succession Duty, Com. *cl.* 19, [128] 436; *cl.* 33, 1169; Rep. [129] 228
Transportation, Com. [129] 1555; 3R. 1692

PHILLIMORE, Mr. R. J., *Tavistock*
Admiralty Court, Returns moved for, [124] 1436
Church Rates, Leave, [127] 567, 597, 643
Clergy Reserves (Canada), Com. *cl.* 1, [125] 471
Diplomatic Service, Examination of Candidates for the, [125] 887
Dockyard Promotion and Patronage, [125] 1016, 1017
Duffy, Mr., Case of, [126] 1197
Ecclesiastical Courts, Com. moved for, [124] 865, 873

[*cont.*

Phillimore, Mr. R. J.—*continued.*
- Elections, Com *add. cl.* [128] 238
- Elections, Expenses of, Com. *cl.* 1, [128] 1332
- Episcopal and Capitular Property, Leave, [128] 533
- Probates of Wills, &c. 2R. [125] 661, 669; [126] 1077; Com. [128] 1338
- Simony Law Amendment, 2R. [128] 1339
- Succession Duty, Com. [128] 89, 90; *cl.* 10, 399

Phinn, Mr. T., *Bath*
- Assaults, Aggravated, Leave, [124] 1419; Com. *cl.* 1, [125] 669, 673; Amend. 674, 678, 682, 684
- Berwick-upon-Tweed Election, New Writ moved, [126] 1125
- Bridgenorth Election Committee, [124] 1287
- Canterbury Election, Address moved, [125] 217
- Common Law, Courts of (Ireland), Com. *cl.* 63, [127] 1293
- Durham Election Petitions, Com. moved for, [127] 957
- Education, Leave, [125] 563
- Elections, Leave, [124] 163
- Elections, Expenses of, Com. *cl.* 1, [128] 1332; *cl.* 3. 1336; *cl.* 5, 1336; *cl.* 6, 1337
- Engledue, Lieut., his Case, [126] 882
- Examiners, Office of (Court of Chancery), Com. [124] 390
- Excise Duties on Spirits, 3R. [128] 424
- Financial Statement, Res. [123] 1254
- Harwich Election, New Writ moved, [128] 154
- Her Majesty's Theatre Association, 2R. 397, [124] 403
- India, Government of, 2R. [128] 642; Com. *cl.* 1, Amend. 1440, 1443, 1447, 1453
- Kossuth M.—Seizure of Warlike Stores, [126] 802
- Maidstone Election, New Writ moved, [126] 875
- Maldon Election, Commission moved for, [126] 124
- Maynooth College, Com. moved for, [124] 905
- Metropolitan Improvements, 2R. [124] 695
- Navy Estimates, [124] 382
- New Trials, Criminal Cases, 2R. [127] 983
- Personal Liberty, Recovery of, 2R. Amend. [128] 542, 679
- Post Office—Opening of Letters, [126] 1045
- Trade Licences, [128] 426
- University Reform, [123] 822

Pictures—Customs Acts,
c. Com. [127] 1065, [A. 186, N. 46, M. 140] 1068

Pigott, Mr. F., *Reading*
- Chatham Election, [126] 1061
- Dockyard Promotion, [128] 1323, 1324
- Hackney Carriages (Metropolis), 3R. *cl.* 2, Amend. [127] 1018
- Succession Duty, Com. *cl.* 19, [128] 407

Pilotage Bill,
c. Leave, [124] 1227; 1R.* 1290;
2R. [125] 579;
Com. [126] 218; Amend. (Mr. Turner), 224, [*o. q.* A. 219, N. 83, M. 136] 230; [129] 640;
3R.* 1451 [*cont.*

Pilotage Bill—continued.
l. 1R.* [129] 1497;
2R. 1665;
Com. *cl.* 10, Amend. (Earl of Hardwicke), 1710, [Content 6, Not Content 14, M. 8] 1711;
3R.* 1811
Royal Assent, 1824

Places of Religious Worship Registration Bill,
c. 1R.* [124] 977; 2R.* [125] 922

Plymouth Election,
c. New Writ moved (Sir J. Buller), [127] 647

Police, Metropolitan,
c. Observations (Lord D. Stuart), [129] 1164

Police, National,
c. Com. moved for (Mr. Rice), [126] 545; Amend. (Mr. Mackie), 552

Polish Refugees, &c.—Supply,
c. [127] 465

Polling at Elections Amendment Bill,
l. 1R. [128] 1410;
2R. [129] 261; Order discharged, 268

Poor Law Administration,
c. Question (Mr. Walter), [128] 1064

Poor Law Commission—Supply,
c. [127] 407

Poor Law (Medical Relief),
c. Motion (Mr. Miles), 134; Motion withdrawn, 145

Poor Laws,
l. Petition (Earl of Malmesbury), [127] 200

Poor Relief Act Continuance Bill,
c. 1R.* [129] 270; 2R.* 534; 3R.* 1252
l. 1R.* [129] 1322; 2R.* 1497; 3R.* 1605
Royal Assent, 1709

Poor Removal and Local Assessment Bill,
l. 1R.* [124] 24;
2R. [125] 1188; Bill withdrawn, 1195

Poor Removal Bill,
l. 1R.* [127] 1;
2R. 1030; Motion *neg.* 1032

Poor Removal,
c. Leave, House counted out, [129] 831

Portal, Mr. M., *Hampshire, N*
- County Rates and Expenditure, Com. *cl.* 4, [125] 285

Portman, Lord
- Savings Banks Annuities, 2R. [128] 1410

Portman, Hon. W. H. B., *Shaftesbury*
- Income Tax, 2R. [128] 489

Port Patrick Harbour—Supply,
c. [127] 397

Ports and Harbours, Regulation of,
c. Question (Adm. Berkeley), [123] 350

Portsmouth, Assault Case at,
c. Question (Rt. Hon. Sir F. Baring), [128] 58

Portugal, Criminal Code of,
c. Question (Hon. A. Kinnaird), [129] 1821

Postage, Colonial,
c. Question (Lord Stanley), [125] 312

Postage, Ocean Penny,
c. Observations (Rt. Hon. T. M. Gibson), [129] 1294

Post Horse Duties—Customs, &c. Acts,
c. Res. (Chancellor of the Exchequer) [129] 585

Post Office Appointments,
l. Returns moved for (Marquess of Clanricarde), [124] 25

Post Office (Ireland),
c. Observations (Mr. J. Wilson), [129] 1828

Post Office—Opening of Letters,
c. Question (Mr. Phinn), [126] 1045

Post Office Packet Service—Supply,
c. [129] 1453

Powis, Earl of
Church Buildings Act Amendment, Com. [128] 1154, 1158; *cl.* 6, Amend. 1159, 1160
Ecclesiastical Commission, Returns moved for, [127] 1032, 1434
Loans to Ratepayers in Counties, Returns moved for, [123] 1430
Missionary Bishops, 2R. [129] 743
South Eastern &c. Railway, 3R. [129] 164

Precedence in Resumed Debate,
c. Observations (Mr. F. French), [126] 1240

Price, Sir R., *Hereford*
Succession Duty, Com. *cl.* 21, [128] 459

Price, Mr. W. P., *Gloucester*
Pilotage, 2R. [125] 580

Prince, Birth of a,
l. Address to Her Majesty, [125] 685; Her Majesty's Answer to Address, [126] 657
c. Address to Her Majesty, [125] 728; Her Majesty's Answer to Address, [126] 623

Printing and Stationery—Supply,
c. [127] 412

Prison Discipline,
c. Question (Sir H. Halford), [126] 909

Prisons, Government and Convict Establishments—Supply,
c. [127] 417; [129] 1470; Rep. 1563

Prisoners, Maintenance of, in County Gaols—Supply,
c. [127] 417

Privy Council Office—Supply,
c. [127] 406

Privy Council, Registrar of, Bill,
l. 1R.* [129] 1243; 2R.* 1322; 3R.* 1497
c. 1R.* [129] 1602; 2R.* 1679; Rep.* 1705; 3R.* 1720
l. Royal Assent, [129] 1823

Privy Seal, Lord—Supply,
c. [127] 406

Probate and Legacy Duties,
c. Motion (Mr. W. Williams), [124] 805, [A. 71, N. 124, M. 53] 834

Probates of Wills and Grants of Administration Bill,
c. Leave, [124] 1318; 1R.* 1319;
2R. [125] 647; Amend. (Mr. Mullings), 667; Amend and Motion withdrawn, 669; Adj. Debate, [126] 1076; Amend. (Rt. Hon. J. Henley), 1078; Motion neg. 1079;
Com. [128] 1337; Order discharged, [129] 149

Probate and Administration Bill,
c. 1R.* [128] 1367

Protests,
l. *Maldon Election* (Lord St. Leonards), [127] 784
Excise Duties on Spirits (Lord Monteagle), [128] 1472
Government of India, 3R. (Lord Monteagle), [129] 1675

Public Buildings (Ireland)—Supply,
c. [127] 398; Amend. (Mr. Spooner), 399; (Mr. W. Williams), 403, [A. 43, N. 80, M. 37] 404; [A. 74, N. 54, M. 20] 405

Public Houses (Scotland) Bill,
c. 1R.* [124] 397; 2R.* 1332;
Com. *cl.* 1, Amend. (Sir H. Davie), [126] 124; Amend. withdrawn, 130;
Rep. *add. cl.* (Hon. J. Elliot), [128] 1201; 3R.* 1367
l. 1R.* [128] 1409; 2R.* [129] 89;
Com. 373; 3R.* 795
Royal Assent, 1709

Public Libraries and Museums Bill,
c. 1R.* [129] 744

Public Libraries (Ireland and Scotland) Bill,
c. 1R.* [128] 505; 2R.* 926; 3R.* 534
l. 1R.* [129] 586; 2R.* 972; 3R.* 1605
Royal Assent, 1824

Public Works Acts Amendment (Ireland) Bill,
c. 1R.* [129] 166 ; 2R.* 534 ;
Com. 1318 ; Motion (Mr. I. Butt), 1321 ; Motion withdrawn, 1322 ;
3R.* 1598
l. 1R.* [129] 1602 ; 2R.* 1605 ; Rep.* 1708 ; 3R.* 1752
Royal Assent, 1824

Public Works Loan Bill,
c. 1R.* [127] 1297 ; 2R.* [128] 57 ; 3R.* 426
l. 1R.* [128] 474 ; 2R.* 1079 ; Rep.* 1201 ; 3R.* 1348
Royal Assent, [128] 1409

Quarantine Regulations — The Sanitary Conference,
l. Question (Earl of St. Germans), [123] 224
c. Question (Mr. Hume), [125] 722

QUEEN'S SPEECH, THE—OPENING OF PARLIAMENT,
l. [123] 17; Address in Answer to the Speech, 21; Her Majesty's Reply, 127 ; Commissioners' Speech—Prorogation, [129] 1824
c. Address in Answer to the Speech, [123] 56 ; Report, 130 ; Her Majesty's Reply, 147

RADNOR, Earl of
Business of the Day, [123] 921
Commercial Legislation — Free Trade, Res. Adj. moved, [123] 960

Railway Accidents and Management,
l. Returns moved for (Earl of Malmesbury), [124] 791 ; Observations (Earl of Malmesbury), [125] 177
c. Question (Rt. Hon. Sir J. Pakington), [124] 1224 ; Observations (Mr. H. Brown), [125] 173 ; Res. 601 ; Amend. (Rt. Hon. E. Cardwell), 615 ; Amend. and Motion withdrawn, 620

Railway Amalgamation—Railway and Canal Bills,
c. Question (Rt. Hon. H. Labouchere), [123] 245 ; Com. moved for (Rt. Hon. S. Walpole), 831 ; Motion withdrawn, 833 ; Com. moved for (Rt. Hon. J. Henley), 1048 ; Nomination, of Com. 1202 ; Res. (Rt. Hon. E. Cardwell), [124] 122 ; [125] 1200

Railway Legislation,
l. Question (Lord Redesdale), [123] 231

Raisins—Customs Acts,
c. Com. [127] 1061

Real Property, Law of,
l. Observations (Lord Lyndhurst), [128] 474

Records, Public—Supply,
c. [127] 497

REDESDALE, Lord (Chairman of Committees)
Business, Private, [129] 880, 920
Canterbury Election, Address, [125] 914, 920
Cemetery Association, Great Extra-mural, 2R. [128] 133, 134
[*cont.*

REDESDALE, Lord—*continued.*
Chicory, Petition, [129] 1152
Chimney Sweepers Regulation, Report, [127] 503
Clergy Reserves (Canada), [124] 728 ; 3R. [126] 659, 663
Clitheroe Election, [127] 214
Colonial Church Regulation, Com. cl. 5, [129] 531
County Elections Polls, 3R. [125] 289
Dwellings for the Labouring Classes, Res. [125] 410
Education, National (Ireland), [129] 872
Great Western Railway Company, [127] 1362
House, Rules of the, [126] 1290, 1291
Lands Improvement Company (No. 2), 3R. [129] 250
Lodging Houses, Common, 2R. [127] 297
London Docks, 2R. [128] 132
Mercantile Marine, Returns moved for, [127] 315
Oaths, Alteration of, 2R. [127] 857
Polling at Elections Amendment, 2R. [129] 267
Railway Legislation, [123] 231
Select Committees, Res. [123] 1063
Six-Mile Bridge Affray, Correspondence moved for, [128] 725
Smoke Nuisance Abatement (Metropolis), Com. Amend. [129] 1754
South Sea and other Annuities Commutation, Com. [126] 907
Statues, Consolidation of the, [125] 139
Tynemouth Election, Address moved, [128] 792
Universities (Scotland), Com. [129] 1716
Wellington, Duke of—Funeral of the, Report, [123] 167, 218
Wilson's (Hampstead) Estate, 2R. [128] 1360

Refuge for the Destitute—Supply,
c. [127] 465

Refugees, Foreign,
l. Observations (Lord Lyndhurst), [124] 1046 ; Question (Earl of Malmesbury), 1161
c. Question (Lord D. Stuart), [124] 804

Registrar of Meetings Bill,
l. 1R.* [129] 586 ; 2R.* 833 ; Rep.* 972 ; 3R.* 1045
c. 1R.* [129] 1252 ; 2R.* 1451 ; 3R.* 1598
l. Royal Assent, 1709

Registration of Assurances Bill,
l. 1R. [124] 41 ;
2R. 929 ; Amend. (Lord St. Leonards), 943 ; Amend. withdrawn, 977 ;
Com. [126] 515 ;
Rep. 663 ;
3R. 1223, [Content 57, Not Content 29, M. 28] 1228 ;
Bill passed, 1230
c. 1R.* [127] 429 ;
2R. 714

Religious Intolerance in Spain,
c. Question (Sir R. H. Inglis), [124] 32

Religious Persecution — The Madiais,
c. Question (Hon. A. Kinnaird), [124] 40 ; Address moved, 196 ; Motion withdrawn, 242 ; —*Liberation of*, Observations (Lord J. Russell), [125] 449

Repton, Mr. G. W. J., *Warwick*
Canterbury Election, Address moved, [125] 219
Supply—Polish Refugees, &c. [127] 465, 467

Revenue and Taxation,
l. Returns moved for (Lord Monteagle), [123] 1421

Ricardo, Mr. J. L., *Stoke-upon-Trent*
Bills of Exchange, &c. (Metropolis), 3R. [123] 148, 149
Commercial Legislation—Free Trade, [123] 586, 587
Consolidated Fund and National Redemption Acts, [125] 809, 834
" Household Narrative," The, [125] 163
Income Tax, The, Com. [126] 709
Knowledge, Taxes on—The Advertisement Duty, [125] 1168
Maritime Laws, [123] 244
Newspaper Stamp Duties, [127] 218, 219
Railway Amalgamation, Res. [125] 1205

Rice, Mr. E. R., *Dover*
Eastern Union Railway, 3R. [129] 270
Police, National, Com. moved for, [126] 545
Succession Duty, Rep. [129] 220

Rich, Mr. H., *Richmond*
Chatham Election, [126] 1074
Exchequer Loan Funds, [124] 735
Financial Statement, Res. [123] 1343, 1348
India, Government of, [127] 581; 2R. [128] 978; Com. *cl.* 1, 1451; *cl.* 2, 1465; *cl.* 3, Amend. [129] 77, 81; *cl.* 4, 85; *cl.* 10, 311, 329; *cl.* 27, 569; *cl.* 31, 572; *cl.* 32, Amend. 682; *cl.* 36, 683; *add. cl.* 765, 772, 777, 783
Pensioner Battalions, [124] 652
Police, National, Com. moved for, [126] 548
Ports and Harbours, Regulation of, [123] 350
Select Committees, Com. moved for, [125] 250

Richmond, Duke of
Cape of Good Hope, Military Emigration to, [123] 1204
Poor Removal and Local Assessment, 2R. [125] 1195

Roche, Mr. E. B., *Cork, Co.*
Home-Made Spirits in Bond, [123] 585
Income Tax, The, Com. [126] 959, 1179, 1189
India, Government of, Com. *cl.* 27, [129] 568
Partnerships of Limited Liability, Com. moved for, [123] 1081
Personal Liberty, Recovery of, 2R. [129] 506
Tenant Right (Ireland), 2R. [123] 1132
Tenants' Compensation (Ireland), Com. *cl.* 14, [129] 639

Roden, Earl of
Kirwan, Mr., Case of—The Irish Magistracy, Address moved, [126] 26, 27
Landlord and Tenant (Ireland), Relations of, [123] 1206
Landlord and Tenant (Ireland), 2R. [129] 1524
Maynooth College, Com. moved for, [125] 1306

Roman Catholic Prisoners,
c. Observations (Mr. Lucas), [129] 1563

Roman Catholic Religion in India,
c. Question (Mr. Lucas), [129] 1722

Rome, Relations with,
c. Question (Mr. Hindley), [123] 587

Ross, New, Election Committee,
c. Report, [125] 1348

Russell, Rt. Hon. Lord J., *London* (Secretary of State for Foreign Affairs, afterwards in the Cabinet without office, Earl of Aberdeen's Administration)
Address in Answer to the Speech, [123] 79; Report, 135
Adjournment of the House, [125] 434
Advertisement Duty, Res. [128] 1125
Austria and Turkey, [125] 153, 155; [129] 380
Ballot, The, Leave, [128] 161, 224, 225, 228
Belgium, Commerce of, with Holland, [124] 351
Blackburn Election Committee, [124] 1045, 1270, 1285; New Writ moved, [125] 227
Brooke, Sir J.—Piracy in Borneo, [125] 724, 726; [129] 1160
Budget, The, [123] 908; Financial Statement, 1241, 1215, 1222, 1526, 1570, 1580
Business of the House, [125] 156, 437, 440; Amend. 446; [129] 1463, 1465, 1466
Business, Public, [124] 17; [128] 733; [129] 201, 202
Call of the House, [123] 270, 305
Canada Clergy Reserves, Leave, [124] 149; Com. *cl* 1, [125] 452, 462; *cl.* 2, 480; *cl.* 3, Amend. 481, 498, 500, 804, 805, 922; 3R. 988
Canterbury Election, Address moved, [125] 218; New Writ moved, Amend. [129] 1415; Papers moved for, 1730
Cape of Good Hope—Kafir War, [123] 249, 254
Carolina, South, British Subjects in, [128] 1089
Charitable Trusts, Com. [129] 1153; *cl.* 44, 1156; *cl.* 52, 1157; *cl.* 60, Amend. 1158, 1159, 1255, 1260, 1264; 3R. 1485, 1488; Amend. 1490, 1492, 1494
Chatham Election, [126] 874, 1065
China, Rebellion in, [127] 436
Church, The Established (Ireland), [124] 355
Church Rates, Leave, [127] 633
Clitheroe Election, Address moved, [125] 1030
Colonial Church Regulation, 2R. [129] 1207, 1209, 1210
Combination of Workmen, 3R. [126] 1124
Coal Dues in the Metropolis, Com. moved for, [124] 97
Commercial Legislation—Free Trade, [123] 507, 644;—The Income Tax, 990
Committees, The Chairmanship of, Resignation of Mr. W. Patten [125] 292; Appointment of Mr. Bouverie, 808
Consolidated Annuities (Ireland), [125] 765
Consolidated Fund and National Redemption Acts, Res. [125] 864
Constantinople, Ambassador at, [124] 41
Convocation, Meeting of, [124] 978, 1070
[*cont.*

Russell, Rt. Hon. Lord J.—*continued.*
County Elections Polls, Com. [123] 810
County Franchise, Leave, [126] 1048
Crauford, Mr., Expulsion of, from Tuscany, [125] 1018
Customs, &c. Acts, Com. (Tea Duties), [127] 829, 833
Darien, Canal through the Isthmus of, [124] 1222
Derby Election, Com. moved for, [123] 749, 752
Diplomatic Service, Examination of Candidates for the, [125] 880
Dockyard Appointments and Promotions, [125] 595, 1016 ; Com. moved for, [126] 119 ; [128] 1292
Dockyards, Disfranchisement of Persons employed in, [126] 1331 ; [127] 1036
Duffy, Mr. C. G., Case of, [126] 1195, 1205, 1208, 1212, 1237
Ecclesiastical Courts, [124] 24 ; [127] 715
Ecclesiastical Revenues (Ireland), Com. moved for, [127] 940
Education, Leave, [125] 522, 553 ; [129] 1820
Education (Ireland), Com. moved for, [126] 615
Entails (Scotland), Consideration, [126] 1285
Episcopal and Capitular Property, Leave, [128] 528 ; 2R. [129] 1231
Examiners, Office of (Court of Chancery), Com. *cl.* 3, [124] 466
Excise Duties on Spirits, 3R. [128] 422, 424
Factories, Leave, [128] 1287
France—The Naval Force of, [124] 86 ;—Relations with, 281
French Empire, The, [123] 981
Government, The, and the Irish Members, [126] 1325, 1327
Harwich Election, New Writ moved, [126] 1320 ; [128] 151
Income Tax, [124] 124 ; Com. [126] 743, 871, 993, 1247, 1283, 1284, 1371, 1377, 1379 ; *cl.* 3, [127] 547; *cl.* 5, 731; *add. cl.* 808
Incumbered Estates (Ireland), Act Amendment, Com. [129] 691
India, Affairs of, [125] 48, 51
India, Government of, [124] 1046 ; [127] 381 ; Leave, 1194, 1195 ; 2R. [128] 977, 1064 ; Com. *cl.* 3, [129] 36, 83 ; *cl.* 10, 309, 310, 325 ; *cl.* 12, 337 ; *cl.* 31, 584 ; *cl.* 32, 676 ; *add. cl.* 775, 792 ; Rep. 951, 959, 960, 966 ; That the Bill do pass, 1010, 1020, 1028, 1040
Indian Despatches, [127] 1300
Ionian Islands, The, Papers moved for, [123] 829
Jamaica, Crisis in, [128] 429
Jamaica, Government of, [129] 1274, 1280
Jewish Disabilities, [124] 335 ; Leave, 590, 591, 614 ; 2R. [125] 111 ; Com. *cl.* 1, 167, 170 ; 3R. 1283
Jews, Admission of, to Parliament, [127] 380
Judges' Exclusion, 2R. [125] 1090
Keogh, Mr., Appointment of, Explanation, [128] 292
Kingston-upon-Hull Election, Address moved, [125] 600
Knowledge, Taxes on—The Advertisement Duty, [125] 1171, 1172
Kossuth, M.—Seizure of Warlike Stores, [126] 1162
Leadership of the House of Commons, [124] 548
Leasing Powers (Ireland), Com. [124] 630
Lombardy, Austrian Government in, [125] 447
[*cont.*

Russell, Rt. Hon. Lord J.—*continued.*
London, Corporation of, [125] 804
Madiais, The, [124] 40, 231 ; Liberation of, [125] 449
Malta, Criminal Code at, Address moved, [129] 1747
Maynooth College, [127] 438
Midnight Legislation, [123] 162
Ministry, Resignation of the, [123] 1710
Murray, Edward, Case of, [124] 350 ; [129] 1822
National Gallery, The, Com. moved for, [124] 1313
Navy Estimates, [123] 1007
New Zealand Company, [127] 504
Norwich Election Petition, [124] 552
Nunneries, Inspection of, Leave, [127] 108, 125
Oaths and Affirmations, [128] 384
Oaths, Parliamentary, [129] 291
Personal Liberty, Recovery of, 2R. [128] 569 ; [129] 1465, 1466
Peterborough Election, Com. moved for, [129] 390, 393, 553, 554
Plymouth Election, New Writ moved, [127] 647
Portugal, Criminal Code of, [129] 1821
Precedence in Resumed Debate, [126] 1240, 1244, 1251, 1252
Prince, Birth of a, Address to Her Majesty, [125] 728
Probate of Wills, &c. 2R. [126] 1078
Quarantine Laws, The, [125] 723
Railway and Canal Bills, Com. moved for, [123] 833
Registration of Assurances, [127] 714, 715
Religious Intolerance in Spain, [124] 35
Russia and Turkey, [125] 450 ; [127] 711, 788; 58, [128] 1088; [129] 34, 204, 543, 650, 652, 1162, 1163, 1462, 1463, 1469 ; Observations, 1760, 1793
Rye Election, New Writ moved, [126] 1219
Sadleir, Mr., his Speech at Carlow, [124] 39
Select Committees, Com. moved for, [125] 249
Sheriff Courts (Scotland), (No. 2), Leave, [124] 1303 ; Com. [126] 751
Six-Mile Bridge Affray, [129] 302, 303
Speaker, Choice of a, [123] 11
Speaker, Office of the, [129] 1269
Succession Duty, Com. [128] 108 ; *cl.* 21, 463, 466, 467, 470
Supply—National Gallery, [123] 1028 ;—Royal Palaces, [127] 388 ;—Royal Parks, 392 ;—Public Buildings (Ireland), 404, 405 ;—Secret Service, 412 ;—Insolvent Debtors Courts, 412 ;—General Superintendence, 415, 416 ;—Oxford and Cambridge Professors, 418 ;—Indian Department (Canada), 443, 444 ;—Africa, Civil Establishments on the West Coast, 447 ;—Falkland Islands, 451 ;—Hong Kong, 453 ;—Consular Establishments, 457, 458 ;—Nonconforming, &c. Ministers (Ireland), 479 ;—Corrupt Practices at Elections, Commissions of Inquiry, [129] 1310 ;—Convict Establishments, 1470
Transportation to the Australian Colonies, [124] 586
Turkey and Greece, [128] 430
Turkey and Montenegro, Address moved, [124] 992
University, Reform, [125] 923
Wellington, Duke of, Funeral of the, Address moved, [123] 154
Wood, Sir C., his Speech at Halifax, [124] 83, 84

Russia and the Porte,
l. Question (Earl of Malmesbury), [127] 651; [129] 343; Papers moved for, 1605; Motion withdrawn, 1652; Question (Earl of Hardwicke), [127] 758; (Marquess of Clanricarde), [128] 1; [129] 1137, 1418; (Lord Brougham), 1348; (Lord Lyndhurst), [129] 89
c. Question (Rt. Hon. B. Disraeli), [127] 709, 787; [129] 33, 203, 1469; (Mr. Layard), 57; [128] 1087; [129] 647; Observations (Visct. Palmerston), 1420; Question (Sir J. Walmsley), [129] 1462; Observations (Lord J. Russell), 1760; Question (Mr. M. Milnes), 1829;—*Navigation of the Danube,* Question (Mr. Liddell) [128] 1373; (Lord D. Stuart), [129] 543, 1161

Rye Election Committee,
c. Report, [124] 1221; Absence of Members, Res. (Rt. Hon. Sir J. Pakington), [125] 254; Motion withdrawn, 258; New Writ moved (Rt. Hon. H. Tufnell), [126] 1008; Adj. Debate, 1218; [127] 290; Amend. (Sir C. Burrell), *ib.*; Adj. moved (Mr. Spooner), 292, 374; Adj. moved (Sir J. Shelley), [A. 52, N. 193, M. 141] 375; [*o. q.* A. 118, N. 99, M. 19] 377

SADLEIR, Mr. J., *Carlow, Bo.* (A Lord of the Treasury, Earl of Aberdeen's Administration)
Sligo Election, [129] 1818
Tenant Right (Ireland), 2R. [123] 1042

Sadleir, Mr. J., Speech at Carlow,
c. Question (Mr. Spooner), [124] 38

ST. DAVIDS, Bishop of
Clergy Reserves (Canada), Com. *cl.* 1, [126] 417
Jewish Disabilities, 2R. [126] 779

ST. GERMANS, Earl of (Lord Lieutenant of Ireland, Earl of Aberdeen's Administration)
Landlord and Tenant (Ireland), Relations of, [123] 1212
Sanitary Conference—Quarantine Regulations, [123] 224, 230

St. Helena—Supply,
c. [127] 449

ST. LEONARDS, Lord, also LORD CHANCELLOR,§ (Earl of Derby's Administration)
Bankruptcy, 1R. [124] 7
Bankruptcy Bills, Minutes of Evidence, [127] 196, 197
Benefices, Sequestration of, [128] 696
Birch, Mr, Case of, [128] 907
Canterbury Election, Address moved, [125] 909, 914, 919
§ Chancery, Oaths in, 2R. [123] 775
Chancery Suitors Further Relief, 1R. [124] 3, 5; 2R. 524
Charitable Trusts, 2R. [126] 1020, 1021
Chimney Sweepers Regulation, 2R. [127] 199; Report, 498, 499
[*cont.*

ST. LEONARDS, Lord—*continued.*
Clergy Reserves (Canada), 2R. [126] 275; Com. *cl.* 1, 406, 409, 427, 432, 434
Clitheroe Election, [127] 214
County Courts—Costs, [127] 1078
Criminal Law Amendment, 1R. [124] 8; Explanation, 24; 2R. 524; Bill postponed, [129] 157
Criminal Law Reform, Address moved, [125] 129
Eastern Union Railway, 2R. [129] 499
Examiners (Court of Chancery), Office of, [125] 175
Incumbered Estates (Ireland) Act Continuance, Com. [128] 782; Rep. *cl.* 10, Amend. 1083, 1085, 1086
Kingston-upon-Hull Election, Commission moved for, [126] 145
Kirwan, Mr., Case of—The Irish Magistracy, Address moved, [126] 28
Land Improvement (Ireland), 2R. [125] 588; Com. *cl.* 3, [126] 1312
Landlord and Tenant (Ireland), 2R. [129] 1529
§ Law, Improvement in the Administration of, [123] 167
§ Law Reforms, [123] 126
Lodging Houses, Common, 2R. [127] 298
Lunacy Regulations, 1R. [124] 5; Com. [126] 904; Rep. 1026, 1029
Maldon Election, Address moved [127] 777, 779; Protest, 784
§ Parliament, Opening of the, [123] 2
Registration of Assurances, 1R. [124] 66; 2R. Amend. 943, 950, 970, 977; Com. [126] 515; Rep. 663; 3R. 1225; That the Bill do pass, 1229
South Sea and other Annuities Commutation, Com. [126] 905, 907;—Suitors in Chancery, [129] 1045, 1049
§ Speaker of the House of Commons, Approval of, [123] 13, 14
Statutes, Consolidation of the, [125] 139, 290, 295, 296
Stock, Conversion of—Funds in Chancery, [126] 151; [127] 761, 762, 835, 837; [129] 1045, 1049
Succession Duties, Com. moved for, [127] 687
Succession Duty, 2R. [129] 633; Com. *cl.* 1, 697; *cl.* 2, 734; That the Bill do pass, Amend. 854
Transportation, [124] 169, 170
§ Wellington, Duke of, Funeral of the, [123] 127

St. Paul's, Dean and Chapter of—Duke of Wellington's Funeral,
c. Question (Sir De L. Evans), [123] 145

ST. VINCENT, Viscount
Jamaica, Affairs of, [128] 975

SALISBURY, Marquess of (Lord Privy Seal, Earl of Derby's Administration)
County Elections Polls, 3R. Amend. [125] 286, 289
India, Government of, 2R. [129] 1359
India, State of, [125] 33
Poor Laws, [127] 211
Succession Duty, That the Bill do pass, [129] 866

SALISBURY, Bishop of
Cathedral Appointments, 2R. [126] 1022
Church Buildings Acts Amendment, Com. *cl.* 6, [128] 1159
Colonial Church Regulation, Com. *cl.* 1, [129] 517, 520
Education, [128] 328
Great Western Railway Company, [127] 1361
Jewish Disabilities, 2R. [126] 775
Missionary Bishops, 2R. [129] 744
Salisbury, See of—Incomes of Bishops, Correspondence moved for, [128] 685; Returns moved for, [129] 873

Salisbury, See of—Incomes of Bishops,
l. Correspondence moved for, Bishop of Salisbury, [128] 685; Returns moved for (Bishop of Salisbury), [129] 873

Salt Duty (India),
l. Petition (Marquess of Westminster), [128] 779
c. Question (Rt. Hon. Sir J. Pakington), [128] 1419; [129] 913, 1755

SANDARS, Mr., G., *Wakefield*
Agricultural Statistics, [127] 378
Criminals, Surrender of—Convention with France, [126] 142
Financial Statement, Res. [123] 1269
Income Tax, The, Com. [126] 722

Sandon, Lieut., Courts Martial on,
l. Question (Earl of Ellenborough), [127] 492

Sanitary Conference—Quarantine Regulations,
l. Question (Earl of St. Germans), [123] 224

Savings Banks Bill,
c. 1R.* [127] 1297;
2R. [128] 124;
Com. postponed, [129] 534

Savings Banks Annuities Bill,
c. 1R.* [127] 1297;
2R.* [128] 57;
3R. 1198; Amend. (Mr. Cowan), 1199; Adj. moved (Mr. W. Lockhart), [A. 19, N. 47, M. 28] 1200; Amend. neg. *ib.*
l. 1R.* [128] 1201;
2R. 1409;
Rep.* [129] 1; 3R.* 89
Royal Assent, 1243

Savings Banks Investments,
c. Question (Sir H. Willoughby), [129] 379

SCHOLEFIELD, Mr. W., *Birmingham*
Maynooth College, Com. moved for, Amend. [124] 438, 890

Schoolmasters (Scotland),
l. Question (Duke of Buccleuch), [129] 973

Science and Art, Departments of—Supply,
c. [127] 417, 422

Scinde, Ameers of,
c. Question (Viscount Jocelyn), [125] 434

SCOBELL, Capt. G. T., *Bath*
Aggravated Assaults, Com. *cl.* 1, [125] 672, 678
Attorneys and Solicitors' Certificate Duty (No. 2), 2R. [126] 623
County Elections Polls, Com. [123] 812; 3R. [124] 157, 158
County Rates and Expenditure, Com. *cl.* 4, [125] 1106; [127] 192; [129] 148
Elections, Com. *cl.* 1, [128] 235; *add. cl.* 240
Engledue, Lieut., his Case, [126] 880
Expenditure of Public Money, [125] 1048
Income Tax, The, Com. [126] 1340; That the Bill do pass, *add. cl.* [127] 1228
Landlord and Tenant (Ireland), Com. *cl.* 10, [128] 1368, 1369
Letter Carriers, [124] 850
Merchant Shipping, Com. *cl.* 29; Amend. [128] 1222; [129] 124; 3R. *add. cl.* 1120, 1127, 1134
Naval Coast Volunteers, Com. [129] 1111
Navy Estimates, [123] 1011, 1014, 1016; [124] 324, 373, 387, 388
"Novello," The Ship, Com. moved for, [124] 836
Ordnance Estimates, [123] 1019; [124] 758
Police, National, Com. moved for, [126] 551
Seamen, Entry of, Com. [129] 744; *cl.* 1, 751; 2R. 758
Seamen's Savings Banks, Com. [129] 149
Supply—Hong Kong, [127] 452, 453, 454;—Consular Establishments, Amend. 455, 459;—Ministers at Foreign Courts, 460;—Slave Trade, Suppression of, [129] 1307;—Naval Coast Volunteers, 1453;—Wellington, Duke of, Funeral of, [123] 222

Scotland,
Bankrupt Law, l. Petition (Lord Brougham), [128] 1142
Ordnance Survey, c. Question (Col. Blair), [125] 1115
Schoolmasters, l. (Duke of Buccleuch), [129] 973
Spirit Duties, c. Question (Mr. Cowan), [126] 160
Supply—Portpatrick Harbour, [127] 397;—*Salaries of certain Officers,* Amend. (Mr. A. Pellatt), 407; Motion neg. 408;—*Criminal Prosecutions,* 413;—*Universities,* 421
University Tests, l. Question (Duke of Argyll), [123] 777
See
Bankruptcy (Scotland) Bill
Burghs (Scotland) Bill
Burghs Boundaries (Scotland) Bill
Burghs Harbours (Scotland) Bill
County Elections Polls (Scotland) Bill
Edinburgh and Canongate Annuity Tax Abolition Bill
Entails (Scotland) Bill
Law of Evidence (Scotland) Bill
Libraries Public (Ireland and Scotland) Bill
Parish Houses (Scotland) Bill
Public Houses (Scotland) Bill
Sheriff and Commissary Courts (Berwickshire) Bill
Sheriff Courts (Scotland) (No. 2) Bill
Sheriffs (Scotland) Bill
Small Debts (Scotland) Act Amendment Bill
Universities (Scotland) Bill

SCOTT, Hon. F., *Berwickshire*
County Elections Polls, 2R. [123] 469
Edinburgh and Canongate Annuity Tax Abolition, 2R. [129] 469

SCULLY, Mr. F., *Tipperary*
Clergy Reserves (Canada), Com. *cl.* 1, [125] 472
Crime and Outrage, (Ireland), 2R. [129] 793
Duffy, Mr., Case of, [126] 1194
Elections, Expenses of, Re-Com. *cl.* 1, [129] 1239
Hackney Carriage Duties, Rep. *add. cl.* [129] 1135; 3R. 1593
Income Tax, The, Com. [126] 1260, 1277; [127] 528; *cl.* 15, 743, 746; *cl.* 13, 1044, 1051
Incumbered Estates (Ireland) Act Continuance, 2R. [129] 237
India, Government of, Com. *cl.* 27, [129] 567
Landlord and Tenant (Ireland), Com. *cl.* 10, [128] 1368; *cl.* 44, 1415; *cl.* 47, 1417
Leasing Powers (Ireland), Com. [124] 627
Supply—Criminal Prosecutions (Ireland), [127] 414
Tenants' Compensation (Ireland), Com. *cl.* 10, 636
Transportation, Com. [129] 1553

SCULLY, Mr. V., *Cork, Co.*
Common Law, Courts of (Ireland), Com. *cl.* 38, [127] 1293
Consolidated Annuities (Ireland), [125] 773
County Elections Polls, Com. [123] 812
County Rates and Expenditure, Com. [125] 263; [129] 148
Drainage, Great London, 2R. [124] 1338
Duffy, Mr., Case of, [126] 1193, 1211
Excise Duties on Spirits, 3R. [128] 420
Financial Statement, Res. [123] 1526
Hackney Carriage Duties, Com. *add. cl.* [129] 970; 3R. *add. cl.* 1595
Income Tax, The, Com. [126] 1173, 1174
Irish Members and the Government, [127] 231
Jewish Disabilities, 2R. [125] 117
Land Improvement (Ireland), Com. *cl.* 23, [124] 1347
Land, &c. Sale of (Ireland), Leave, [126] 655
Land, Transfer of (Ireland), Leave, [127] 134; 2R. [128] 928, 939
Landlord and Tenant (Ireland), Com. *cl.* 7, [128] 730; *cl.* 10, Amend. 1369, 1370; *cl.* 32, 1372; *cl.* 47, 1416; *cl.* 70, [129] 30
Leasing Powers (Ireland), Com. *cl.* 5, [128] 245
Letter Carriers, [124] 850
Merchant Shipping, 3R. 1133
Oaths, Com. moved for, [124] 1411
Partnerships of Limited Liability, Com. moved for, [123] 1086
Sligo Borough, New Writ moved, Adj. moved, [128] 129, 683
Statute Laws, Codification of the, [125] 314
Taxing Officer, Common Law Business (Ireland), Com. Amend. [127] 1397, 1400
Tenant Right (Ireland), 2R. [123] 1544
Tenants' Compensation (Ireland), Com. *add. cl.* [129] 640

SEAHAM, Viscount, *Durham, N.*
Rye Election, New Writ moved, [127] 377

Seamen, Entry of, Bill,
c. 1R.* [128] 1367; 2R.* [129] 270;
Com. 744;
cl. 1, 751;
cl. 2, 757;
3R.* 885
l. 1R.* [129] 972;
2R. 1139;
Com. 1246;
cl. 8, 1247;
3R.* 1322
Royal Assent, 1709

Seamen, Foreign,
l. Petition (Earl of Ellenborough), [125] 791; [127] 104

Seamen's Savings Banks Bill,
c. 1R.* [128] 377; 2R.* 926;
Com. postponed, [129] 149

Secret Service—Supply,
c. [127] 412

Secretaries of State—Supply,
c. [127] 406

Select Committees,
l. Res. (Earl Granville), [123] 1061
c. Com. moved for (Mr. Ewart), [125] 246; Motion withdrawn, 252

Select Vestries Bill,
l. 1R.* [123] 17

Sentinels, Duty of—Assault Case at Portsmouth,
c. Question (Rt. Hon. Sir F. Baring), [128] 58

Septennial Act, The—Repeal of,
c. Motion (Lord D. Stuart), [128] 533; Motion withdrawn, 534

Settlement, Law of,
c. Question (Mr. Wise), [123] 1527

Sewerage, Improvement of,
c. Question (Mr. Butler), [124] 1069

Sewers, Metropolis, Bill,
c. 1R.* [129] 1535

Sewers, Metropolitan,
c. Question (Mr. C. S. Butler), [128] 59

Sewers, Metropolitan, Acts Continuance Bill,
c. 1R.* [129] 166; 2R.* 376;
Com. 1571; Instruction (Visct. Palmerston), [A. 71, N. 32, M. 39] 1588;
cl. 2, 1590;
3R.* 1602
l. 1R.* [129] 1605; 2R.* 1751; Rep.* 1811;
3R.* 1817
Royal Assent, 1824

SEYMER, Mr. H. K., *Dorsetshire*
Berwick-on-Tweed Election Committee, Report, [126] 450; New Writ moved, 1131
Blackburn Election Committee, [124] 1284

[*cont.*

Seymer, Mr. H. K.—*continued.*
Canterbury Election Committee, Report, [124] 347, 348; Address moved, [125] 204
Clergy Reserves (Canada), 3R. [125] 946
Commercial Legislation—Free Trade, [123] 436
Succession Duty, Com. *cl.* 48, [128] 1389; *add. cl.* 1406

Seymour, Rt. Hon. Lord, *Totness*
Army Estimates, [124] 692
Dockyard Promotion, [128] 1316
Drainage, Great London, 2R. [124] 1336
Edinburgh and Canongate Annuity Tax Abolition, 2R. 129, 463
Elections, Com. *cl.* 1, [128] 236; *cl.* 3, *ib.*
Elections, Expenses of, Com. *cl.* 1, [128] 1331
Guildford Election Committee, Report, [124] 1220
Health, Public, Act of 1848, [124] 1356
Judges' Exclusion, Com. [126] 139
Kilmainham Hospital, Address moved, [125] 1072
Metropolitan Improvements, 2R. [124] 693
Succession Duty, Com. *cl.* 21, [128] 459
Supply—National Gallery, [123] 1026, 1034;—British Ambassador's House, Paris, [129] 1301, 1304;—New Houses of Parliament, 1315
West London Waterworks Company, 2R. [124] 798

Seymour, Mr. H. D., *Poole*
India, Government of, Leave, [127] 1328; Com. *cl.* 1, [128] 1452; *cl.* 10, [129] 309; *cl.* 22, 425; *cl.* 26, 561; *add. cl.* 772; Rep. 946
Russia and Turkey, [129] 1810

Seymour, Mr. W. D., *Sunderland*
Customs Reform, [126] 215, 218
Graveyards of the Metropolis, [125] 807
India, Affairs of, [125] 57
India, Government of, 2R. [128] 1009
Jewish Disabilities, Leave, [124] 619
Judges' Exclusion, Com. [126] 139
Knowledge, Taxes on—The Advertisement Duty, [125] 1164
Merchant Shipping, Com. *cl.* 6, [128] 1220; *cl.* 29, [129] 104; *cl.* 38, 282; 3R. *add. cl.* 1120
National Gallery, The, Com. moved for, [124] 1311; Pictures in the, [125] 806
Parsee Merchants, Case of, Address moved, [129] 1192
Pilotage, 2R. [125] 582
Supply—Household of the Lord Lieutenant, [127] 410

Shaftesbury, Earl of
Burial Grounds, Com. [127] 1090
Cemetery Association, Great Extra-mural, 2R. [128] 132
Chimney Sweepers Regulation, 2R. [127] 198; Report, 501, 502
Conventual Establishments, [126] 1286
Convocation, Meeting of, [123] 277
Crystal Palace, Sydenham, [127] 650
Dwellings for the Labouring Classes, Res. [125] 400, 418; Report, [126] 1292
Jewish Disabilities, 2R. Amend. [126] 759

Shaftesbury, Earl of—*continued.*
Juvenile Mendicancy (No. 2), 2R. [128] 908; Com. 946, 947, 1202; *cl.* 1, 1215, 1217; [129] 93, 94; Rep. 164, 165
Lodging Houses, Common, 2R. [127] 294, 298; Com. 553
London Docks, 2R. [128] 132
Lunacy, 3R. [126] 1221
Malta, Criminal Code of, [127] 1195
Maynooth College, Com. moved for, [125] 1328, 1343
Polling at Elections Amendment, 1R. [128] 1410; 2R. [129] 261, 268
Vaccination Extension, Com. [125] 1010; *cl.* 9, 1114
Wilson's (Hampstead) Estates, 2R. Amend. [128] 1358

Shee, Mr. Serjeant W., *Kilkenny, Co.*
Address in Answer to the Speech, Report, [123] 139
Call of the House, [123] 270
Duffy, Mr., Case of, [126] 1214
Income Tax, The, Com. [126] 702
India, Government of, Com. *cl.* 12, [129] 333
Land Improvement (Ireland), 3R. [125] 172
Landlord and Tenant (Ireland), Leave, [123] 342; Com. *cl.* 7, [128] 1367; *cl.* 9, 1368; *cl.* 24, 1371; *cl.* 73, [129] 32
Leasing Powers (Ireland) Com. *cl.* 5, [128] 246
Maynooth College, Com. moved for, [124] 520
Six-Mile Bridge Affray, [129] 299
Succession Duty, Com. *cl.* 2, [128] 321
Tenant Right (Ireland), Leave, [123] 529, 530; 2R. 1089, 1143, 1543

Sheep, &c., Contagious Diseases Prevention Bill,
c. 1R.* [129] 166; 2R.* 376; 3R.* 744
l. 1R.* [129] 795; 2R.* 972; Rep.* 1045; 3R.* 1137
Royal Assent, 1243

Shelley, Sir J. V. *Westminster*
Address in Answer to the Speech, [123] 121
Advertisement Duty, Res. [128] 1119
Aggravated Assaults, Com. *cl.* 1, [125] 683
Assistant Judge (Middlesex Sessions), Com. Amend. [129] 234, 235; *cl.* 2. Amend. 236
Ballot, The, Leave, [128] 172
Blackburn Election Committee, [124] 1045; New Writ moved, Amend. [125] 224, 227, 233
Bridgenorth Election Committee, [124] 875, 881, 884, 1287; [125] 36; New Writ moved, Amend, 234
Budget, The—Financial Statement, [123] 1154
Cambridge Election, Address moved, [125] 732
Chatham Election Committee, [124] 1435; New Writ moved, [126] 872, 1049 1050, 1064, 1069, 1074
Coal Dues in the Metropolis, Com. moved for, [124] 97; Nomination of Members, 242
Commercial Legislation—The Income Tax, [123] 995
Convocation, [123] 247
County Rates and Expenditure, Com. *cl.* 1, [125] 266, 270, 272

[*cont.*

[*cont.*

SHELLEY, Sir J. V.—*continued.*
Dockyard Promotion, [128] 1291, 1320
Drainage, Great London, 2R. [124] 1337
Durham Election Petitions, Com. moved for, [127] 142, 963
Examiners, Office of (Court of Chancery), Rep. *cl.* 2, [124] 776
Excise Duties on Spirits, 3R. [128] 423
Government, The, and the Irish Members, [126] 1329
Hackney Carriages (Metropolis), Com. [127] 427; Report, 547
Hackney Carriage Duties, Com. *add. cl.* [129] 968, 971; 3R. *add. cl.* 1593
Harwich Election, New Writ moved, Amend. [128] 144, 154
Income Tax, The, [127] 255, 256
London and Westminster Thames Railway, 2R. Amend. [125] 151
Malt Duties, Com. moved for, [129] 126, 1482
Maynooth College, Com. moved for, [124] 521 902
Ministers' Money (Ireland), Com. moved for, [123] 803
Ordnance Estimates, [124] 765
Parliamentary Electors, 2R. [123] 1146
Rye Election, New Writ moved, [126] 1219; Adj. moved, [127] 374, 375
Savings Banks, Com. postponed, [129] 542
Sewers, Metropolitan, Act Continuance, Com. [129] 1580, 1590
Sligo Borough, New Writ moved, [128] 128, 681
Succession Duty, Com. *cl.* 21, [128] 460, 465, 468
Supply — Royal Palaces, [127] 388;—Public Buildings (Ireland), 402, 405;—Salaries of certain Officers (Scotland), 407;—Household of the Lord Lieutenant, 408;—Africa, Civil Establishments on the West Coast, 448;—Falkland Islands, Amend. 449;—Hong Kong, 452;—Miscellaneous Charges, 467, 470;—Nonconforming &c. Ministers (Ireland), 470;—Civil Contingencies, [129] 1452;—Militia, 1477
Tenant Right (Ireland), 2R. [123] 1559
Thames Embankment, Com. [129] 430
West London Waterworks Company, 2R. [124] 798
Wellington, Duke of, Funeral of the [123] 146

Sheriff and Commissary Courts (Berwickshire) Bill,
c. 1R.* [125] 310; 2R.* 521; 3R.* 1348
l. 1R.* [126] 1; 2R.* 1009; 3R.* [127] 548
Royal Assent, [128] 132

Sheriff Courts (Scotland) Bill,
c. Leave, [124] 92; 1R.* 347

Sheriff Courts (Scotland) (No. 2),
c. Leave, [124] 1290; 1R.* [125] 33; 2R.* 591;
Com. Amend. (Lord Advocate), [126] 750; Nomination of Com. 1220;
2R. [127] 149; Amend. (Mr. Cowan), 159, [*o. q.* A. 58, N. 184, M. 126] 192;
Com. *cl.* 4; *cl.* 5, [128] 326;
cl. 10, [*r. p.* A. 16, N. 84, M. 68] 328;
cl. 28, 913; Amend. (Mr. Craufurd), 914, [*o. q.* A. 82, N. 14, M. 68] 919;

[*cont.*

Sheriff Courts (Scotland) (No. 2) Bill—cont.
cl. 41, Amend. (Mr. Hume), [*o. q.* A. 65, N. 16, M. 49] [128] 920;
3R. 1140
l. 1R.* [128] 1142;
Petition (Lord Brougham), [129] 586;
2R. 977; 3R.* 1243
Royal Assent, 1709

Sheriff Expenses, &c.—Supply,
c. [127] 412

Sheriffs (Scotland) Bill,
c. 1R.* [129] 885; 2R.* 1098; 3R.* 1395
l. 1R.* [129] 1416; 2R.* 1602; Rep.* 1603; 3 R. 1709
Royal Assent, 1824

SIBTHORP, Col. C. D. W., *Lincoln*
Address in Answer to the Speech, [123] 124
Adjournment of the House, [123] 1720
Army Estimates, [124] 684, 692
Budget, The, [123] 918; Financial Statement, Res. 1526
Commercial Legislation — Free Trade, [123] 634
County Elections Polls, Com. [123] 812; 3R. Amend. [124] 153, 158
Customs, &c., Acts, Com. Res. [127] 372, 373
Elections, Corrupt Practices at, 2R. [129] 1704
Elections, Expenses of, 2R. [127] 373; Com. Amend. [128] 1325; *cl.* 1, 1331, 1332; *cl.* 2, 1333; *cl.* 3, 1335; *cl.* 5, 1336; Rep. Amend. [129] 342; Re-Com. Amend. 1237
Examiners, Office of (Court of Chancery), Rep. *cl.* 2, [124] 774
Excise Duties on Spirits, 3R. [128] 424
Hackney Carriage Duties, 3R. *add. cl.* [129] 1591, 1592
Import Duties, [124] 1013
Income Tax, The, Com. [126] 474, 1379
Jewish Disabilities, Leave, [124] 621; Com. *cl.* 1, [125] 171
Letter Carriers, [124] 849
Maynooth College, Com. moved for, [124] 891
Ministry, Resignation of the, [123] 1712
Precedence in Resumed Debate, [126] 1244
Succession Duties, The, [127] 262
Succession Duty, Com. *cl.* 7, [128] 325; *cl.* 19, 408; *cl.* 48, 1383; *cl.* 55, 1397; *add. cl.* 1402
Supply—Funeral of the Duke of Wellington, [123] 1040;—Slave Trade, Suppression of, [129] 1305, 1306;—Corrupt Practices at Elections—Commissions of Inquiry, 1309, 1311;—Electric Telegraph (Continental), 1413;—Militia, 1471, 1475
Wellington, Duke of, Funeral of, [123] 215

Silver Coinage—The Mint,
c. Question (Mr. Bass), [124] 1223; (Mr. Divett), [125] 1349

Simony Law Amendment Bill,
c. 1R.* [128] 257;
2R. [128] 1339; Adj. moved (Hon. E. P. Bouverie), 1344; Adj. Debate, [129] 150; Amend. (Mr. G. Butt), 155; Bill put off, 156

Six-Mile Bridge Affray—Clare Election,
l. Question (Earl of Cardigan), 28, [124] 335 ; Papers moved for (Earl of Derby), [125] 396 ; Correspondence moved for (Earl of Cardigan), [128] 699 ; Motion withdrawn, 726
c. Coroner's Report moved for (Sir J. Fitzgerald), [123] 201 ; Motion withdrawn, 205 ; Question (Rt. Hon. Sir J. Young), 220 ; Question (Lord A. Vane), [124] 740 ; Papers moved for (Rt. Hon. J. Napier), [125] 316 ; Motion (Lord A. Vane), 888 ; Motion withdrawn, 899 ; Question (Mr. Miles), [129] 292

Slave Trade,
l. Petition (Lord Brougham), [127] 488

Slave Trade Commissions—Supply,
c. [127] 455

Slave Trade, Suppression of—Supply,
c. [129] 1305, [A. 117, N. 25, M. 92] 1308

Slave Trade (New Granada) Bill,
c. 1R.* [124] 347 ; 2R.* 733 ; 3R.* 1220
l. 1R.* 1288 ; 2R.* [125] 175 ; Rep.* 286 ; 3R.* 396
Royal Assent, [126] 1286

Slave Trade (Sohar, in Arabia) Bill,
c. 1R.* [124] 347 ; 2R.* 733 ; 3R.* 1220
l. 1R.* 1288 ; 2R.* [125] 175 ; Rep.* 286 ; 3R.* 396
Royal Assent, [126] 1286

Slaves, Importation of, into Cuba,
l. Question (Earl of Carlisle), [127] 762 ; (Lord Brougham), [129] 1817

Sligo (Borough) Election,
c. Report, [127] 1207 ; New Writ moved (Mr. J. D. Fitzgerald), [128] 125 ; Amend. (Mr. I. Butt), 127 ; Adj. moved (Mr. V. Scully), 129, [A. 160, N. 21, M. 139] 130 ; Adj. Debate ; Adj. moved (Mr. Macartney), 680, [A. 19, N. 86, M. 67] 684 ; Petition (Mr. I. Butt), [129] 1818

Small Debts (Scotland) Act Amendment Bill,
l. 1R. [127] 1294

Smith, Rt. Hon. R. V., *Northampton*
Cambridge Election Committee, Report, [124] 800 ; Address moved, [125] 728
Canada Clergy Reserves, Leave, [124] 147 ; Com. *cl.* 3, [125] 489
Canterbury Election, Address moved, [125] 216
Colonial Church Regulations, 2R. [129] 1209
County Elections Polls, Com. [123] 811
County Rates and Expenditure, Com. *cl.* 4, [125] 1102
Elections, Com. *cl.* 1, [128] 235
Elections, Expenses of, Com. *cl.* 1, [128] 1330 ; *cl.* 2, 1333, 1334 ; Re-Com. *cl.* 1, [129] 1241
India, Government of, Com. *cl.* 1, [128] 1451 ; Amend. *cl.* 3, [129] 34, 36 ; *cl.* 9, 231 ; *cl.* 10, 330 ; *cl.* 12, 333 ; *cl.* 27, 566 ; *cl.* 28, 578 ;
[*cont.*

Smith, Rt. Hon. R. V.—*cont.*
cl. 31, 571, 583 ; *cl.* 32, 660 ; *add. cl.* 766 772, 881, 828 ; That the Bill do pass, 1032 1039
Indian Territories Committee, [124] 1426
Judges' Exclusion, 2R. [125] 1086 ; Com. [126] 141
Kafir War, The, [123] 1433
Lunatic Asylums, Com. *cl.* 44, [129] 832
Oaths, Com. moved for, [124] 1410
Peterborough Election, Com. moved for, [129] 393, 555
Succession Duty, Com. *cl.* 21, [128] 453, 461 ; *add. cl.* 1403 ; Rep. [129] 222
Supply—National Gallery, [123] 1034 ;—General Superintendence, [127] 416 ;—Colonial Governors, 444 ;—Miscellaneous Charges, 468 ;—British Ambassador's House, Paris, [129] 1304 ;—Slave Trade, Suppression of, 1307 ;—Civil Contingencies, 1452 ;—Kafir War, 1462 ;—Militia, 1476
Tower Constableship of the, [123] 348

Smith, Sir J. M. F., *Chatham*
Ordnance Estimates, [123] 1018, 1019
Ordnance, Iron, Return moved for, [123] 1717

Smith, Mr. J. A., *Chichester*
Convocation, The, [123] 146
Customs Reform, [126] 214
Income Tax, Com. *add. cl.* [127] 815
India, Government of, Com. *add. cl.* [129] 817
Jewish Disabilities, Com. *cl.* 1, [125] 171
Parsee Merchants, Case of, Address moved, [129] 1176
South Sea and other Annuities Commutation, Com. *cl.* 2, [126] 342

Smith, Mr. J. B., *Stockport*
Consolidated Fund and National Redemption Acts, Res. [125] 848
County Rates and Expenditure, 2R. [124] 484
Decimal Coinage, [125] 595
Edinburgh and Canongate Annuity Tax Abolition, 2R. Amend. [129] 446, 457, 458, 459, 460
India, Government of, Com. *cl.* 12, [129] 332 ; Amend. 338, 339
South Sea, &c., Annuities Commutation, 2R. [125] 1427 ; Com. *cl.* 2, [126] 341, 343
South Sea Annuities Dissentients, [129] 906, 1004
South Sea and other Annuities (Provision for Payment), Com. [129] 1403 ; *cl.* 3, 1405

Smith, Mr. M. T., *Wycombe*
India, Government of, Com. *cl.* 9, [129] 233

Smith, Mr. W. M., *Kent, W.*
Chatham Election, [126] 1061
Dockyards, Disfranchisement of Electors in, [127] 1036
Elections, Expenses of, Com. *cl.* 1, [128] 1331
Jewish Disabilities, Com. *cl.* 1, [125] 169, 171
Pilotage, 2R. [125] 580

Smithfield Market, Removal of,
c. Question (Sir B. Hall), [128] 1375

Smoke Nuisance Abatement (Metropolis) Bill,
c. 1R.* [129] 885; 2R.* 1098;
Com. Amend. (Mr. Spooner), 1495, [*o. q.* A. 66, N. 12, M. 54] 1497;
3R.* 1598
l. 1R.* [129] 1602; 2R.* 1728;
Com. 1752; Amend. (Lord Redesdale), 1754; 3R.* 1811
Royal Assent, 1824

Smollett, Mr. A., *Dumbartonshire*
Income Tax, Com. *cl.* 33, [127] 799; That the Bill do pass, *add. cl.* 1226

Soap Duties Bill,
c. 1R.* [128] 257; 2R.* 377;
Question (Mr. A. Pellatt), 382;
Com. 473; 3R.* 726
l. 1R.* [128] 779; 2R.* 1079; Rep.* 1142;
3R. 1362; Amend. (Earl of Ellenborough), 1365; Amend. neg. 1367
Royal Assent, [128] 1409

Solicitor General, The (Earl of Aberdeen's Administration) (Sir R. Bethell) *Aylesbury*
Blackburn Election Committee, [124] 1280
Charitable Trusts, Com. *cl.* 28, [129] 1156; *cl.* 52, 1158; Rep. Amend. 1255; 3R. 1491, 1493
Chatham Election, [126] 1069
Clergy Reserves (Canada), Com. *cl.* 2, [125] 478, 480; 3R. 978
Colonial Church Regulation, 2R. [129] 1208
Combination of Workmen, 3R. Amend. [126] 1117
Ecclesiastical Courts, Com. moved for, [124] 861, 872
Evidence Amendment, 3R. [129] 1681
Examiners, Office of (Court of Chancery), Leave, [124] 96; 2R. 334; Com. 392, 772, 773, 780; *cl.* 3, 465, 466
Jewish Disabilities, 2R. [125] 85; 3R. 1245
Leasing Powers (Ireland), Com. *cl.* 5, [128] 246
Probates of Wills, &c. 2R. [125] 647, 657, 659, 660, 661, 665, 668; [126] 1076
South Sea and other Annuities Commutation, 3R. [126] 620; *add. cl.* 635, 637, 641, 645, 646
South Sea Company's Arrangement, &c. 3R. [129] 1397
Succession Duty, Com. [128] 99; *cl.* 1, 312, 313; *cl.* 2, 318, 319, 320, 323; *cl.* 7, 387, 389, 392, 393, 394; *cl.* 11, 400, 401; *cl.* 16, 401; *cl.* 19, 407, 409, 410, 411, 412, 433, 434, 435, 436; *cl.* 21, 449, 452, 463; *cl.* 25, 1134, 1136; *cl.* 26, 1139; *cl.* 33, 1168, 1169, 1170; *cl.* 41, 1176, 1177, 1179; *cl.* 43, Amend. 1179, 1186; *cl.* 45, 1191, 1192; *cl.* 46, 1376; *cl.* 48, 1381; *cl.* 49, 1391; *add. cl.* 1407; Rep. [129] 221; Amend. 222, 228; 3R. 397, 400, 415

Sotheron, Mr. J. H. S., *Wiltshire, N.*
Assurance Associations, Com. moved for, [124] 1331
Blackburn Election Committee, [124] 1045; Amend. 1275, 1285
Bridgenorth Election Committee, [124] 882
[*cont.*

Sotheron, Mr. J. H. S.—*continued.*
Drainage, Great London, 2R. [124] 1335
Durham Election, Mr. Duncan's Case, [127] 708
National Gallery, Nomination of Members of, Com. [125] 254
Rye Election Committee, Absence of Members, [125] 257
Savings Banks, 2R. [128] 125
Select Committees, Com. moved for, [125] 247

South-Eastern Railway (Canterbury and Whitstable) Bill,
c. 1R.* [124] 32; 2R.* [125] 1348; 3R.* [127] 1297
l. 1R.* [127] 1359; 2R.* [128] 942;
3.R. [129] 159, [Content 34, Not Content 10, M. 24] 164
Royal Assent,

South Sea Annuities Dissentients,
c. Res. 1, (Chancellor of the Exchequer), [129] 890; Res. 2, 979, [A. 117, N. 67, M. 50] 1005

South Sea Annuities—Suitors in Chancery,
l. Return moved for (Lord St. Leonards), [129] 1045

South Sea and other Annuities Commutation Bill,
c. 1R.* [125] 1015;
2R. 1427;
Com. [126] 161, 304;
cl. 2, 305; Amend. (Sir F. Kelly), 317; Amend. (Mr. Spooner), 318; Amend. withdrawn, 323, [*o. q.* A. 234, N. 175, M. 59] 366; *cl.* 32, [126] 369;
3R. Adj. moved (Mr. Spooner), [A. 20, N. 57, M. 37] [126] 619; Adj. moved (Rt. Hon. Sir J. Pakington), *ib.*; Motion withdrawn, 621; Adj. Debate, 623; *add. cl.* (Sir F. Kelly), 630; *cl.* neg. 634; 2nd *add. cl.* (Sir F. Kelly), 635, [A. 61, N. 128, M. 67] 641; *add. cl.* (Solicitor General), 641; Amend. (Sir F. Kelly), 645, [*o. q.* A. 134, N. 67, M. 67] 646;
Bill passed, 647
l. 1R.* [126] 657; 2R.* 753;
Com. 904;
3R. 1030
Royal Assent, 1286

South Sea and other Annuities (Provision for Payment, &c.) Bill,
c. 1R.* [129] 1098; 2R.* 1252;
Com. 1398;
cl. 1, 1403;
cl. 2; *cl.* 3, 1405;
3R.* 1535
l. 1R.* [129] 1497; 2R.* 1751; Rep.* 1811;
3R.* 1816
Royal Assent, 1824

South Sea Company's Arrangement and Trusts Bill,
c. 1R.* [129] 2R.* 376;
3R. 1395; Amend. (Mr. Spooner), 1396;
Motion neg. 1398
l. 1R.* [129] 1322; 2R.* 1708; 3R.* 1752
Royal Assent, 1824

Southampton Election Committee,
c. New Writ moved (Rt. Hon. W. Hayter), [123] 1742;
R. E. Bower's Petition (Mr. H. Herbert), [125] 34; Discharge of, 36;
Report, 285

Spain, Religious Intolerance in,
c. Question (Sir R. H. Inglis), [124] 32

SPEAKER, The (Rt. Hon. C. S. LEFEVRE), *Hampshire, N.*
Advertisement Duty, Res. [128] 1129
Brooke, Sir J. [129] 1161
Business, Public, [127] 320, 321
Canterbury Election Committee, Report, [124] 348
Chatham Election, [126] 1074
Clare Election, New Writ moved, [127] 1298
Commercial Legislation—Free Trade, [123] 216, 527, 713
County Elections Polls (Scotland), Com. Instruction, [125] 1078
Derby Election Petition, [123] 254, 256
Divisions of the House, [129] 1112
Dockyard Promotion, [128] 1290, 1291
Duffy, Mr. C. G., Case of, [128] 1207, 1234
Durham Election Petitions, Com. moved for, [127] 142
Eastern Union Railway, 3R. [129] 275
Edinburgh and Canongate Annuity Tax Abolition, 2R. [129] 460
Election Petitions—West Gloucestershire Election, [123] 978, 1152, 1154
Factory Act, The, [124] 739
France, Relations with, [124] 311
Hackney Carriage Duties, Rep. [129] 1136
Irish Members and the Government, [127] 227
Kossuth M.—Seizure of Warlike Stores, [126] 1160
Leasing Powers (Ireland), [124] 767; Com. [128] 241
Liverpool Election, New Writ, moved, [128] 941
Newspaper Stamp Duties, Leave, [123] 1048
Norwich Election Petition, [124] 550, 552
Personal Liberty, Recovery of, 2R. [129] 485
Peterborough Election, [129] 759
Precedence in Resumed Debate, [126] 1243, 1244, 1245
Railway and Canal Bills, Nomination of Com. [123] 1203
Rye Election Committee, Absence of Members, [125] 257; New Writ moved, [127] 374
Savings Banks Annuities, 3R. [128] 1200
Septennial Act, The, Repeal of, [128] 533
Simony Law Amendment, 2R. [128] 1346
South Sea and other Annuities Commutation, Com. [126] 165; 3R. 626
Southampton, New Writ for, [123] 1742
Speaker, Choice of a, [123] 9, 10, 13, 14
Succession Duty, Rep. [129] 222
Tenant Right (Ireland), 2R. [123] 1042, 1139
Waterford Election Committee, Absence of one of the Members, Com. discharged, [124] 648

Speaker, Choice of a, (*Rt. Hon. Charles Shaw Lefevre*)
c. [123] 3; Approval of, 14
l. Approval of, [123] 13

Speaker, Illness of a, Case of,
c. Observations (Sir R. H. Inglis), [123] 216;

Speaker, Office of the,
c. Com. moved for (Sir R. H. Inglis), [124] 496
Motion (Sir R. H. Inglis), [129] 1268

Specifications Repeal, Copies of, Bill,
l. 1R.* [124] 1288; 2R.* [126] 1286; 3R.* [127] 293
c. 1R.* 706; 2R.* [128] 1367;
Com. [129] 85; 3R.* 1679
l. Royal Assent [129] 1824

Spirit Duties (Scotland),
c. Question (Mr. Cowan), [126] 160

Spirits, Customs Duties on, Bill,
c. 1R.* [127] 318, 2R.* 378; 3R.* [129] 376
l. 1R.* [129] 433; 2R.* 795; Rep.* 833; 3R.* 972
Royal Assent, 1243

Spirits, Excise Duties on, Bill,
c. 1R.* [126] 1234;
Question (Mr. Craufurd), [127] 216; (Capt. Jones), 430
2R. 380;
Com. *cl.* 1, Amend. (Capt. Jones), 1389, [*o. q.* A. 100, N. 38. M. 62] 1393;
cl. 15, 1395;
3R. [128] 412; Adj. moved (Mr. Conolly), 413, [A. 34, N. 113, M. 79] 418; Adj. moved (Lord Naas), *ib.*, [A. 28, N. 109, M. 81] 423; 2nd. Div. [A. 21, N. 103, M. 82] 425; Adj. moved (Col. Dunne), *ib.*; [A. 18, N. 94, M. 76] 426; Adj. Debate, 674; *add. cl.* (Mr. Bowyer), 675; *cl.* neg. 676;
That the Bill do pass, [A. 121, N. 41, M. 80] 678
l. 1R.* [128] 685; 2R.* 779; Rep.* 942;
3R. 1161;
Protest (Lord Monteagle), 1472;
Royal Assent, 1409

SPOONER, Mr. R., *Warwickshire, N.*
Advertisement Duty, Res. [128] 1110
Benefices, Union of, 2R. [124] 888
Consolidated Fund and National Redemption Acts, Res. [125] 858
County Elections Polls, 2R. [123] 468
County Rates and Expenditure, Com. *cl.* 3, [125] 273; *cl.* 4, 285
Crystal Palace Company, Consideration, Amend. [125] 148, 151
Customs, &c. Acts, Com. (Butter), [127] 1069; (Watches), 1358
Financial Statement, Res, Amend. [123] 1586, 1587
Hackney Carriage Duties, Com. *add. cl.* [129] 968; 3R. *add. cl.* 1595
Income Tax, The, Com. [126] 1283, 1346; *cl.* 3, [127] 542, 546; *cl.* 25, 756; *cl.* 31, Amend. 792, 793; *add. cl.* 1057; That the Bill do pass, *add. cl.* 1218, 1229
India, Government of, Rep. [129] 965
Malt Duties, The, [129] 1480, 1481
Malta, Criminal Code at, Address moved, [129] 1750
Maynooth College, Com. moved for, [124] 413, 414, 924
Personal Liberty, Recovery of, [129] 1466
Probates of Wills, &c. 2R. [125] 667
Rye Election, New Writ moved, Adj. moved, [127] 292
Sadleir, Mr., his Speech at Carlow, [124] 38

[*cont.*

SPOONER, Mr. R.—*continued.*
Smoke Nuisance Abatement, Com. Amend. [129] 1495
South Sea and other Annuities Commutation, Com. *cl.* 2, Amend. [126] 317, 320, 323; 3R. Adj. moved, 619, 620; *add. cl.* 633, 637
South Sea and other Annuities (Provision for Payment), Com. *cl.* 1, [129] 1403; *cl.* 3, 1406
South Sea Annuities Dissentients, Com. Res. [129] 1006, 1007
South Sea Company's Arrangements, &c. 3R. Amend. [129] 1395
Succession Duty, Com. *cl.* 2, [128] 322; *cl.* 7, 393; 3R. Amend. [129] 397
Supply—National Gallery, [123] 1032;—Parliament, New Houses of, [127] 393, 394; [129] 1317;—Public Buildings (Ireland), Amend. [127] 398, 404;—Nonconforming, &c. Ministers (Ireland), 481
Transportation, 3R. [129] 1691
Turnpike Acts Continuance, Lords Amends. [129] 1823
West India Mail Packets, [125] 807

STAFFORD, Mr. A. S. O., *Northamptonshire, N.* (Secretary of the Admiralty, Earl of Derby's Administration)
Africa, Mortality on the Coast of, [123] 219
Chatham Election Committee, [124] 1359
County Elections Polls, 3R. [124] 153, 155
Dockyard Appointments and Promotions, [125] 591, 1016; Com. moved for, [126] 57, 62, 74, 84, 85, 371
Engledue, Lieut., his Case, [126] 880, 882, 883
Freight Money (Greenwich Hospital), Return moved for, [123] 221
"Melbourne" Steamer, The, [123] 814
Navy Estimates, [123] 1000, 1010, 1016; Report, 1088; [124] 323, 368, 370
Ports and Harbours, Regulation of, [123] 350, 351
Seamen, Entry of, Com. [129] 747
Wellington, Duke of, Funeral of, [123] 223

Stamp Duties,
c. Res. [128] 1090.

Stamp Duties Bill,
c. 1R.* [128] 726; 2R.*; 814;
Com. 1194;
3R.* [129] 29
l. 1R.* [129] 89; 2R.* 833; Rep.* 972; 3R.* 1045
Royal Assent, 1243

Stamp Duties (*No.* 2) *Bill,*
c. 1R.* [128] 726; 2R.* 734; 3R.* [129] 979
l. 1R. [129] 972; 2R.* 1045; 3R.* 1137
Royal Assent, 1243

Stamp Duties on Patents for Inventions Bill,
c. 1R.* [123] 1144; 2R.* 1315; 3R.* 1569
l. 1R.* [123] 1697; 2R.* 1698; 3R.* 1717
Royal Assent, [124] 335

STANHOPE, Mr. J. B., *Lincolnshire, N.*
Commercial Legislation—Free Trade, [123] 528
Maynooth College, Com. moved for, [124] 463
Income Tax, Com. [126] 508; [127] 256

STANLEY, Lord, *Lynn Regis* (Under Secretary for Foreign Affairs, Earl of Derby's Administration)
Coal Trade, The, [123] 147
Colonial Postage, [125] 312
Customs Duties—Isle of Man, Res. [128] 1468
Diplomatic Service, Examination of Candidates for the, [123] 246; [125] 880
Education, National (Ireland), [129] 653
India, Government of, 2R. Amend. [128] 605, 641, 837, 839, 1020; Com. *cl.* 1, 1446, 1452; *cl.* 2, 1461; *cl.* 3, [129] 55, 80; *cl.* 9, 238; *cl.* 10, 319; *cl.* 12, 333, 339; *cl.* 13, 340; *cl.* 22, 421; *cl.* 31, 572, 583; *cl.* 32, 662; *cl.* 36, 684; *add. cl.* 784; That the Bill do pass, 1032
Lancaster, New Writ moved for, [125] 646
Madiais, Case of the, [123] 1570; [124] 236
Maynooth College, Com. moved for, [124] 507
Murray, Edward, Case of, [123] 588
Newton, Mr., Case of, [123] 199
"Novello," The Ship, Com. moved for, [124] 838
Paget, Mr., Case of, [123] 294
Parliamentary Electors, 2R. [123] 1145, 1148
Rome, Relations with, [123] 587
Stead, Mr., Case of, [123] 781
Sugar Duties, Returns moved for, [123] 1192
Turkey, Affairs of, [125] 450
Turkish Loan, The [123] 244

STANLEY OF ALDERLEY, Lord (Paymaster of the Forces, and Vice-President of the Board of Trade, Earl of Aberdeen's Administration)
Business, Private, [129] 882
Eastern Union Railway, 2R. [129] 1499
Foreign Seamen, [127] 195
French Empire—Foreign Affairs, [123] 969
Great Western Railway Company, [127] 1360
Hackney Carriages (Metropolis), 2R. [127] 1295; Rep. [128] 135, 136
Mercantile Marine, [124] 121; Returns moved for, [125] 128, 131; [127] 316
Pilotage, 2R. [129] 1665; Com. *cl.* 10, 1711
Poor Laws, [127] 210
Poor Removal, 2R. [127] 1031
Poor Removal and Local Assessment, 2R. [125] 1194
Railway Accidents and Management, [124] 796; [125] 185, 194
Sanitary Conference—Quarantine Regulations, [123] 230, 231
South Eastern, &c. Railway, 3R. [129] 162

STANLEY, Hon. W. O., *Chester*
Barnstaple Election Committee, Report, [126] 157; Address moved, [127] 136
Chatham Election, [126] 1064
Duffy, Mr., Case of, [126] 1218
Durham Election Petitions, Com. moved for, [127] 143, 144
Waterford Election Committee, Report [124] 1069

STAPLETON, Mr. J., *Berwick-on-Tweed*
Assaults, Aggravated, Leave, [124] 1421; Com. *cl.* 1, Amend. [125] 674
Commercial Legislation—Free Trade, [123] 520

[*cont.*

STAPLETON, Mr. J.—*continued.*
Land Improvement (Ireland), 3R. [125] 172
Legacy Duties, The, [126] 159
Maynooth College, Com. moved for, [124] 896
Navy Estimates, [124] 362
Pilotage. Leave, [124] 1265
Public Houses (Scotland), Com. *cl.* 1, [126] 128

State Paper Office—Supply,
c. [127] 406

Stationery Office—Supply,
c. [127] 394

Statues in the Metropolis,
c. Question (Mr. B. Wall), [127] 379

Statute Law, Revision of the,
l. Report, [129] 1811

Statutes, Consolidation of the,
l. Observations (Lord Lyndhurst), [125] 131; Question (Lord St. Leonards), 290
c. Question (Mr. V. Scully), [125] 314

Stead, Mr., Case of,
c. Question (Viscount Goderich), [123] 781

Stock, Conversion of—Funds in Chancery,
l. Question (Lord St. Leonards), [126] 151; [127] 761, 835; Observations (Lord Chancellor), 1018

Stock in Trade Exemption Bill,
c. 1R.* [129] 1252; 2R.* 1395; 3R.* 1598
l. 1R.* [129] 1602; 2R.* 1708; Rep.* 1752; 3R.* 1811
Royal Assent, 1824

STRANGFORD, Viscount
Commercial Legislation—Free Trade, Res. [123] 962

STRICKLAND, Sir G., *Preston*
National Gallery, The, Com. moved for, [124] 1313
Succession Duty, Com. *cl.* 48, [128] 1378
Vaccination Extension, 2R. [129] 474

STRUTT, Rt. Hon. E., *Nottingham* (Chancellor of the Duchy of Lancaster, Earl of Aberdeen's Administration)
Bury St. Edmunds Election Committee, Mr. Martin's Attendance dispensed with, [127] 708
Canterbury Election, Address moved, [125] 220
Wages, Payment of, 2R. [126] 1094

STUART, Lord D. C., *Marylebone*
Assistant Judge (Middlesex Sessions), 3R. [128] 1196, 1197
Ballot, The, Leave, Amend. [128] 228
Business, Public, [127] 323
Constantinople, Ambassador at, [124] 41
Crauford, Mr., Expulsion of, from Tuscany, [125] 1017
De Rose, Leopold, Case of, [123] 834
Dockyard Promotion, [128] 1322
France, Relations with, [124] 307

[*cont.*

STUART, Lord D. C.—*continued.*
Hackney Carriages (Metropolis), Com. [127] 425; *cl.* 1, 485; *cl.* 2, Amend. 488; 3R. Amend. 834, 835
Hackney Carriage Duties, Com. *add. cl.* [129] 969; Rep. 1135; 3R. *add. cl.* 1593, 1595
Jewish Disabilities, Com. *cl.* 1, 169
Kossuth, M.—Seizure of Warlike Stores, [125] 1214; [126] 452, 804, 1153
Lighting and Ventilating the House, [124] 180
Liverpool Election, New Writ moved, [128] 941, 1077
London and Westminster Thames Railway, 2R. [125] 152
London (Watford) Spring Water Company, 2R. [125] 200
Medical Profession, The, [127] 1091
Metropolitan Burial Grounds, [124] 37
Murray, Edward, Case of, [123] 588; [124] 349; [129] 1822
Ordnance, Iron, Return moved for, [123] 1717
Police (Metropolitan), [129] 1164
Police, National, Com. moved for, [126] 551
Refugees, Foreign, [124] 804
Religious Prosecution—The Madiais, [124] 203
Russia and Turkey, [128] 1427; [129] 1462, 1783;—Obstruction of the Danube, [129] 543, 1161
Septennial Act, The, Repeal of, [128] 534
Sewers, Metropolitan, Act Continuance, Com. [129] 1571, 1587
Smoke Nuisance Abatement, Com. [129] 1496
Supply—Funeral of the Duke of Wellington, [123] 1037, 1041;—Royal Parks, [127] 398;—Secret Service, 412;—Ministers at Foreign Courts, 463;—Polish Refugees, &c. 466
Turkey and Montenegro, Address moved, [124] 978, 998
Wellington, Duke of, Funeral of the, [123] 212
West London Waterworks Company, 2R. [124] 800

Succession Duties, The,
c. Com. [127] 258, 325; Amend. (Mr. Freshfield), 341; Motion. neg. 370
l. Com. moved for (Earl of Shaftesbury), [127] 659, [Content 126, Not Content 139, M. 13] 704

Succession Duty Bill,
c. 1R. [127] 548;
2R. 1380;
Com. Amend. (Rt. Hon. Sir J. Pakington), [128] 62, [*o. q.* A. 268, N. 185, M. 83] 121, 306;
128] *cl.* 1, 312;
. *cl.* 2, 314; Amend. (Mr. Mullings), 315, [*o. q.* A. 113, N. 45, M. 68] 318;
. *cl.* 5, 323, [A. 171, N. 100, M. 71] 324;
. *cl.* 6, 324;
. *cl.* 7, 385; Amend. (Mr. Vansittart), 387, [*o. q.* A. 103, N. 63, M. 40] 395;
. *cl.* 9, Amend. (Mr. Phinn), 395; Amend. withdrawn, 398;
. *cl.* 10, 398;
. *cl.* 11, 400;
. *cl.* 16, 401; *cl.* postponed, 402;
. *cl.* 18, 402;
. *cl.* 19, 402, 431; Amend. (Mr. Mullings), 432; Amend. neg. 434;
. *cl.* 20, 438;
. *cl.* 21, 447; Amend. (Rt. Hon. Sir J. Trollope), 455;

[*cont.*

Succession Duty Bill—continued.

128] Amend. (Sir T. Acland), 463, [A. 150, N. 153, M. 3] 465 ; [*r. p.* A. 119, N. 157, M. 38] 468, 1129 ; Amend. withdrawn, 1130 ;
. *cl.* 22, 1130 ; *cl.* postponed, 1131 ;
. *cl.* 23, 1131 ;
. *cl.* 25, 1132 ; Amend. (Rt. Hon. Sir J. Pakington), 1134 ; Amend. withdrawn, 1137 ;
. *cl.* 26, 1137 ;
. *cl.* 27, 1139 ;
. *cl.* 29, 1167 ;
. *cl.* 33, 1168 ; Amend. (Mr. Mullings), 1171, [A. 116, N. 124, M. 8] 1174 ;
. Amend. (Chancellor of the Exchequer), 1175, [A. 108, N. 92, M. 16] 1176 ;
. *cl.* 39, 1176 ;
. *cl.* 41, Amend. (Mr. Mullings), 1176 ; Proviso (Solicitor General), 1179 ; Amend. withdrawn, *ib.* ;
. *cl.* 43, Amend. (Solicitor General, 1179 ;
. *cl.* 44, Amend. (Mr. Mullings), 1186, [*o. q.* A. 164, N. 139, M. 25] 1191 ;
. *cl.* 45, 1191 ;
. *cl.* 46, 1376 ;
. *cl.* 48, Amend. (Chancellor of the Exchequer), 1377 ;
. Amend. (Mr. Mullings), [A. 72, N. 78, M 6] 1383 :
. Amend. (Sir W. Jolliffe), *ib.*, [A. 86, N. 97, M. 11] 1389, [*m. q.* A. 101, N. 92, M. 9] 1391 ;
. *cl.* 49, 1391 ;
. *cl.* 55, 1392 ; Amend. (Visct. Galway), 1396, [A. 125, N. 195, M. 70] 1397 ;
. *add. cl.* (Chancellor of the Exchequer), 1398, 1399, 1400, [A. 195, N. 179, M. 16] 1407 ;
. Proviso (Mr. Miles), 1407 ; Motion neg. 1408
129] Rep. Amend. (Mr. Barrow), [129] 205 ;
. Amend. (Mr. Freshfield), 206 ; Motion neg. 210
. Amend. (Mr. Headlam), 210 ;
. Amend. (Mr. Mullings), 211 ; Motion withdrawn, 214 ; 2nd Amend. 219, [A. 72, N. 114, M. 42] 222 ; 3rd Amend. 225 ; Motion neg. 226
. Amend. (Mr. W. Williams), 214 ; Motion neg. 219 ;
. Amend. (Solicitor General), 222 ;
. Amend. (Mr. Kendall), 223 ; Motion neg. 225 ;
. Amend. (Chancellor of the Exchequer), 226 ; Motion (Mr. Mullings), 227, [A. 100, N. 132, M. 32] 229 ;
. Proviso (Chancellor of the Exchequer), 229 ;
. 3R. 394 ; Amend. (Mr. Spooner), 397, [A. 100, N. 138, M. 38] 398 ;
. Amend. (Mr. Freshfield), 400 ; Amend. neg. *ib.* ;
. Amend. (Rt. Hon. Sir J. Pakington), 401 ; 2nd Amend. 411, [A. 93, N. 134, M. 41] 416 ;
. Amend. (Mr. Malins), 404, [*o. q.* A. 112, N. 77, M. 35] 409 ; 2nd Amend. 416, [A. 110, N. 146, M. 36] 417 ;
. That the Bill do pass, [A. 176, N. 104, M. 72] 418
l. 1R.* [129] 433 ;
129] 2R. 586 ;
. Com. *cl.* 1, 697 ;
. *cl.* 2, Amend. (Earl of Derby), 709, [Content 68, Not Content 102, M. 34] 737 ;
. *cl.* 10 ; *cl.* 22, 739 ;

[*cont.*

Succession Duty Bill—continued.

129] *cl.* 23 ; *cl.* 26 ; *cl.* 34, 740 ;
. *cl.* 49, 742 ;
. *cl.* 54, 743 ;
. 3R. 851 ;
. That the Bill do pass, Amend. (Lord St. Leonards), 854 ; Amend. neg. 866
Royal Assent, 1243

Suffrage, Extension of the,
l. Explanation (Lord Brougham), [128] 217

Sugar Duties,
c. Returns moved (Mr. J. Wilson), [128] 1156

SULLIVAN, Mr. M., *Kilkenny, Bo.*
Crime and Outrage (Ireland), 2R. [129] 794
Landlord and Tenant (Ireland), Com. *cl.* 7, [128] 1367
Supply—Civil Contingencies, [129] 1451

Summary Jurisdiction (Ireland) Bill,
l. 1R.* [128] 779 ; 2R.* [129] 268 ;
3R. 1245 ; *add. cl.* (Earl of Clancarty), *ib.*
c. 1R.* [129] 1535

Superannuation and Retired Allowances —Supply,
c. [127] 465

Superintendence, General—Supply,
c. [127] 414

Supply,
c. Mr. Wilson Patten appointed Chairman of Committees, [123] 215 ;
That Mr. Speaker do now leave the Chair, [A. 164, N. 28, M. 136] [124] 311
Academies, Royal Irish, [127] 421
Africa—Civil Establishments on the West Coast, [127] 445 ; Amend. (Mr. A. Pellatt), 446 ; Amend. neg. 449
Army Estimates, [124] 670 ;—*Kilmainham Hospital,* Amend. (Mr. Vance), 770, [A. 66, N. 119, M. 53] 772
Battersea and Vauxhall Embankment, [129] 1407, [A. 94, N. 27, M. 67] 1412
Battersea Park, [129] 1407
Bermudas, [127] 442
Board of Public Works (Ireland), [127] 410
Brehon Laws (Ireland), [129] 1308
British Ambassador's House, Paris, [129] 1300
British Museum, [127] 422 ; [129] 1297
Buckingham Palace, [129] 1407
Budget, The, [123] 836
Captured Negroes Support, [127] 455
Chelsea Bridge, [129] 1407
Chief Secretary (Ireland), [127] 410
Civil Contingencies, [129] 1451
Clergy in North America, [127] 442
Colonial Governors, [127] 444
Commissariat Department, [129] 1452
Concordatum Fund, &c. (Ireland), [127] 485
Consular Establishments Abroad, Amend. (Capt. Scobell), [127] 455, [A. 46, N. 70, M. 24] 459
Convict Establishments, [127] 417 ; [129] 1470
Corrupt Practices at Elections, Commission of Inquiry, [129] 1308
County Rates, Certain Charges formerly paid out of the, [127] 414
Criminal Prosecutions, &c. (Ireland) [127] 413

[*cont.*

Supply—continued.
Criminal Prosecutions, &c. (Scotland), [127] 413
Dublin Police, [127] 414
Dublin Royal Society, [129] 1414
Ecclesiastical Commissioners for England, [127] 406, [A. 63, N. 44, M. 19] 407
Education, Public, [127] 417
Electric Telegraph (Continental), [129] 1412
Emigration, [127] 454
Exchequer, [127] 406
Factories, Inspectors of, [127] 407
Falkland Islands, [127] 449; Amend. (Sir J. Shelley), 450, [A. 33, N. 86, M. 53] 451
Fire Mains, Windsor Castle, [129] 1407
General Superintendence, [127] 414
Government Prisons, [127] 415
Harbours of Refuge, [127] 396
Harris, Sir William Snow (Compensation), [129] 1412
Health, General Board of, [129] 1300
Heligoland, [127] 449
Holyhead Harbour, [127] 395
Hong Kong, [127] 451; Amend. (Mr. Maguire), 453, [A. 32, N. 76, M. 44] 454
Hospitals (Ireland), [127] 469
Household of the Lord Lieutenant, [127] 408; Amend. (Mr. W. Williams), 409, [A. 31, N. 92, M. 61] 410
Incumbered Estates Commission (Ireland), [129] 1300
Indian Department (Canada), [127] 442
Industrial Universities, [123] 1020
Insolvent Debtors Courts, [127] 412
Jamaica, Governor of, [129] 1452
Justice in the West India Colonies, &c. [127] 445
Kafir War, [129] 1455
Kingstown Harbour, [127] 406
Labuan, [127] 454
Law Charges (England), [127] 412
Lighthouses Abroad, [129] 1300
Lord Privy Seal, [127] 406
Menai Straits Navigation, [129] 1300
Mercantile Marine, and Steam Navigation Acts, Board of Trade, [129] 1305
Merchant Seamen's Fund, Expenses of Winding up, &c. [129] 1305
Militia, [129] 1470
Ministers at Foreign Courts, [127] 459
Mint, The, [127] 407
Miscellaneous Charges, [127] 467
National Gallery, [123] 1020; [127] 422
Naval Coast Volunteers, [129] 1452; Rep. 1560
Navigation connected with Drainage (Ireland), [129] 1300
Navy Estimates, [123] 997; Report, 1088; [124] 311, 362
New Zealand, [127] 449
Nonconforming, &c. Ministers (Ireland), [127] 470, [A. 181, N. 46, M. 135] 485
Office of Woods, Forests, &c. [127] 406
Office of Works and Public Buildings, [127] 406
Ordnance Estimates, [123] 1017; Report, 1088; [124] 748
Oxford and Cambridge Professors, [127] 417
Parliament, New Houses of, [127], 393, 406; [129] 1311, 1313
Patent Law Amendment Act (Salaries), [129] 1311
Privy Council Office, [127] 406

Supply—continued.
Paymaster General, [127] 406
Paymaster of Civil Services Offices (Ireland), [127] 410
Perforating Machine, Archer's Patent, [129] 1412
Polish Refugees, &c. [127] 465
Poor Law Commission, [127] 407
Port Patrick Harbour, [127] 397
Post Office Packet Service, [129] 1453
Prisoners, Maintenance of, [132] 417
Public Buildings in Ireland, [127] 398; Amend. (Mr. Spooner), 399; Amend. (Mr. W. Williams), 403, [A. 43, N. 80, M. 37] 404; [A. 74, N. 54, M. 20] 405
Public Records, [127] 407
Queen's University (Ireland), [127] 422
Refuge for the Destitute, [127] 465
Royal Dublin Society, [127] 417
Royal Palaces and Public Buildings, [127] 388
Royal Parks, Pleasure Grounds, &c. [127] 389
St. Helena, [127] 449
Salaries of certain Officers in Scotland, [127] 407; Amend. (Mr. Pellatt), *ib.*; Motion neg. 408
Science and Art, Departments of, [127] 417, 422
Secret Service, [127] 412
Secretaries of State, [127] 406
Sheriff's Expenses, &c. [127] 412
Slave Trade Commission, [127] 455
Slave Trade Suppression on the Coast of Africa, [129] 1305, [A. 117, N. 25, M. 92] 1308
State Paper Office, [127] 406
Stationery and Printing, [127] 412
Stationery Office, [127] 394
Superannuation and Retired Allowances, [127] 465
Theological Professors (Belfast), [127] 421; Amend. (Mr. Miall), [A. 21, N. 130, M. 109] 422
Toulonese, &c. Emigrants, [127] 465
Transportation, Expenses of, [127] 417
Treasury, [127] 406
University of London, [127] 421
Vaccine Establishment, National, [127] 465
Wellington, Duke of, Funeral of the, [123] 1036

TALBOT, Earl
Australian Packet Service, [126] 521
Charitable Trusts, 2R. [126] 1021
Naval Promotion and Retirement, [129] 7

Taunton Election Committee,
c. Report, [125] 1348; [128] 6034

Tavistock Election Committee,
c. Report, [124] 347

Taxing Officer, Common Law Business (Ireland) Bill,
c. 1R.* [126] 32; 2R.* 303;
Com. Amend. (Mr. I. Butt), [127] 1396; Amend. neg., 1397; Amend. (Mr. V. Scully), 1397; Amend. withdrawn, 1400; 3R.* [128] 257
l. 1R.* [128] 328; 2R.* 1142; 3R.* [129] 343
Royal Assent, 1243

Tea Duties, The
c. Question (Mr. Moffatt), [126] 910;—*Customs Acts*, Com. [127] 825; Adj. moved (Lord A. Vane), 832; Motion withdrawn, 834

Tenants' Compensation (Ireland) Bill,
c. Leave, [123] 529; 1R.* 530;
2R. 1041; 2R. postponed, 1045; 2R. 1089; Adj. moved (Mr. Brotherton), 1132, [A. 92, N. 57, M. 35] 1137; Adj. of House moved (Rt. Hon. J. Napier), 1142; Motion withdrawn, 1144; Adj. Debate, 1528;
Com. [124] 625; [129] 635;
129] *cl.* 10; Amend. (Col. Greville), 636, [A. 47, N. 65, M. 18] 637;
cl. 14, Amend. (Mr. Grogan), 637, [A. 42, N. 87, M. 45] 638; Amend. (Lord C. Hamilton), [A. 52, N. 77, M. 25] *ib.*; [*m. q.* A. 103, N. 44, M. 59] 639;
cl. 20, 639;
add. cl. (Mr. V. Scully) [A. 25, N. 116, M. 91] 640;
3R.* 1098
l. 1R.* [129] 1137;
2R. 1534

Tenants' Improvement (Ireland) Bill,
c. Leave, [123] 305; 1R.* 348

Tenant Right, see *Tenant Compensation (Ireland) Bill,*

Thames Embankment Bill,
c. 1R.* [127] 503; 2R.* 1207;
Com. [129] 238, 429; 3R.* 635
l. 1R.* [129] 697; 2R.* 1322; 3R.* 1709
Royal Assent, 1824

Theatre, Her Majesty's, Association Bill,
c. 1R.* [124] 83;
2R. 397, [A. 79, N. 170, M. 91] 403

THESIGER, Sir F., also ATTORNEY GENERAL,§ Earl of Derby's Administration) *Stamford*
Attorneys and Solicitors' Certificate Duty, Leave, [124] 1397
Bedford Charity Estate, 2R. [129] 1254
Berwick-on-Tweed Election, New Writ moved, [126] 1134
Charitable Trusts, Com. *cl.* 52, [129] 1157; *cl.* 60, 1159, 1255, 1264, 1267
Chatham Election, [126] 1051, 1064
Clergy Reserves (Canada), Com. *cl.* 1, [125] 454; *cl.* 2, 478, 479, 480
§ Courts of Common Law (Ireland), 2R. [123] 764
§ Derby Election, Com. moved for, [123] 751, 752
Dockyard Appointments and Promotions, Com. moved for, Amend. [126] 93, 112
Harwich Election, New Writ moved, [128] 145
"Household Narrative," The, [125] 160, 163
Jewish Disabilities, 2R. Amend. [125] 71, 87, 93, 104
§ Newspaper Stamp Duties, Leave, [123] 1045, 1048
§ Parliamentary Electors, 2R. [123] 1146
Plymouth Election, New Writ moved, [127] 647

THOMPSON, Mr. Ald. W., *Westmoreland*
Consolidated Fund and National Redemption Acts, Res. [125] 846, 858
Customs Reform, [126] 216
Financial Statement, Res. [123] 1457, 1464

THOMPSON, Mr. G., *Aberdeen*
Merchant Shipping, Com. *cl.* 38, [129] 287; 3R. *add. cl.* 1124

THORNELY, Mr. T., *Wolverhampton*
Bury St. Edmunds Election Committee, Mr. Martin's Case, [127] 708
Charitable Trusts, 3R. [129] 1491; Amend. 1492
Coinage, State of, [129] 1758
Election Petitions—West Gloucestershire Election, [123] 977
Hackney Carriages (Metropolis), Com. *cl.* 1, [127] 487
India, Government of, [129] 966
Lancaster, New Writ moved for, Amend. [125] 643, 646
Supply—Holyhead Harbour, [127] 395;—Harbours of Refuge, 396

Tobacco Licence Duties,
c. Question (Rt. Hon. H. Labouchere), [126] 680

TOLLEMACHE, Mr. J., *Cheshire, S.*
Customs, &c. Acts, Com. (Butter), [127] 1068, 1071
West India Loans, [128] 926, 928

TORRINGTON, Viscount
Chicory, Petition, [129] 1141, 1151

Totness Election Committee,
c. Report, [126] 908

Toulonese, &c., Emigrants—Supply,
c. [127] 465

Towns, Improvement of (Ireland) Bill,
c. 1R.* [128] 977; 2R.* [129] 1598

Trade Licences,
c. Question (Mr. Phinn), [128] 426

Transfer of Aids Bill,
c. 1R.* [124] 17; 2R.* 32; 3R.* 153
l. 1R.* 165; 2R.* 244; 3R.* 244
Royal Assent, 335

Transportation Bill,
l. 1R.* [128] 942;
2R. [129] 7;
Com. 348;
cl. 8, 349;
3R.* 512
c. 1R.* [129] 744; 2R.* 979;
Com. 1535;
cl. 1; *cl.* 2, 1559;
Rep. 1600
3R. 1682;
l. Royal Assent, [129] 1824

Transportation, Expenses of—Supply,
c. [127] 417

Transportation to the Colonies,
l. Question (Lord Monteagle), [124] 165; (Bishop of Manchester), 782; (Earl Grey), [126] 664; Address moved (Earl Grey), [127] 1; Amend. (Earl of Chichester), 45, [*o. q.* Content, 37, Not Content, 54, M. 17] 78; Question (Earl of Glengall), 315
c. Papers moved for (Rt. Hon. Sir J. Pakington), [124] 554

Treasury—Supply,
c. [127] 406

Trollope, Rt. Hon. Sir J., *Lincolnshire, S.* (Chief Commissioner of the Poor Laws, Earl of Derby's Administration)
Berwick-upon-Tweed Election, New Writ moved, [127] 641, 649
Bridgenorth Election Committee, [124] 878
Customs, &c. Acts, Com. (Stockings), [127] 1357
Durham Election Petitions, Com. moved for, [127] 139, 142, 707, 956, 957; Nomination of Committee, [128] 232
Income Tax, Com. *cl.* 33, [127] 796
Parish Vestries, 2R. [128] 328
Poor Law Administration, [128] 1064
Poor Law (Medical Relief), [129] 142
Rye Election, New Writ moved, [126] 1008
Settlement, Law of, [123] 1527
South Sea and other Annuities Commutation, 3R. *add. cl.* [126] 646
Succession Duty, Com. [128] 98; *cl.* 7, 388; *cl.* 21, 448; Amend. 455, 460, 463, 465, 469, 1229, 1130; *cl.* 41, 1178; *add. cl.* Amend. 1401
Waterford Election Committee, Absence of one of the Members, Com. discharged, [124] 468

Truck Act Amendment Bill,
c. 1R.* [129] 534

Truro, Lord
Bills of Exchange, &c. (Metropolis), 2R. [123] 165, 156
* Bode, Baron de, Case of, [129] 1074, 1082
Combination of Workmen, 2R. [129] 1323, 1326
Refugees, Foreign, [124] 1055

Tufnell, Rt. Hon. H., *Devonport*
Dockyard Appointments and Patronage, [123] 595
Navy Estimates, [124] 376
Parliamentary Papers, Com. moved for, [123] 1065
Rye Election, New Writ moved, [126] 1008, 1281, 1220; [127] 292, 376

Turkey, Affairs of,
l. Question (Marquess of Clanricarde), [126] 371
c. Question (Lord Stanley), [125] 450

Turkey and Austria,
c. Question (Rt. Hon. B. Disraeli), [125] 153; (Sir J. Walmsley), [129] 380

Turkey and Greece,
c. Question (Col. Dunne), [128] 430

Turkey and Montenegro,
c. Address moved (Lord D. Stuart), [124] 978; Motion withdrawn, 999; Question (Rt. Hon. B. Disraeli), [125] 153

Turkey and Russia,
l. Question (Earl of Malmesbury), [127] 651; [129] 343; Papers moved for, 1605; Motion withdrawn, 1652; Question (Earl of Hardwicke), [127] 758; (Marquess of Clanricarde), [128] 1; [129] 1137, 1418; (Lord Brougham), [128] 1348; (Lord Lyndhurst), [129] 89
c. Question (Rt. Hon. B. Disraeli), [127] 709; 787; [129] 33, 203, 1469; (Mr. Layard), [128] 57, 1087; [129] 647; Observations (Visct. Palmerston), 1420; Question (Sir J. Walmsley), [129] 1462; Observations (Lord J. Russell), 1760; Question (Mr. M. Milnes), 1829; — *Navigation of the Danube,* Question (Mr. Liddell), [128] 1373; (Lord D. Stuart), [129] 543, 1161

Turkish Loan, The
l. Question (Mr. Layard), [123] 243

Turner, Mr. C., *Liverpool*
Carriages, Duty on, Leave, [125] 1036
Customs Reform, [126] 210
Partnerships of Limited Liability, Com. moved for, [123] 1084
Pilotage, Leave, [124] 1262; 2R. [125] 579; Com. Amend. [126] 218

Turnpike Acts Continuance Bill,
c. 1R.* [129] 166; 2R.* 376; 3R.* 744
l. 1R. [129] 795; 2R.* 1345; 3R.* 1322
c. Lords Amend. [129] 1822
l. Royal Assent [129] 1824

Turnpike Acts Continuance (Ireland) Bill,
c. 1R.* [129] 744; 2R.* 885; 3R.* 1153
l. 1R.* [129] 1243; 2R.* 1416; Rep.* 1497; 3R.* 1602
Royal Assent, 1709

Turnpike Trusts Arrangements Bill,
c. 1R.* [129] 166; 2R.* 376; 3R.* 635
l. 1R.* 697; 2R.* 972; Rep.* 1045; 3R. 1137
Royal Assent, 1243

Tyler, Sir G., *Glamorganshire*
Merchant Shipping, Com. *cl.* 29, [129] 105; 3R. *add. cl.* 116
Navy Estimates, [124] 333, 373
Seamen, Entry of, Com. [129] 747; *cl.* 2, 758

Tynemouth Election Committee,
c. Report, [125] 1208; Address moved (Sir B. Hall), [126] 1380
l. Conference, [127] 1;
Address moved (Earl of Aberdeen), [128] 789

Tyrell, Sir J. T., *Essex, N.*
Harwich Election, New Writ moved, [126], 1318, 1319, 1322; [128] 134, 154
Maldon Election, Commission moved for, [126] 124
Nunneries, Inspection of, Leave, [127] 132
Personal Liberty, Recovery of, 2R. [129] 507
Succession Duty, Com. *cl.* 7, [128] 392

Universities (*Scotland*) *Bill,*
c. 1R.* [125] 310;
2R. [128] 912; [129] 166; Amend. (Sir R. H. Inglis), 183, [*o. q.* A. 106, N. 17, M. 89 200
3R.* 1153
l. 1R.* [129] 1243; 2R.* 1605;
Com. 1712; 3R.* 1752
Royal Assent, 1824

University of London—Supply,
c. [127] 421

University Reform,
c. Question (Mr. Phinn), [123] 822; (Mr. M. Milnes), [125] 922

University Tests (*Scotland*),
l. Question (Duke of Argyll), [123] 777

URQUHART, Mr. W. P., *Westmeath*
Ecclesiastical Revenues (Ireland), Com. moved for, [127] 890
Income Tax, The, Com. [126] 840

Vaccination Extension Bill,
l. 1R.* [124] 98;
2R. [125] 517;
Com. 1002;
cl. 8, 1112;
cl. 9, 1114;
3R.* 1291
c. 1R.* [126] 1125;
2R. [129] 470; 3R.* 1705
l. Royal Assent, [129] 1824

Vaccine Establishment, National—Supply,
c. [127] 465

Valuation Act Amendment (*Ireland*) *Bill,*
c. 1R.* [124] 153; 2R.* *ib.*; Rep.* *ib.*; 3R.* *ib.*
l. 1R.* 165; 2R.* 244; 3R.* *ib.*
Royal Assent, 335

VANCE, Mr. J., *Dublin, City*
Army Estimates — Kilmainham Hospital, Amend. [124] 770
Communication between England and Ireland, Com. moved for, [126] 556
Elections, Expenses of, Com. *cl.* 2, [128] 1333
Income Tax, The, Com. [126] 1270; *cl.* 1, [127] 542
Keogh, Mr. Appointment of, Explanation, [128] 306
Kilmainham Hospital, Address moved, [125] 1064
Merchant Shipping, 3R. [129] 1133
Precedence in Resumed Debate, [126] 1244
Savings Banks, 2R. [128] 124; Com. postponed, [129] 543
Sligo Borough, New Writ moved, [128] 127, 682
Succession Duty, 3R. [129] 402
Supply—Foundling Hospital (Dublin), [127] 569

VANE, Lord A. F. C., *Durham, City*
Bridgenorth Election Committee, [124] 881
Customs, &c. Acts, Com. (Tea Duties), [127] 832, 833

[*cont.*

VANE, Lord A. F. C.—*continued.*
Financial Statement, Res. [123] 1368
Government, The, and the Irish Members, [126] 1325, 1326
Hackney Carriages (Metropolis), Report, [127] 547; 3R. 835
Income Tax, The, Com. [126] 132, 1282
Jewish Disabilities, 2R. [125] 1429
Legacy Duties, The, [126] 911
Six-Mile Bridge Affray, [124] 740; Papers moved for, [125] 396, 888, 896, 882
Rye Election, New Writ moved, Adj. moved, [127] 376, 377

VANE, Lord H. G., *Durham, S.*
County Elections Polls, 2R. [123] 464; Com. 810
Mayo Election Committee, Report, [126] 130
Peterborough Election, Com. moved for, [129] 546
Select Committees, Com. moved for, [125] 250
Succession Duty, Com. *cl.* 21, [128] 461; *cl.* 23, 1132

VANSITTART, Mr. G. H., *Berkshire*
County Elections Polls, 2R. Amend. [123] 470
Customs, &c. Acts, Com. (Apples), Amend. [127] 1068
Excise Duties on Spirits, 3R. [128] 424
Import Duties, [124] 1027
Income Tax, Com. [126] 681, 1378; Amend. [127] 235
India, Government of, That the Bill do pass, [129] 1034
Jewish Disabilities, Com. *cl.* 1, [125] 167
Maldon Election, Commission moved for, [126] 124
Succession Duty, Com. *cl.* 5, [128] 323; *cl.* 7, 323; Amend. 387; Rep. Adj. moved, [129] 222
Wight, Isle of, Railway, 2R. Amend. [125] 197

Ventilation of the House,
c. Question (Mr. Cowan), [127] 323

VERNER, Sir W., *Armagh, Co.*
Arms Act (Ireland), [128] 1432
Customs, &c. Acts, Com. (Butter), [127] 1070
Judges' Exclusion, Com. [126] 141
Landlord and Tenant (Ireland), Com. *cl.* 44, [128] 1415: That the Bill do pass, [129] 1114
Leasing Powers (Ireland), Com. [124] 628, 630
Supply—Public Buildings (Ireland), [127] 401
Six-Mile Bridge Affray, [125] 893

VERNON, Mr. G. E. H., *Newark-upon-Trent*
Arctic Expedition, [126] 544
Canada Clergy Reserves, 2R. [124] 1125
Episcopal and Capitular Estates, 2R. [129] 1220
Judges' Exclusion, Com. [126] 140
Navy Estimates, [124] 373

VERULAM, Earl of
South Eastern, &c. Railway, 3R. [129] 159

Victoria, Colony of,
c. Question (Rt. Hon. Sir J. Pakington) [129] 1757

VILLIERS, Rt. Hon. C. P., *Wolverhampton* (Judge Advocate General, Earl of Aberdeen's Administration)
Address in Answer to the Speech, [123] 70
Commercial Legislation—Free Trade, Res. [123] 351, 521, 687, 696
Examiners, Office of (Court of Chancery), Explanation, [124] 777; 3R. 1159
Tenant Right (Ireland), Leave, [128] 529

VIVIAN, Lord
Railway Accidents and Management, [124] 796

VIVIAN, Mr. H. H., *Truro*
Financial Statement, Res. [123] 1271

WADDINGTON, Mr. D., *Harwich*
Harwich Election, New Writ moved, [128] 153
Railway Amalgamation, Res. [125] 1206
Railways, Accidents on, [125] 616

Wages, Arrestment of (Scotland),
l. Petition (Lord Brougham), [127] 1282;—see *Small Debts (Scotland) Act Amendment Bill*

Wages, Payment of, Bill,
c. 1R.* [124] 977;
2R. [126] 1079; Amend. (Mr. Hume), 1099, [*o. q.* A. 125, N. 186, M. 61] 1117

WALCOTT, Rear-Adm. J. E., *Christchurch*
Address in Answer to the Speech, Report, [128] 134
Jewish Disabilities, Com. *cl.* 1, [125] 166
Merchant Shipping, Com. *cl.* 29, [128] 1228; [129] 101; *cl.* 38, 286; 3R. *add. cl.* 1115, 1128
Navy Estimates, [124] 326
Ordnance Estimates, [124] 759
Seamen, Entry of, Com. *cl.* 1, [129] 755

WALDEGRAVE, Earl of
African Squadron, The, [129] 883
Colonial Church Regulation, Com. *cl.* 1, [129] 513
Hackney Carriages (Metropolis), Rep. [128] 135

WALL, Mr. C. B., *Salisbury*
National Gallery, The, Com. moved for, [124] 1310
Statues in the Metropolis, [127] 379

WALMSLEY, Sir J., *Leicester*
Austria and the Porte, [129] 380
Bedford Charity Estate, 2R. Amend. [129] 1252
Call of the House, [123] 302, 305
Custom Acts—Isle of Man, [128] 903, 1408, 1409, 1467, 1469
Income Tax, Com. *add. cl.* [127] 813
India, Government of, Com. *add. cl.* [129] 774
Kossuth, M.—Seizure of Warlike Stores, [125] 1208; [126] 795, 1166
Navy Estimates, [124] 327

[*cont.*

WALMSLEY, Sir J.—*continued.*
Russia and the Porte, [129] 1462
Seamen, Entry of, Com. *cl.* 1, [129] 756
Supply—Public Buildings (Ireland), [127] 402;—Clergy in North America, 442;—Falkland Islands, 450
Transportation, Com. [129] 1544
Wages, Payment of, 2R. [126] 1101
West London Waterworks Company, 2R. [124] 799

WALPOLE, Rt. Hon. S. H., *Midhurst* (Secretary of State for the Home Department, Earl of Derby's Administration)
Address in Answer to the Speech, [123] 77; Report, 141
Army Estimates, [124] 690
Assaults, Aggravated, Com. *cl.* 1, [125] 680
Assistant Judge (Middlesex Sessions), Com. [129] 234
Bethlehem Hospital, [123] 128
Bills of Exchange, &c. (Metropolis), [123] 142; Leave, 147; 3R. 149
Bury St. Edmunds Election, Report, [127] 1297
Business of the House, [125] 443
Call of the House, [123] 304
Canterbury Election, Address moved, [125] 220
Charitable Trusts, 3R. [129] 1488
Clergy Reserves (Canada), Com. *cl.* 1, [125] 452; *cl.* 2, 480, 481; 3R. Amend. 923
Clitheroe Election, Address moved, [125] 1023
Commercial Legislation—Free Trade, [123] 425, 659;—The Income Tax, 994
Convocation, [123] 146, 247
County Elections Polls, Leave, [123] 206; 2R. 465, 471; Com. 809
County Rates and Expenditure, Leave, [123] 1088
Derby Election, Com. moved for, [123] 747, 750, 752
Derby, The Magistracy of, [123] 823
De Rose, Leopold, Case of, [123] 835
Durham Election Petitions, Com. moved for, [127] 141, 142
Ecclesiastical Courts—Church Reform, [123] 297
Education, Irish Board of, [128] 909, 911
Elections, Corrupt Practices at, 2R. [129] 1699
Elections, Expenses of, Re-Com. *cl.* 1, [129] 1239
Examiners, Office of (Court of Chancery), 2R. [124] 334; Com. 391
Financial Statement, Res. [123] 1312, 1379, 1446, 1587, 1600
Hackney Carriage Duties, Com. *add. cl.* [129] 971
Huddersfield Election, Report, [125] 202
Income Tax, The, Com. [126] 1246; *cl.* 3, Amend. [127] 545
Jewish Disabilities, [124] 334; Com. *cl.* 1, [125] 167; 3R. 1262, 1283
Kingston-upon-Hull Election, Address moved, [125] 599, 600
Knaresborough Election Committee, Report, [126] 450
Lunatic Asylums, Com. *cl.* 44, [129] 832
Lunatics, Care and Treatment of, 3R. *add. cl.* [123] 1603
Maldon Election, Commission moved for, [126] 123

[*cont.*

Walpole, Rt. Hon. S. H.—*continued.*
Metropolitan Improvements, 2R. [124] 696; 3R. [125] 165
Ministers' Money (Ireland), Com. moved for, Amend. [123] 790
Norwich Election Petition, [124] 553
Ordnance, Iron, Return moved for, [123] 1717
Parliamentary Electors, Leave, [123] 823; 2R. 1150
Peterborough Election, Com. moved for, [129] 549, 552, 554
Probate of Wills, &c. 2R. [125] 665, 667
Railway and Canal Bills, Com. moved for, [123] 831, 833
Rochester Consistory Court, [128] 208
Rye Election, New Writ moved, [126] 1218
Sheriff Courts (Scotland), Com. *cl.* 28, [128] 915; *cl.* 41, 920
South Sea and other Annuities Commutation, 3R. *add. cl.* [126] 645
Succession Duty, 2R. [127] 1386; Com. *cl.* 7, [128] 387, 394; *cl.* 11, 400; *cl.* 19, 402, 400, 409, 432; *cl.* 25, 1136; *cl.* 29, Amend. 1167; *cl.* 33, Amend. 1168, 1169, 1173, 1171, 1174; *cl.* 43, 1180; *cl.* 48, 1377, 1389; *cl.* 55, 1393; 3R. [129] 415
Supply—Corrupt Practices at Elections, Commissions of Inquiry, [129] 1308, 1311;—Militia, 1476
Tenant Right (Ireland), 2R. [128] 1138, 1139, 1142, 1568
Transportation, Com. [129] 1542; *cl.* 2, 1560; Rep. 1600; 3R. 1686
University Reform, [123] 822
Wellington, Duke of, Funeral of the, [128] 145; Res. 222, 223
Yarmouth Petition, Com. moved for, [128] 1200

Walsh, Sir J. B., *Radnorshire*
Leasing Powers (Ireland), Com. [124] 629
Succession Duty, Com. [128] 102; *cl.* 19, 411; *cl.* 21, 462
Tenants' Compensation (Ireland) Com. *cl.* 14, [129] 638; *cl.* 20, 640

Walter, Mr. J., *Nottingham*
County Rates and Expenditure, Com. [125] 262
Financial Statement, Res. [123] 1218
Poor Law Administration, [123] 1064
Succession Duty, Com. *cl.* 7, [128] 393

Warlike Stores, Seizure of—M. Kossuth,
c. Question (Sir J. Walmsley), [125] 1208; [126] 796; (Mr. T. Duncombe), [126] 451, 1142

Warner, Mr. E., *Norwich*
Advertisement Duty, Res. [128] 1124
Clare Election, New Writ moved, [127] 1298
Commercial Legislation—Free Trade, [123] 363
Income Tax, The, Com. [126] 493
India, Government of, 2R. [128] 979
Malta, Criminal Code at, Address moved, [129] 1746
Norwich Election, Com. moved for [124] 741
Partnership, Law of, [129] 1598
Personal Liberty, Recovery of, 3R. [128] 577

Water Supply, Metropolitan,
c. Question (Lord R. Grosvenor), [124] 1383

Waterford Election Committee,
c. Absence of one of the Committee, Com. discharged [124] 648; Report, 1069

Ways and Means (Earl of Derby's Administration),
c. *The Budget,* [123] 836; Question (Mr. Hume), 1154; That Mr. Speaker do leave the Chair, 1214; Res. (Chancellor of the Exchequer), 1245; Amend. (Mr. W. Williams), 1248; Amend. withdrawn, 1254; Adj. Debate, 1315, 1435, 1570; Amend. (Mr. Spooner), 1586; Amend. withdrawn, 1588, [A. 286, N. 305; M. 19] 1693

Ways and Means (Earl of Aberdeen's Administration),
c. *The Budget,* [125] 1350; Com. [126] 453; Amend. (Sir E. B. Lytton) 462; Adj. Debate, 682, 804, 912, [*o. q.* A. 323, N. 252, M. 71] 1004, 1167; Amend. (Hon. C. Lawless) 1168; Motion (Mr. J. Ball), 1193; Adj. Debate, 1239, [*o. q.* A. 286, N. 61, M. 225] 1240, 1245; Amend. (Mr. J. D. Fitzgerald) 1258; Motion neg. 1279; Amend. (Mr. Mitchell) *ib.*; Amend. withdrawn, 1283; Amend. (Mr. R. Palmer) 1331, [A. 201, N. 276, M. 75] 1375;—*Income Tax,* [127] 235; Amend. (Mr. Vansittart) 239, [A. 60, N. 120, M. 60] 256;—*Succession Duties,* 258, 325; Amend. (Mr. Freshfield) 341; Motion neg. 370; Res. [129] 1482

Wellington, Duke of, Funeral of the,
l. Message from the Queen, [123] 127; Address moved (Earl of Derby), 143; Res. 144; Report of Select Com. 167, 218; Observations (Earl of Derby), 239
c. Message from the Queen, [123] 129; Address moved (Chancellor of the Exchequer), 149; Res. 155; Report of Select Com. 201, 222; Question (Sir De L. Evans), 145; (Mr. Hume), 211; Res. (Rt. Hon. S. H. Walpole), *ib.*;
Supply, [123] 1036

West India Colonies, &c., Justice in the—Supply,
c. [127] 445

West India Colonies Loans Act Amendment Bill,
c. 1R.* [123] 348;
2R.* 769; Rep.* 834; 3R.* 977
l. 1R.* [123] 1058; 2R.* 1204; 3R.* 1314
Royal Assent, 1568

West India Loans,
c. Question (Mr. Tollemache), [128] 926

West India Mail Packets,
c. Question (Mr. Spooner), [125] 807

West London Waterworks Company Bill,
c. 1R.* [124] 397;
2R. Amend. (Mr. Barrow), [124] 798, [A 99, N. 93, M. 6] 800

WESTMEATH, Marquess of
Keogh, Mr., Appointment of, Address moved, [127] 1362, 1369, 1374, 1379; Com. moved for, [128] 334, 338, 340, 343, 344, 345, 347, 376

WESTMINSTER, Marquess of
India—Duty on Salt, [128] 779

Westminster Bridge,
c. Question (Sir De L. Evans), [123] 295; [125] 202; (Sir R. H. Inglis), [123] 977

Westminster Bridge Bill,
c. Com. [128] 904;
3R. 1140; Adj. moved (Sir C. Burrell), [A. 29, N. 34, M. 5] 1142; [o. q. A. 34, N. 26, M. 8] *ib.*
l. 1R.* [128] 1142; 2R.* [129] 157; Rep.* 433; 3R.* 512
Royal Assent, 1243

WHALLEY, Mr. G. H., *Peterborough*
Assurance Associations, Com. moved for, [124] 1328
Business, Private, Com. moved for, [125] 252
Consolidated Annuities (Ireland), [125] 778
County Rates and Expenditure, 2R. [124] 485
Customs Reform, [126] 211
Hackney Carriages (Metropolis), 3R. *cl.* 2, [127] 1018
Health, Public, Act of 1848, [124] 1356
Income Tax, The, [127] 250
Intramural Interments, [125] 449
Navy Estimates, [124] 333
Peterborough Election, Com. moved for, [129] 393, 556
Railway Amalgamation, Res. [125] 1203
Wages, Payment of, 2R. [126] 1115

WHARNCLIFFE, Lord
American Fisheries, The, [123] 581
Australian Mail Packets, [125] 296, 307; [126] 515
Ava, War with, [124] 544
Canterbury Election, Address, [125] 919, 920
Chicory, Petition, [129] 1149
Clergy Reserves, (Canada), Com. *cl.* 1, [126] 413
County Elections Polls, Com. [125] 146
Cuba, Importation of Slaves into, [127] 776
India—Duty on Salt, [128] 781
India, Government of, [127] 313
India, Government of, 2R. [129] 1392; Com. *cl.* 1, 1439; *cl.* 22, 1445
India, Public Works in, [126] 883
Jamaica, Affairs of, [128] 976
Juvenile Mendicancy (No. 2), Com. [129] 98
Polling at Elections Amendment, 2R. [129] 263
Sanitary Conference—Quarantine Regulations, [123] 231
Slave Trade, [127] 492
Transportation to the Colonies, [124] 788

WHITESIDE, Mr. J., *Enniskillen* (Solicitor General for Ireland, Earl of Derby's Administration)
Berwick-upon-Tweed Election, New Writ moved, [126] 1141

[*cont.*

WHITESIDE, Mr. J.—*continued.*
Common Law, Courts of (Ireland), 2R. [123] 752, 767, 769; Com. *cl.* 1, [127] 1284; *cl.* 10, 1285, 1287; *cl.* 32, 1288; *cl.* 38, 1289, 1292; *cl.* 63, Amend. 1293; 3R. [129] 238
Communication between England and Ireland, Com. moved for, [126] 558
Ecclesiastical Courts, Com. moved for, [124] 872
Ecclesiastical Revenues (Ireland), Com. moved for, [127] 920
Education (Ireland), Com. moved for, [126] 612
Financial Statement, Res. [123] 1602
Income Tax, The, Com. [126] 1259
Incumbered Estates (Ireland) Act Continuance, 2R. [129] 236, 237; Com. Amend. 685
Jewish Disabilities, Com. *cl.* 1, [125] 169; 3R. 1229
Judges' Exclusion, 2R. [125] 1294; Com. [126] 134
Keogh, Mr., Appointment of, Explanation, [128] 303
Kilmainham Hospital, Address moved, [125] 1068
Land Improvement (Ireland), 3R. [125] 173
Lands, &c. Sale of (Ireland), Leave, [126] 647
Landlord and Tenant (Ireland), Com. *cl.* 10, [128] 1369; *cl.* 32, 1372; *cl.* 43, 1415; *cl.* 70, 1418, 1419; [129] 30; *cl.* 73, 32; *cl.* 74, 33
Law Procedure (Ireland), Leave, [123] 257
Leasing Powers (Ireland), Com. *cl.* 5, [128] 243
Maynooth College, Com. moved for, [124] 907
Nunneries, Inspection of, Leave, [127] 123
Personal Liberty, Recovery of, 2R. [129] 495
Sheriff Courts (Scotland) (No. 2), Leave, [124] 1299
Six-Mile Bridge Affray, Papers moved for, [125] 379, 385
Sligo Borough, New Writ moved, [128] 128
Specification Repeal, Copies of, Com. [129] 86
South Sea and other Annuities Commutation, 3R. *add. cl.* [126] 645 646
Taxing Officer, Common Law Business (Ireland), Com. [127] 1399
Tenant Right (Ireland), 2R. [123] 1044, 1143, 1567

WHITMORE, Mr. H., *Bridgenorth*
Bridgenorth Election Committee, [125] 36
Durham Election Petitions, Com. moved for, [127] 143

WICKLOW, Earl of
Benefices, Sequestration of, [128] 697
Cemetery Association, Great Extramural, 2R. [128] 134
Chicory, Petition, [129] 1150
Chimney Sweepers Regulation, 2R. Amend. [127] 198; Report, 499, 502
Clergy Reserves (Canada), Com. *cl.* 1, [126] 410, 412; 3R. 658, 663
Consolidated Annuities, Irish, [124] 345
Dwellings for the Labouring Classes, Res. [125] 416
Education, National (Ireland), [129] 871
House, Rules of the, [126] 1290
Income Tax—Ireland, Returns moved for, [123] 1415
Income Tax, 2R. [128] 500; *cl.* 42, 599; 3R. Amend. 801

[*cont.*

WICKLOW, Earl of—*continued.*
Incumbered Estates (Ireland) Act Continuance, Com. [128] 788
Juvenile Mendicancy (No. 2), 3R. [128] 908; Com. 946, 947; [129] 100
Land Improvement (Ireland), 2R. [125] 586; Com. [126] 1299; *cl.* 1, 1311
Landlord and Tenant (Ireland), Relation of, [123] 1211
Landlord and Tenant (Ireland), 2R. [129] 1525
Lord Lieutenancy of Ireland, [124] 175
Oaths, Alteration of, 2R. [127] 860; Com. 1023
Railways, Accidents on, [125] 192
South Eastern, &c., Railway, 3R. [129] 163
South Sea and other Annuities Commutation, 3R. [126] 1031
Succession Duty, Com. *cl.* 2, [129] 738; That the Bill do pass, 865
Vaccination Extension, Com. *cl.* 9, [125] 1115
Wilson's (Hampstead) Estate, 2R. [128] 1359

Wight, Isle of, Railway Bill,
c. 1R.* [124] 1290;
2R. Amend. (Mr. Vansittart), [125] 197, [*o. q.* A. 92, N. 133, M. 41] 198

WIGRAM, Mr. L. T., *Cambridge University.*
Church Rates, Leave, [127] 624
Crystal Palace Company, Consideration, [125] 151
Education, Leave, [125] 567
Education (Ireland), Com. moved for, [126] 573
Elections, Com. *add. cl.* [128] 237, 238, 239
Episcopal and Capitular Estates, 2R. Amend. [129] 1214
India, Government of, Rep. *add. cl.* [129] 960, 961
Jewish Disabilities, Leave, [124] 617
Parsee Merchants, Case of, Address moved, [129] 1203, 1205

WILKINSON, Mr. W. A., *Southwark*
Consolidated Fund and National Redemption Acts, Res. [125] 861, 876
Drainage, Great London, 2R. [124] 1339
Factories, Leave, [128] 1268
Income Tax, Com. [127] 513; That the Bill do pass, *add. cl.* 1228
India, Government of, Com. *cl.* 32, [129] 673, 678
Knowledge, Taxes on — The Advertisement Duty, [125] 1170
Probate and Legacy Duties, [124] 833
Sewers, Metropolitan, Act Continuance, Com. [129] 1586
South Sea and other Annuities Commutation, Com. *cl.* 2, [126] 343; 3R. *add. cl.* 634
South Sea Annuities Dissentients, Res. [129] 904, 1006
South Sea and other Annuities (Provision for Payment), Com. [129] 1403
Supply—Battersea and Vauxhall Embankment, [129] 1412
West London Waterworks Company, 2R. [124] 799

WILLCOX, Mr. B. M., *Southampton*
Merchant Shipping, Com. *cl.* 29, [129] 123; 3R. *add. cl.* 1125

WILLIAMS, Mr. W., *Lambeth*
Advertisement Duty, Res. [128] 1122
Ballot, The, Leave, [128] 228
Barnstaple Election, Address moved, [127] 137
Blackburn Election, New Writ moved, [125] 226
Business of the House, [125] 440
Business, Public, [128] 733; [129] 201
Canterbury Election, Papers moved for, [129] 1726, 1729
Chatham Election, [126] 1058
Consolidated Fund and National Redemption Acts, Res. [125] 839
Customs, Board of, [123] 200
Customs, Reform, [126] 210
Diplomatic Service, Examination of Candidates for the, [125] 878
Drainage, Great London, 2R. [124] 1333
Expenditure of Public Money, [125] 1041, 1053
Financial Statement, Res. Amend. [123] 1245, 1249, 1254
Hackney Carriages (Metropolis), 3R. [127] 834
Income Tax, The, Com. [126] 486
India, Government of, Com. *add. cl.* [129] 771, 826
Knowledge, Taxes on — The Advertisement Duty, [125] 1163
Land Tax Commissioners' Names, Com. [124] 88
Merchant Shipping, Com. *cl.* 29, [129] 109
Metropolitan Improvements, &c. 3R. [125] 164
Midnight Legislation, [123] 159
Navy, Desertions from the, [125] 592, 594
Navy Estimates, [123] 1008; [128] 323, 365, 381
Ordnance Estimates, [123] 1018, 1019
Parliamentary Electors, 2R. [123] 1145
Probate and Legacy Duties, [124] 805, 817, 818, 819, 821, 822, 833
Seamen, Entry of, Com. [129] 747; *cl.* 1, 756
South Sea and other Annuities Commutation, Com. *cl.* 2, [126] 338; 3R. *add. cl.* 634
South Sea Annuities Dissentients, Res. [129] 904
Succession Duties, [127] 344
Succession Duty, Com. [128] 96; *cl.* 1, 313; *cl.* 19, 436, 438; *cl.* 20, 444, 447; *cl.* 41, 1179; *cl.* 43, 1182; *cl.* 48, 1384; Rep. Amend. [129] 214; 3R. 404
Supply—Royal Parks, [127] 390, 392;—New Houses of Parliament, 393, 394;—Stationery Office, 394;—Holyhead Harbour, 396;—Harbours of Refuge, 396;—Portpatrick Harbour, 397;—Public Buildings (Ireland), 399; Amend. 403;—Ecclesiastical Commissioners for England, 406;—Salaries of certain Officers (Scotland), 407;—Household of the Lord Lieutenant, Amend. 409, 410;—Secret Service, 412;—Insolvent Debtors Courts, 412, 413;—Police of Dublin, 414;—Oxford and Cambridge Professors, 417, 420;—Clergy in North America, 442;—Indian Department (Canada), 442;—Colonial Governors, 445;—Justice in the West India Colonies, &c., 445;—Africa, Civil Establishments on the West Coast, 445, 446;—Falkland Islands, 450;—Hong Kong, 451, 452;—Consular Establishments, 456;—Ministers at Foreign Courts, 459;—Foundling Hospital, (Dublin), 469

WILLOUGHBY, Sir H. P., *Evesham*

- Bridgenorth Election Committee, [124] 179, 1287; New Writ moved, [125] 244
- Burmese War, The, Address moved, [124] 658
- Commercial Legislation—The Income Tax [123] 997
- India, Government of, Com. *cl.* 1, [128] 1453; *cl.* 3, Amend. [129] 77; *cl.* 10, 318; *cl.* 14, 341; *cl.* 22, 424; *cl.* 24, 559; *cl.* 26, 565; *cl.* 28, 570; *cl.* 31, 571; *cl.* 32, 668; *cl.* 34, 683; *add. cl.* 761, 762, 767, 826
- Indian Territories, Reappointment of Committee, [123] 210
- Metropolitan Improvements, Leave, [124] 92; Com. 1439, 1444
- Midnight Legislation, [123] 163
- Railway and Canal Bills, Nomination of Com. [123] 1204
- Savings Banks, Com. postponed, [129] 541
- Savings Banks Investments, [129] 379
- South Sea Annuities Dissentients, Res. [129] 903, 905, 1004
- South Sea and other Annuities (Provision for Payment), Com. [129] 1403
- Supply—New Houses of Parliament, [129] 1314
- Thames Embankment, Com. [129] 430
- Yarmouth Election Petition, Com. moved for, [123] 1202

WILSON, Mr. J., *Westbury* (Secretary of the Treasury, Earl of Aberdeen's Administration)

- Assistant Judge (Middlesex Sessions), 2R. [128] 1198
- Assurance Associations, Com. moved for, [124] 1320
- Australia, Establishment of Mints in, [124] 1290
- Budget, The, [123] 916
- Business of the House, [125] 155
- Business, Public, [127] 323
- Coffee and Chicory, Sale of, [127] 324
- Coinage, State of the, [125] 1349, 1350; [129] 1759
- Combination of Workmen, 3R. [126] 1124
- Commercial Legislation — Free Trade, [123] 220
- Consolidated Fund and National Redemption Acts, Res. [125] 854, 857, 858
- Customs, Com. *cl.* 1, [129] 1483, 1484; 3R. 1599
- Customs, &c. Acts, Com. (Oranges and Lemons), [127] 1352
- Customs Reform, [126] 165, 182, 186, 187, 206, 218
- Excise Prosecutions, Return moved for, [127] 135
- Import Duties, [124] 1027
- Income Tax, That the Bill do pass, *add. cl.* [127] 1229
- Land Tax Commissioners' Names, Com. [124] 90
- Letter Carriers, [124] 845, 849; [126] 156, 157
- Levees of the Lord Lieutenant, [125] 152
- London and Westminster Thames Railway, 2R. [125] 151
- Man, Isle of—Fiscal Changes, [126] 908; [128] 903, 1409, 1467, 1468, 1469, 1472
- Metropolitan Improvements, 2R. [124] 694, 695, 696
- Newspaper Stamps, Returns moved for, [124] 393

WILSON, Mr. J.—*continued.*

- "Novello," The Ship, Com. moved for, [124] 840
- Passengers' Baggage, Examination of, at the Custom House, [124] 1226
- Peterborough Election, Com. moved for, [129] 552
- Post Office (Ireland), [129] 1828
- Public Houses (Scotland), Rep. [128] 1201
- Savings Banks Annuities, 3R. [128] 120
- Simony Law Amendment, 2R. [128] 1347
- Soap Duties, [128] 382; Com. 473
- South Sea Annuities Dissentients, Com. Res. [129] 1006
- Sugar Duties, Returns moved for, [123] 1156, 1179
- Supply—New Houses of Parliament, [127] 394; —Stationery Office, 394;—Holyhead Harbour, 395;—Insolvent Debtors Courts, 413;—British Ambassador's House, Paris, [129] 1303, 1304;—Slave Trade, Suppression of, 1305, 1306;—Patent Law Amendment, 1311, 1312; —Battersea and Vauxhall Embankment, 1410;—Civil Contingencies, 1451, 1452
- West India Loans, [128] 926, 928

Wilson's (Hampstead) Estate Bill,

- *l.* 1R.* [127] 488;
  - 2R. [128] 1357; Amend. (Earl of Shaftesbury), 1359, [*c. q.* Content 19, Not Content, 21, M. 2] 1361

WINCHILSEA, Earl of

- Jewish Disabilities, 2R. [126] 791
- Maynooth College, Com. moved for, [125] 1291, 1345
- Succession Duty, Com. [129] 707

Windsor Castle Fire Mains—Supply,

- *c.* [129] 1407

Windsor, New, Election Committee,

- *c.* Report, [125] 521; Petition (Mr. Cobden), 522

Wine Duties, The,

- *c.* Question (Mr. Hume), [126] 160

Wines, Foreign and Colonial,

- *c.* Com. moved for (Mr. Oliveira), [125] 625; Motion withdrawn, 642

WISE, Mr. J. A., *Stafford*

- Eastern Union Railway, 3R. [129] 885
- India, Government of, Com. *add. cl.* [129] 770, 827: Rep. 965; That the Bill do pass, *add. cl.* 1028, 1041
- Settlement, Law of, [123] 1527
- Supply—Salaries of certain Officers (Scotland), [127] 407;—Household of the Lord Lieutenant, 410;—Secret Service, 412;—Ministers at Foreign Courts, 462;—British Ambassador's House, Paris, [129] 1300, 1301

WODEHOUSE, Lord (Under Secretary for Foreign Affairs, Earl of Aberdeen's Administration)

- Business of the Session, [123] 290, 293
- Canada Clergy Reserves, [123] 775

WODEHOUSE, Mr. E., *Norfolk, E.*
  Land Tax Redemption Act Amendment, Leave, [129] 1708
  Poor Law (Medical Relief), [129] 144

WOOD, Rt. Hon. Sir C., *Halifax* (President of the Board of Control, Earl of Aberdeen's Administration)
  Budget, The, [123] 909; Financial Statement, Res. 1292, 1307, 1311, 1312, 1464, 1483, 1524, 1579, 1586, 1587
  Burmese War, The, Address moved, [124] 661; Mortality of the Troops, [128] 380, 382
  Cape of Good Hope—The Constitution, [123] 302
  Commercial Legislation—The Income Tax, [123] 993
  Consolidated Annuities (Ireland), [125] 783
  Derby Election, Com. moved for, [123] 750, 751
  Durham Election Petitions, Com. moved for, [127] 140, 141
  Hutchinson's Claim, 2R. Amend. [126] 1316
  Income Tax, The, Com. [126] 740, 744, 747, 1378
  India, Government of, [127] 388; Leave, 1092, 1155, 1301, 1337; 2R. [128] 814, 1019, 1031, 1193; Com. 1436; *cl.* 2, 1454; *cl.* 3, [129] 41, 77, 78, 81, 82; *cl.* 5, 229; *cl.* 6, 230; *cl.* 9, 231, 232; *cl.* 10, 307, 309, 315, 319; *cl.* 12, 332, 338, 339; *cl.* 13, 340; *cl.* 20, 418; *cl.* 22, 420; *cl.* 26, 560, 561, 565; *cl.* 27, 566, 568; *cl.* 28, 570; *cl.* 31, 571, 572, 583; *cl.* 32, 657, 669, 670, 671, 681; *cl.* 34, 683; *cl.* 36, 684, 685; *add. cl.* 762, 764, 772, 774, 776, 777, 782, 783, 792, 813, 820, 830; Rep. *add. cl.* 927, 928, 961, 962, 963; 3R. 1009; That the Bill do pass, 1028, 1030; *add. cl.* 1033, 1039, 1041, 1044; Lords Amends. 1673, 1674
  India—Growth of Opium, [127] 955;—Legislative Council of, [128] 382, 604, 605;—Salt Duties, 1420; [129] 1756
  Indian Despatches, [127] 1299
  Indian Judges, Charges against, [125] 1216, 1217; [127] 955, 956; [129] 643
  Irish Members and the Government, [127] 224
  Kerowlee, State of, [125] 314
  Ministry, Resignation of the, [123] 1711
  Parsee Merchants, Case of, Address moved, [129] 1181
  Pegu, Annexation of, [127] 433, 435, 436
  Roman Catholic Religion in India, [129] 1723
  Scinde, Ameers of, [125] 436
  Succession Duty, Com. *cl.* 7, [128] 392
  Wellington, Duke of, Funeral of the, Report, [128] 201, 222

Wood, Sir C., his Speech at Halifax,
  l. Question (Marquess of Clanricarde), [124] 78
  c. Observations (Rt. Hon. B. Disraeli), [124] 83

WOOD, Sir W. P., *Oxford*
  Commercial Legislation—Free Trade, [123] 562

Woods, Forests, &c., Office of—Supply,
  c. [127] 406

Works and Public Buildings—Supply,
  c. [127] 406

WORTLEY, Rt. Hon. J. A. S., *Buteshire*
  Berwick-upon-Tweed Election, Com. moved for, [127] 649
  Blackburn Election Committee, [124] 1284; New Writ moved, [125] 231
  Chatham Election, [126] 1068
  Clitheroe Election, Address moved, [125] 1027
  Coal Duties Committee, Nomination of Members, [124] 243, 244
  Derby Election, Com. moved for, [123] 745, 752
  Duffy, Mr., Case of, Amend. [126] 1208
  Evidence Amendment, 3R. [129] 1681
  Government, The, and the Irish Members, [126] 1330
  Judges' Exclusion, Com. [126] 131
  Oaths and Affirmations, [128] 383
  Peterborough Election, Com. moved for, [129] 548, 759
  Public Houses (Scotland), Com. *cl.* 1, [126] 126
  Sheriff Courts (Scotland), (No. 2), 2R. [127] 187; Com. *cl.* 28, [128] 917
  Sligo (Borough), New Writ moved, [128] 683
  South Sea and other Annuities Commutation, 3R. *add. cl.* [126] 635
  Southampton Election Committee, [125] 35
  Transportation, 3R. [129] 1682

WROTTESLEY, Lord
  Navigation—Lieut. Maury's Plan, [126] 521

WYNFORD, Lord
  India, Government of, Petition [129] 1243; *cl.* 21, Amend. 1442

YARBOROUGH, Earl of
  Eastern Union Railway, 2R. [129] 1499

Yarmouth Petition — Election Petition Recognizances,
  c. Com. moved (Rt. Hon. T. M. Gibson), [123] 1199

YOUNG, Rt. Hon. Sir J., *Cavan, Co.* (Secretary for Ireland, Earl of Aberdeen's Administration)
  Arms Act (Ireland), [128] 1432, 1433
  Coroners' Inquests, [123], 220
  Crime and Outrage (Ireland), 2R. [129] 792
  Criminal Prosecutions (Ireland), Expense of, [127] 441
  Crown Solicitors (Ireland), [124] 1043
  Ecclesiastical Revenues (Ireland) Com. moved for, [127] 881, 916
  Education, (Ireland), Com. moved for, [126] 575
  Education, Irish Board of, [128] 910, 912; [129] 654
  Excise Duties on Spirits, Com. *cl.* 1, [127] 1392; 3R. [128] 415, 419
  Income Tax, Com. *cl.* 16, [127] 1056; That the Bill do pass; *add. cl.* 1228
  Incumbered Estates (Ireland), [125] 1019
  Incumbered Estates (Ireland) Act Continuance, 2R. [129] 236
  Land Improvement (Ireland), Com, *cl.* 23, [124] 1346; *cl.* 36, 1347; 3R. [125] 172
  Land, Transfer of (Ireland), 2R. [128] 938, 939

[*cont.*

Young, Rt. Hon. Sir J.—*continued.*
Landlord and Tenant (Ireland), Com. *cl.* 9, [128] 1368; *cl.* 10, 1369; *cl.* 24, 1371, 1372; *cl.* 36, 1413; *cl.* 43, 1415; *cl.* 70, 1418, 1419
Lands, &c, Sale of (Ireland), Leave, [126] 653
Leasing Powers (Ireland), Com. [124] 625, 626, 768; [128] 241; *cl.* 5, 243; *cl.* 10, 728
Maynooth College, Com. moved for, [124] 457
Ministers' Money, [124] 181
Public Works Act Amendment (Ireland), Com. [129] 1321
Savings Banks, Com. postponed, [129] 542
[*cont.*

Young, Rt. Hon. Sir J.—*continued.*
Six-Mile Bridge Affray, Papers moved for, [125] 370, 385
Supply—National Gallery, [123] 1035;—Criminal Prosecutions (Ireland), [127] 414;—Nonconforming, &c. Ministers (Ireland), 474
Taxing Officer, Common Law Business (Ireland), Com. [127], 1397, 1399
Tenant Right (Ireland), 2R [123] 1042
Tenant Compensation (Ireland), Com. [129] 636

Zollverein, The—Duty on Iron,
c. Question (Mr. Booker), [124] 181

END OF VOL. CXXIX., AND LAST OF SESSION 1853.

ERRATA.

Page 290, line 8, from bottom, *for* Mr. Ingram, *read* Mr. Ingham.
„ 635, line 8, from bottom, *for* Sir H. Herbert, *read* Mr. H. Herbert.
„ 636, line 13, from bottom, *for* Col. Grenville, *read* Col. Greville.

BIBL. LONDIN. UNIV.

Woodfall and Kinder, Printers, Angel Court, Skinner Street, London.

6

UL - 9 AUG 1961